



**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. 11/11

Date to Members: 18/03/11

Member's Deadline: 24/03/11 (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:

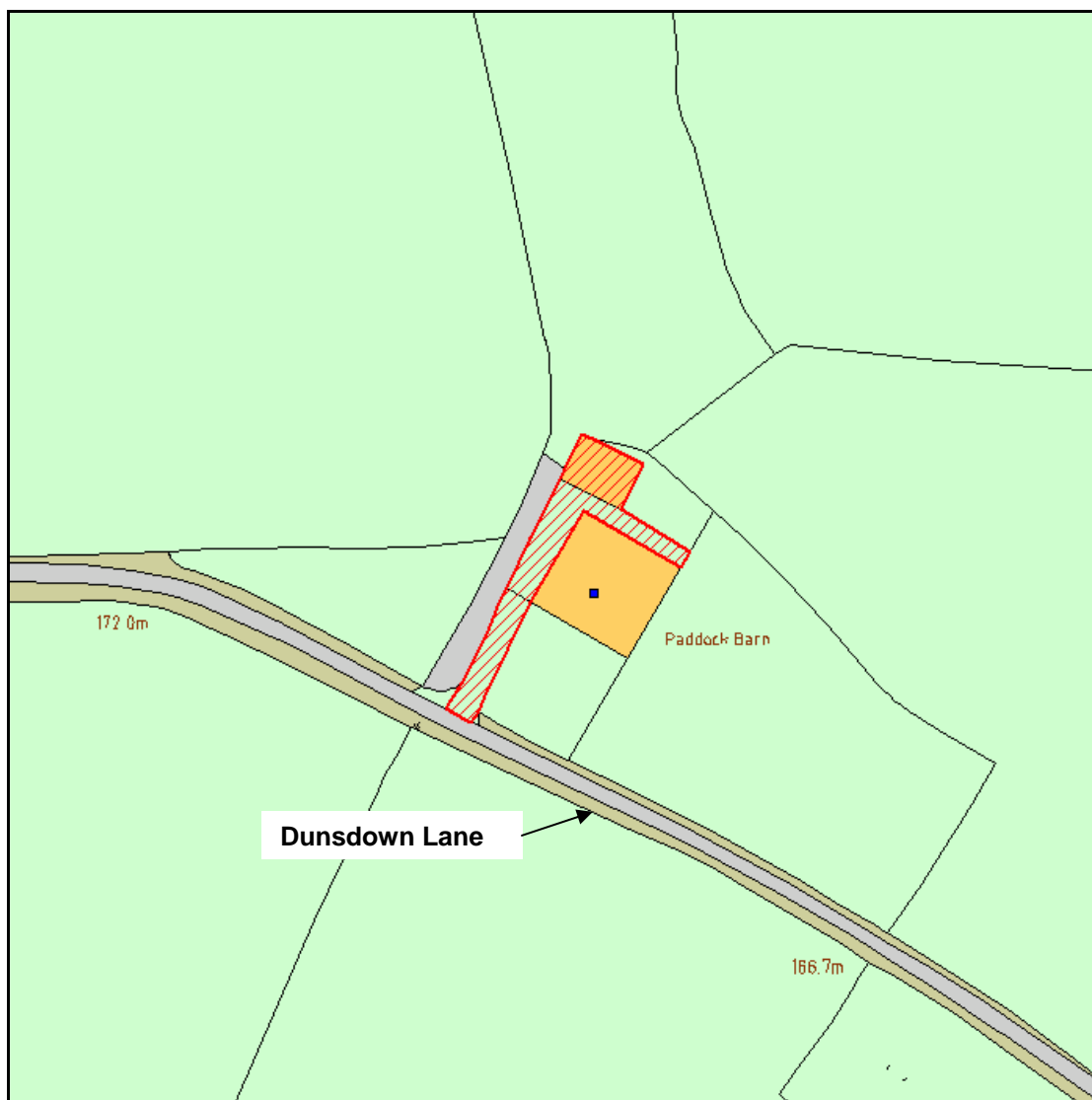
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

CIRCULATED SCHEDULE – 18 MARCH 2011

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/3123/F	Approve with Conditions	Paddock Barn Dunsdown Lane West Littleton Chippenham South Gloucestershire SN14 8JA	Cotswold Edge	Tormarton Parish Council
2	PK10/3398/F	Approve with Conditions	Land At 114 North Street Downend South Gloucestershire BS16 5SE	Downend	Downend And Bromley Heath Parish Council
3	PK11/0133/F	Approve with Conditions	106 - 108 High Street Staple Hill South Gloucestershire BS16 5HH	Staple Hill	None
4	PK11/0201/F	Approve with Conditions	21 High Street Chipping Sodbury South Gloucestershire BS37 6BA	Chipping	Sodbury Town Council
5	PK11/0202/LB	Approve with Conditions	21 High Street Chipping Sodbury South Gloucestershire BS37 6BA	Chipping	Sodbury Town Council
6	PK11/0207/F	Approve with Conditions	25 Seymour Road Staple Hill South Gloucestershire	Staple Hill	None
7	PK11/0250/F	Approve with Conditions	Land At 2 Jubilee Road Kingswood South Gloucestershire BS15 4XG	Rodway	None
8	PK11/0288/F	Approve with Conditions	Briarlands Activity Site Wick Lane Upton Cheyney South Gloucestershire BS30 6NW	Bitton	Bitton Parish Council
9	PK11/0307/F	Approve with Conditions	8 Melrose Close Yate South Gloucestershire BS37 7AY	Yate Central	Yate Town
10	PK11/0443/F	Approve with Conditions	53 North Street Oldland Common South Gloucestershire BS30 8TT	Oldland	Bitton Parish Council
11	PT10/3187/F	Approve with Conditions	Land Off Vimpennys Lane Easter Compton South Gloucestershire BS35 5RY	Almondsbury	Almondsbury Parish Council
12	PT11/0351/O	Approve with Conditions	8 Lawford Avenue Little Stoke South Gloucestershire BS34 6JR	Stoke Gifford	Stoke Gifford Parish Council
13	PT11/0397/CLP	Approve with Conditions	BAE Systems Building 20R Golf Course Lane Filton South Gloucestershire BS34 7QW	Filton	Filton Town Council
14	PT11/0465/F	Approve with Conditions	32 Jubilee Drive Thornbury South Gloucestershire	Thornbury South And	Thornbury Town Council
15	PT11/0508/CLP	Refusal	The Old Stables Filton Road Hambrook South Gloucestershire BS16 1QG	Winterbourne	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 11/11 – 18 MARCH 2011

App No.:	PK10/3123/F	Applicant:	Mr I Cameron & Mr S Cockram
Site:	Paddock Barn Dunsdown Lane West Littleton South Gloucestershire	Date Reg:	22nd November 2010
Proposal:	Change of use from agricultural to Storage and Distribution (Class B8) as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended). Installation of cladding and roller shutter door to south elevation. (Retrospective).	Parish:	Tormarton Parish Council
Map Ref:	375691 176250	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	14th January 2011



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 100023410, 2008. **N.T.S.** **PK10/3123/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of a letter of objection from 30 residents and an objection from the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks full retrospective planning permission for the change of use of an existing building and piece of land from agricultural to storage and distribution (B8). The application also relates to the installation of cladding and a roller shutter door on the south elevation of the building. The building lies to the north of a lane that links the A46 with West Littleton. It is a freestanding building made of profile sheeting. The site is in an open location but stands behind a larger building in B8 use when viewed from the road. The application form makes it clear that the site is to be used in conjunction with the existing B8 use on the adjacent site authorised in 2005.
- 1.2 There is a very long and complicated history to the site – this will be explained further in section 3 below. It is important however to re-iterate that this application seeks to change the use of the land within the red line only. This is not an opportunity to control or regulate any other operations that take place on any land outside of the red line.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth
PPS7 Sustainable Development in rural areas

2.2 Development Plans

South Gloucestershire Core Strategy – Submission Draft December 2010

CS1 High Quality Design
CS5 Location of Development
CS34 Rural Areas

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
L1 Landscape Protection and Enhancement
L2 Cotswolds Area of Outstanding Natural Beauty
T8 Parking Standards
T12 Transportation Development Control
E6 Employment Development in the Countryside
E7 Conversion and re-use of Rural buildings

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist Adopted

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/0305/CLE Application of Certificate of Lawfulness for an existing use as Storage and Distribution (Class B8) as defined in the town and country planning (use classes order).
Refused November 2010
This application included the land within the red line now subject of this planning application.
- 3.2 PK10/0522/F - Erection of building for use as Storage and Distribution (B8) – Retrospective.
Withdrawn November 2010
- 3.3 PK05/1805/F - Change of use of agricultural building to class B8 with ancillary office.
Approved November 2005
- 3.4 As can be seen from the plan on the front of this circulated schedule report, the application site has an irregular almost ‘r’ shaped footprint. Adjacent to the application site, but not within it, stands another larger building – known as building A. This larger building was granted planning permission in 2005 for use for B8 purposes. This permission has been implemented and is valid. This current application for consideration will be used ancillary to the existing use of Building A. Whilst the site will be used in connection with building A, this application does not seek to change the permission already granted to building A in 2005.

4. CONSULTATION RESPONSES

- 4.1 Tormarton Parish Council
Tormarton Parish Council would like to make the following comments on this planning application:-
1. There is widespread concern amongst West Littleton residents that the proposed change of use will be followed by further industrial development along Dunsdown Lane towards the village, which would be highly undesirable.
 2. Dunsdown Lane is a narrow lane and any development along this road should not be permitted if it results in a significant increase in vehicular traffic, particularly HGVs.
 3. The site is situated in the Cotswold Area of Outstanding Beauty, is next to a public foot path and is close to the conservation village of West Littleton. In keeping with the objectives of the Cotswold Conservation Board, all materials should be stored within the buildings and not on the grounds of the site.
 4. There is a question as to whether the activities currently transacted by the applicants fall totally within class B8 Storage and Distribution. The Parish Councillors do not feel sufficiently qualified to comment on this particular issue.

4.2 Other Consultees (including internal consultees of the Council)

Highways Officer

No objection subject to the attachment of conditions.

4.3 Cotswolds Conservation Board

Welcomes the proposal to regularise the planning matters at the site and raised no objection subject to conditions.

Other Representations

4.4 Local Residents

A letter of objection has been received from 30 residents of the local area. It is important to note that the single letter of objection is to be treated as 30 separate objections. A summary of the points of concern as raised by all 30 individual residents is as follows:

- There have been several breaches of planning control on the site.
- The use of this site as a stone merchants and car showroom have been carried out without planning permission and the latter is an ongoing breach of planning control
- The 2005 consent on building A was not implemented and that uses, at least since 2001 have been sui generis. This was also the conclusion in the report to application PK10/0305/CLE
- Barn D has been erected without planning permission
- The use does not have a bearing on local needs and neither is it connected with the rural economy. The application is therefore contrary to the South Gloucestershire Local Plan.
- The site is not sustainable being entirely reliant on vehicle journeys, primarily by cars and lorries – again contrary to the South Gloucestershire Local Plan.
- What was originally an agricultural building has been transformed from an agricultural small holding to a commercial site which is incongruous in its location and has no regard in terms of design and appearance to the locality or its location within the Cotswolds AONB. The proposed development does not therefore comply with Policy E7 of the South Gloucestershire Local Plan.
- The poor decision making with led to the change of use of building A should not be repeated.
- The application would be contrary to Policies CS5 and CS34 of the Core Strategy
- The building is not the kind of traditional rural building Policy E7 was intended to address
- No more than 4 people are employed at the site (two being the owners) all of whom drive in from outside the locality.
- The site is not sustainable and fails to minimise travel by private car
- Increased level of vehicle journeys would lead to a significant and detrimental impact on the quality of life of the residents of West Littleton contrary to Policy.

- The standard of the local roads is inadequate and the difficult exits onto the A46 are inadequate to accommodate heavy goods vehicles and car transporters
- The Councils highway engineer objected to application PK10/0305/CLE
- The site has been developed on a piecemeal basis and no regard had to the need for sensitive design
- Granting an unrestricted B8 use could lead to another company operating from the site having a far greater impact locally in terms of vehicle movements than may have been anticipated or communicated by the applicant in its application.

One additional letter has been received from TLT solicitors working on behalf of the local residents making several points. A summary of the main points raised is as follows:

- Building A is not used for a use in the B8 use class and never has been. The officer report dated November 2010 confirms the use is sui generis.
- Building D was constructed without planning permission. Building D is unauthorised and unlawful which (in the opinion of the writer) should be subject to enforcement action.
- It cannot be credibly argued that Cameron's operation contributes to the rural economy
- The buildings are not old farm buildings and any suggestion that the current planning application has the effect of preserving old farm buildings would be entirely wrong
- Neither buildings C or D are traditional buildings and are plainly incongruous in their surroundings.
- The Council have previously misinterpreted the Inspectors decision at Dunsdown Barn
- The buildings are not separate planning units and have always been used as a whole
- An application in 2003 was refused
- The highway department is already on record as objecting to any intensification of the site
- Issues over implementation of the landscaping scheme
- Building C is lawful due to the expiry of the four year enforcement period and that it has no planning permission for any use other than agricultural use.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site lies within the Cotswolds Area of Outstanding Natural Beauty, in the open countryside and just outside of the Green Belt. The application stands to be assessed against all the policies listed in section 2 above. Policy L2 of the South Gloucestershire Local Plan (Adopted) advises that development will not be permitted within the Cotswolds Area of Outstanding Natural Beauty where the natural beauty of the area would be harmed.

- 5.2 Policies E6 and E7 of the South Gloucestershire Local Plan are also important to the determination of this application. These policies set out the criteria to be considered when considering new employment development in the countryside including the conversion of existing rural buildings.
- 5.3 Policies T8 and T12 relate to transportation and highway safety. Policy T12 seeks to ensure that new development would not create or exacerbate highway safety issues.
- 5.4 Employment Development in the Countryside – Policy E6
Policy E6 of the South Gloucestershire Local Plan (Adopted) states that new B8 proposals outside of the defined settlement boundaries will not be supported with the exception of three specific circumstances:
- A. Conversion or re-use of existing rural buildings
 - B. (on sites not in the green belt), Extension or Intensification of existing employment generating uses
 - C. Development permitted by policies E4 and E7 to E11.

The policy also states that such development will only be permitted if it does not have an unacceptable impact on the environment, on residential amenity or in terms of traffic generation.

- 5.5 As the application does relate to the conversion of an existing building; is an extension to an existing employment generating use; and is permitted by Policy E7 It is therefore considered that the proposal complies with the requirements of criteria A and B of Policy E6. The other issues in relation to impact on the environment, residential amenity and transportation will be discussed in detail further on in this report.
- 5.6 Conversion and Re-use of Rural buildings – Policy E7
Policy E7 of the South Gloucestershire Local Plan advises that proposals for the conversion and re-use of existing buildings for employment uses outside of the defined settlement boundaries will be permitted providing that:
- A. The buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction
 - B. The buildings are in keeping with their surroundings in terms of character, form, bulk and overall design
 - C. Development, including any alterations, intensifications or extensions, would not have a harmful effect on the character of the countryside or the amenities of the surrounding area.
- 5.7 In relation to criteria A, the buildings are permanent and have been successfully converted without major or complete reconstruction. Whilst it is accepted that some alterations have taken place – notably the installation of cladding and a roller shutter door on the south elevation, these alterations are not considered to constitute major reconstruction.

- 5.8 In relation to criteria B, whilst the building subject of this application does integrate with the other building on the site, it is appreciated that the intention of this criteria is not to preserve modern buildings such as this. However, when determining the application it is important to take consideration of similar planning and appeal decisions in the near vicinity to the site. Application PK01/0209/F relates to a modern agricultural building along Dunsdown Lane closer to the junction with the A46. This application was written up by the Council with a recommendation for refusal but was allowed at appeal. In the inspectors decision notice, consideration is given to the fact that given the building is existing, even if the change of use were not permitted, the building would still exist. Whilst the application building is not a traditional building, given the specific circumstances of the site and the direct relationship with building A, the building is generally in keeping with its surroundings. The retention of the building would not have any detrimental impact on the visual amenity of the area.
- 5.9 Criteria C seeks to ensure that any alterations or extensions would not have any harmful effect on the character of the area. In this case, other than the addition of extra cladding and a roller shutter door, the size, mass and design of the building remains the same. It is not considered that the existing building has a visually harmful effect on the character of the area and therefore, this existing acceptable situation will continue.
- 5.10 Visual Amenity/Impact on Cotswolds AONB
As discussed previously, no new buildings are proposed as part of the application. Other than minor alterations to the existing building in the form of cladding and roller shutters, the building will remain the same as has previously existed. The internal use of the building itself will have no impact on the visual amenity of the Cotswolds Area of Outstanding Natural Beauty.
- 5.11 The granting of planning consent does however allow for the imposition of planning conditions that may potentially help to protect the visual amenity of the area. Should the application be approved, a condition would be attached which would prevent any outside storage on the application site. No such condition currently exists. Clearly the outside storage of materials has the ability to have a visual impact on the natural beauty of the landscape and such a condition would prevent this.
- 5.12 Highway Safety
As discussed in detail above, planning permission was previously granted for the change of use of the larger building on the site in 2005. The applicant is now seeking permission for the change of use of the adjoining barn from agricultural to the same storage (Class B8).
- 5.13 Compared to the extant/lawful agricultural use of this building, which could generate traffic movements in its own right, it is accepted that there would be some increase in traffic as a result of the new development. However, given the limited size of the building in comparison to the size of the existing plot already with a B8 use, the Councils highway engineer does not considerer that the additional traffic resulting from this building would be significant enough to warrant refusal of the application.

Notwithstanding the above, conditions will be attached to any consent granted to ensure transportation and parking issues remain satisfactory.

5.14 Sustainable Location

It is completely accepted that Central Government guidance in the form of PPS7 and PPS4 does advocate the restriction of new development in the open countryside away from existing settlements. It is important to acknowledge that in this instance this is not the establishment of a new business – it is rather the extension of an existing business. It is completely accepted by your officer that the site is not in a sustainable location and that the site will be heavily dependant on access by the private motor vehicle. However, given that this is an existing authorised use and the principle of employment use in this relatively isolated location has already been established, it is not argued that the change of use of this specific site advocates the creation of new development in the open countryside.

5.15 Paragraph 9 of PPS 4 confirms that the Governments overarching objective is sustainable economic growth. Whilst of course this is not intended to support economic development at all costs, it does give the clear intention of the Government to support economic development. In addition, Policy EC12.1 of PPS4 does advise that planning authorities should support small-scale economic development where it provides the most sustainable option in villages, or other locations, that are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport. Although this is a relatively isolated location and cannot be considered sustainable, the expansion of an existing established business is considered to be in accordance with the general guiding principles contained within PPS4.

5.16 What is the Planning Unit?

As raised by TLT solicitors in their letter of objection, the extent of the planning unit has become somewhat complicated and confused over time. The change of use in 2005, for whatever reason, only related to part of the whole site. This current application gives an opportunity to regularise the existing situation by attaching conditions that links the use of the current application site to the existing B8 part of the site. The granting of planning permission would still leave a small rectangular piece of land to the rear and a large paddock to the side of the site with an authorised agricultural use.

5.17 It is understood that there is concern from local residents that in the future further applications could be submitted to change the use of more land in the applicant's ownership. This planning application must be determined on its own merits however and not in speculation as to what may possibly occur in the future. Any future applications at the site would be considered on their individual merits.

5.18 Which Use Class is relevant?

During the determination of the Certificate of Lawfulness application on the same site (planning reference PK10/0305/CLE) it was written in the case officer report that; '*A Motor Vehicle Storage Place is a Sui Generis use that does not fall within the B8 use class as defined in the Use Classes Order (as Amended) 1987.*' This opinion was taken because claims were made that the site had been used for the last ten years not just for the storing of cars but that a Krammer and a HGV had also been stored on the site. This proposal is now just for the future use of the site for the storage of cars. In accordance with the Land Use Gazetteer (3rd edition), there is a distinct difference between the use of land for the storage of motor vehicles and the use of land for the storage of cars. The use of land for the storage of cars alone does indeed fall within the B8 use class and a condition would be attached to any consent granted to ensure that the site is used for this purpose only.

5.19 There is no reason to believe that the proposal is to use the land within the application site for any use other than for B8 purposes and conditions would be attached to restrict its use. Notwithstanding this, if the use of the site changes in the future, enforcement investigations could be carried out to investigate whether any breach of planning control has occurred.

5.20 Residential Amenity

There are no residential properties immediately adjacent to the application site that could suffer adversely by means of disturbance as a result of the change of use. Whilst vehicles accessing the site will need to pass by surrounding residential properties to access the site, because of the minimal additional vehicular movements anticipated, amenity will not be affected to an unacceptable degree.

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 application relates to the conversion and re-use of an existing rural building and is an extension to an existing employment generating use. The principle of development is therefore acceptable and complies with the requirements of criteria A and B of Policy E6 of the South Gloucestershire Local Plan (Adopted).

6.3 The building is of permanent construction and has been converted without major or complete reconstruction. Whilst the application building is not a traditional building, given the specific circumstances of the site and the direct relationship with building A, the building is generally in keeping with its surroundings. The retention of the building would not have any detrimental impact on the visual amenity of the area. The internal change of use will not have any harmful effect on the character of the area. The application therefore complies with the requirements of Policy E7 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 6.4 No new buildings are proposed as part of the application. Other than minor alterations to the existing building in the form of cladding and roller shutters, the building will remain the same as has previously existed. The internal use of the building itself will have no impact on the visual amenity of the Cotswolds Area of Outstanding Natural Beauty and the application therefore complies with the requirements of Policies L2 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006
- 6.5 Whilst there may be some increase in traffic as a result of the development, given that the use is to be ancillary to the use of the main building on site and taking into consideration that the extant use of the building for agricultural purposes could generate some traffic movement in its own right, the impact on highway safety is deemed acceptable. The application therefore complies with the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 6.6 Although this is a relatively isolated location and cannot be considered sustainable, the expansion of an existing established business is considered to be accordance with the general guiding principles contained within PPS4 and policy CS34 of the South Gloucestershire Core Strategy (Submission Draft December 2010)
- 6.7 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. No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday nor at any time on Sundays, Bank or Public Holidays.

Reason

To ensure that the application is consistent with the requirements of application PK05/1805/F and in order to protect the amenities of the occupiers of nearby dwelling houses to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006

2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting these Orders with or without modification) the premises shall be used for storage with ancillary office accommodation and for no other purposes (including any other purposes in classes B1 or B8 of the Town and Country Planning (Use Classes Order) 2005). The use of the site for any other purpose will require the benefit of further planning approval.

Reason

To ensure that the application is consistent with the requirements of application PK05/1805/F and in the interests of highway safety to allow the Council to consider the highway implications of any alternative uses on the surrounding highway network. Also to comply with the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The use hereby permitted shall only be used ancillary to the main building on the site (that is the site subject to application PK05/1805/F) and for no other independent or separate purpose.

Reason

In view of the location of the site, the use of the site for any independent or separate use may impact upon the number of vehicles accessing the site which may in turn impact on highway safety. The condition is therefore attached in order to satisfy the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No outside storage of material, goods, waste or plant shall take place at the premises.

Reason

To protect the character and appearance of the area in accordance with the requirements of Policies L2 and E7 of the South Gloucestershire Local Plan and also to ensure adequate on site access, parking and turning areas are provided to accord with the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 11/11 – 18 MARCH 2011

App No.:	PK10/3398/F	Applicant:	Miramar Holdings Ltd
Site:	Land At 114 North Street Downend Bristol South Gloucestershire BS16 5SE	Date Reg:	10th December 2010
Proposal:	Demolition of existing dwelling, offices and workshop to facilitate the erection of a 3 storey 49 bedroom care home (Class C2) with access, associated parking and works.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365119 176626	Ward:	Downend
Application Category:	Major	Target Date:	9th March 2011



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 100023410, 2008. **N.T.S.** **PK10/3398/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from Local Residents; the concerns raised being contrary to the officer recommendation.

1. INTRODUCTION

- 1.1 The application relates to a 0.20ha site, which fronts onto North Street, Downend; vehicular access is from Salisbury Road with pedestrian access points on North Street as well as via the Salisbury Road access. The site comprises a detached two-storey dwelling house no.118 North St. together with a redundant two-storey office building nos. 114-116 North St. and various single-storey workshops to the rear. An extensive area of hard-standing lies to the rear of the workshops, which is accessed from Salisbury Road.
- 1.2 It is proposed to demolish all of the buildings on the site and construct a new 49 bedroom Care Home as an 'L' shaped building, comprising basement to 2nd floor blocks aligned with North Street and the garden of Turnpike Cottage (120 North St.) to the north. Parking spaces for 12 cars would be located to the rear with the existing access off Salisbury Road being utilised to serve the Care Home. The proposal would also include open garden and lawn areas to the front and rear, a covered refuse store in the driveway, cycle parking facilities, and a variety of soft landscaping around the periphery of the site. (The originally submitted scheme proposed 54 bedrooms with 11 car parking spaces but has since been amended to the current proposal).
- 1.3 The site lies in close proximity to the centre of Downend but the character of the immediate location is one of generally mixed commercial, office and residential uses. The site is bounded to the south-west by 'Downend House' which was formerly the birthplace of the famous cricketer Dr. W.G.Grace; as such this building, which is now in office use, is Grade II Listed. A large Corsican Pine Tree is situated within the grounds of Downend House, close to the application site; this tree is not protected by Tree Preservation Order (TPO) but does have high amenity value, which makes a positive contribution to the setting of the Listed Building. Immediately to the east of Downend house and to the rear is a Church Hall, apart from which, the application site is bounded by residential properties lying within Salisbury Road and North Street.
- 1.4 Previous applications PK08/0677/F for a 50-bed Care Home and PK08/2182/F for a 40-bed Care Home were refused for the reasons listed in paragraphs 3.6 and 3.7 below. Both applications were the subject of an appeal determined by informal hearing and both appeals were dismissed for the reasons listed under paragraphs 3.6 and 3.7 below. The current amended scheme seeks to overcome the previous refusal reasons. Members are advised to read this report in conjunction with the reports and appeal decision for the previous two applications.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPG13 - Transport
- PPS5 - Planning for the Historic Environment

2.2 Development Plans

Joint Replacement Structure Plan

- Policy 1 - Sustainable development objectives.
- Policy 2 - Location of development.
- Policy 33 - Housing provision and distribution.

South Gloucestershire Core Strategy Pre-submission Publication Draft (March 2010)

- CS1 - High Quality Design
- CS6 - Infrastructure and Developer Contributions
- CS8 - Improving Accessibility
- CS9 - Managing the Environment and Heritage
- CS23 - Community Infrastructure and Cultural Activity

The South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002

- Policy 37 - Waste Reduction and Re-Use

South Gloucestershire Local Plan (Adopted) January 2006

- D1 - Design
- L1 - Landscape Protection and Enhancement
- L9 - Species Protection
- L13 - Listed Buildings
- L17 & 18 - The Water Environment
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- EP4 - Noise-sensitive development
- EP6 - Contaminated Land
- T7 - Cycle Parking
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development
- H2 - Proposals for Residential Development, Including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permissions for Residential development, within the Existing Urban Area and Defined Settlement Boundaries.
- H6 - Affordable Housing
- LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
- LC2 - Provision of Education Facilities
- LC4 - Proposals for Educational and Community Facilities within the Existing Urban Area.
- LC13 - Public Art

- 2.3 Supplementary Planning Guidance
Trees on Development Sites SPG (Adopted) Nov 2005
Elderly Persons Home (Adopted 1992)
The South Gloucestershire Design Check List SPD (Adopted) 23rd August 2007.
The South Gloucestershire Council Affordable Housing SPD (Adopted) 2nd Sept. 2008.
The South Gloucestershire Council Local List SPD (Adopted) Feb 2008.

3. **RELEVANT PLANNING HISTORY**

There have been numerous applications over the years relating to the existing buildings on this site. The applications most relevant to the current proposal are listed below:

- 3.1 PK02/2973/F - Change of use from (Business) Class (B1) to flats Class C3. Erection of detached garage.
Refused 6th Nov 2002 for reasons of lack of amenity space.
- 3.2 PK03/0448/F - Change of use from (light industrial) Class (B1) to residential dwelling Class (C3).
Approved 24th March 2003
- 3.3 PK06/2911/O - Erection of 29 Flats (Outline) with siting/layout and means of access to be determined, all other matters reserved.
Withdrawn 3rd Jan 2007
- 3.4 PK07/1320/O - Erection of 28 flats for occupation by people over 55 years of age with 1 no. warden unit and 1no communal unit (Outline) All matters to be reserved. (Resubmission of PK06/2911/O)
Withdrawn 24th July 2007
- 3.5 PK07/3635/F - Demolition of existing dwelling, offices and workshop to facilitate the erection of a 3 storey 50 bedroom care home (Class C2) with associated parking and works.
Withdrawn 1st Feb 2008
- 3.6 PK08/0677/F - Demolition of existing dwelling, offices and workshop to facilitate the erection of a 3 storey 50 bedroom care home (Class C2) with associated parking and works (Re-submission of PK07/3635/F).
Refused 2nd May 2008 for the following 6 reasons:
1. *The high density of the proposed development would result in a building of excessive height, scale and massing, which would not be compatible with the sites location, character, amenity or surroundings. As such the proposal would result in an over-development of the site which would be contrary to Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the South Gloucestershire Design Check List SPD (Adopted) 23rd August 2007.*

2. *The proposed development by reason of its position, mass and height would have an overbearing effect on the occupiers of the adjoining residential properties, which would be to the detriment of residential amenity and would also be contrary to Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
3. *The proposed first and second floor windows in the north and south elevations of the proposed Care Homes' east wing, would by virtue of their position and relationship to the adjoining residential properties, adversely affect the amenities of adjoining occupiers by reducing existing levels of privacy and creating a problem of overlooking. The proposal is therefore contrary to Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
4. *A building of the height and mass proposed, in such close proximity to 'Downend House', a Grade II Listed building, would fail to preserve the setting of the listed building, contrary to Policy L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
5. *In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions towards mitigating the under-provision of public open space in the development; the demand placed on the library service, and provision of public art, the proposal would be contrary to Policies LC8, LC01 LC13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
6. *In the absence of a Section 106 Agreement or Unilateral Undertaking to secure the provision of appropriate public transportation infrastructure works, the proposal would be contrary to policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*

Appeal APP/P0119/A/08/2079023 - Dismissed 20 Feb 2009 on the grounds of:

Failure to preserve the setting of the Listed Building and cause harm to the character and appearance of the area contrary to Policies D1 and L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Detrimental to the living conditions of occupiers of adjoining properties, contrary to Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

- 3.7 PK08/2182/F - Demolition of existing dwelling, offices and workshop to facilitate the erection of a 3 storey 40 bedroom care home (Class C2) with associated parking and works.

Refused 29 Oct 2008 for the following 5 reasons:

1. *The high density of the proposed development would result in a building of excessive height, scale and massing, which, would not be compatible with the sites location, character, amenity or surroundings. As such the proposal would result in an over-development of the site which would be*

contrary to Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the South Gloucestershire Design Check List SPD (Adopted) 23rd August 2007.

2. *The proposed development by reason of its position, mass and height would have an overbearing effect on the occupiers of the adjoining residential properties, which would be to the detriment of residential amenity and would also be contrary to Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
3. *The proposed development, by virtue of its scale and massing, in conjunction with its proximity to Downend House, a Grade II Listed Building, would have an adverse impact on the setting of the listed building, contrary to section 66(2) of the Planning (Listed Buildings and Conservation Act) 1990, national guidance set out at PPG15 and Policy L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
4. *In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions towards mitigating the under-provision of public open space in the development; the demand placed on the library service, the proposal would be contrary to Policies LC8, LC01 LC13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
5. *In the absence of a Section 106 Agreement or Unilateral Undertaking to secure the provision of appropriate public transportation infrastructure works, the proposal would be contrary to policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*

Appeal APP/P0119/A/08/2079023 - Dismissed 20 Feb 2009 on the grounds of:

Failure to preserve the setting of the Listed Building and cause harm to the character and appearance of the area contrary to Policies D1 and L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Detrimental to the living conditions of occupiers of adjoining properties, contrary to Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
Objection – Totally inadequate number of car parking spaces for a Care Home with 54 rooms. No provision for visitor parking. Turning area too small for service and emergency vehicles.
- 4.2 Other Consultees [including internal consultees of the Council]
- 4.3 Wessex Water
No objection.

- 4.4 Avon & Somerset Police Crime Reduction Officer
No comment
- 4.5 Director of Community Care
The Director has previously stated that the proposed residential Care Home is sited in an area where the population of older people is above the Council average. There is a need for additional care home provision, particularly for specialist care for the elderly mentally ill, to meet the current and future needs of the local community. The availability of local care homes, purpose built to the latest standards set by the Commission for Social Care Inspection, will help the Council, as well as those funding their own care, avoid the need to make care home arrangements outside of the Council area.
- 4.6 The Coal Authority
The site falls within a Coal Field Area. The Coal Authority's Interim Standing Advice should be included within the Decision Notice as an Informative.
- 4.7 Sustainable Drainage
No objection subject to conditions to secure the submission of a SUDS Drainage Scheme and a Coal Mining Report and an informative relating to connection to Private Sewers.
- 4.8 Tree Officer
No objection subject to a condition to ensure that the recommendations of the Arboricultural Statement are implemented.
- 4.9 Environmental Protection
No objection in principle.
- 4.10 Conservation
No objection subject to various conditions relating to detailed design.
- 4.11 Sustainable Transport
No objection subject to a contribution of £6,000 towards improvements of Public Transport facilities in the area.
- 4.12 Community Services
Contributions have been requested towards Open Space - £14,714.97 and the Library Service - £913.36p.

Other Representations

- 4.13 Local Residents
10no. letters/e-mails were received from local residents. Whilst there was general support for development of the site, the following is a summary of the concerns raised:
- Loss of privacy to nos. 11 & 13 Salisbury Road and to 'Turnpike Cottage'.
 - Overbearing Impact on neighbouring property.
 - Loss of Outlook for 11 and 13 Salisbury Road.

- Restricted Access.
- Overdevelopment.
- Increased noise, smell and light pollution.
- Increased disturbance.
- Excessive height, scale and massing.
- Design not in-keeping.
- Proximity of bin store to residential properties.
- Inadequate parking provision would result in increased congestion.
- Excavation of basement could damage foundations of Turnpike Cottage.
- Overshadowing of Turnpike Cottage.
- Increased traffic generation.
- No access to garden area when car park is full.
- Contrary to Human Rights Act.
- The development is not a Sustainable one.
- Proximity of driveway to residential property.
- Increase in vermin.
- Loss of property value.
- There should be no building in the Secure Garden.
- Poor living conditions for future occupiers.

4.7 Applicant's Supporting Information

The following documents have been submitted in support of the application:

Design and Access Statement

Arboricultural Method Statement

Ventilation and Extract System Details

Travel Plan

Statement of Significance (Downend House)

The key points stated in support are summarised as follows:

- The site is previously developed and is a 'brownfield site'.
- The region has an older than average population profile.
- There is a shortage of provision of accommodation for the elderly in South Gloucestershire.
- The site is in a sustainable location.
- Residential Care Homes require lower levels of on-site car parking than other residential uses.
- The design minimises the removal of trees on the site and maintains minimum distances from any tree crown coverage.
- The impact of the new building has been modified to overcome the Inspector's concerns.
- The building would provide a safe and secure environment for all occupants.

- All rooms would be adequately sized with windows to habitable areas.
- The building would be constructed to BREEAM standard of 'Very Good'.
- The overlooking concerns have been addressed.
- The external appearance of the building has been designed to reflect the context of the area.
- The principle access to the site would remain unchanged. The access to the existing residential dwelling would be closed.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within the Urban Area and is previously developed land. The site is not a Safeguarded Employment Area and has no special designation in the South Gloucestershire Local Plan (Adopted) 6th January 2006.

5.2 Since the adopted SGLP policies and PPS3 highlight the fact that residential policies are equally applicable to all sectors of the housing market, including specific groups like the elderly, it is considered appropriate to consider this application for a Care Home, as a type of residential development.

5.3 With 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.

5.4 Policies within the South Gloucestershire Core Strategy Submission Draft Dec. 2010, are now a material consideration for development control purposes. The Core Strategy is however still at an early stage on its journey to full adoption and only limited weight can therefore be given to the policies therein.

5.5 Two similar schemes PK08/0677/F and PK08/2182/F for 50 and 40 bed Care Homes respectively have previously been proposed for the site and subsequently refused for the reasons listed in paras. 3.6 and 3.7 above. Appeals against these decisions were dismissed but the Inspector's decision letter provides a benchmark against which the current scheme must be assessed and is considered to be a material consideration of significant weight.

5.6 The proposal principally falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the development of residential institutions 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.

5.7 Issues of Need

The number of elderly people in England (aged 65 & over) is projected to rise by almost 57% between 1995 and 2031. The numbers of very elderly people (aged 85 & over) are projected to rise more rapidly by around 79%. Almost half the growth in overall numbers is expected to occur in the period 2020-2031. Long term care will need to expand by approximately 61% between 1995 – 2031 to keep pace with the rising numbers of elderly people.

Source: ONS 1995 & PSSRU 1999.

The application is supported by the Council's Director of Community Care. The South Gloucestershire Council's Social Services report entitled 'Commissioning Strategy for Social Care Services for Older People' also recognises a severe shortage of provision of suitable accommodation for the provision of Care for the Elderly. Officers therefore acknowledge that there is a demonstrable need for the Care Home proposed.

5.8 Density

There would now be 49 units compared to the originally submitted 54 units on the 0.20ha site, which equates to a density of 245 units per hectare. This very high figure for the density of the development merely reflects the small size of the individual units within the Care Home. Nevertheless, in order to achieve this level of density on this site the development must be 2/3-storey and in part above a basement level as well.

5.9 Officers consider that the scheme would make efficient use of land within the Urban Area and that higher density levels are expected in sustainable locations such as this. It is noted that the Inspector for the previous appeals did not specifically object to the density of development proposed, which in the case of the first scheme was higher than is currently proposed. Instead the key issues were considered to be:

- The effect of the proposed developments on the setting of Downend House, which is Grade II Listed, and on the character and appearance of the area.
- The effect on the living conditions of occupiers of no.120 North Street (Turnpike Cottage) and nos.11 and 13 Salisbury Road in terms of privacy and visual impact.

These matters are best addressed under the following headings. In terms of density alone, officers are satisfied that the scheme accords with Policy H2.

5.10 Scale and Design

- Consideration must be given as to whether the proposal complies with Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 and Policy CS1 of The South Gloucestershire Core Strategy Submission Draft Dec. 2010. In particular whether the siting, layout, form, scale, height, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.
- 5.11 The site is currently developed to the north-west as a single detached two-storey dwelling (nos. 118 North Street) fronting onto North Street; to the north of which is Turnpike Cottage, a locally listed building. To the south of no.118 is a 7m high two-storey red brick office building i.e. nos. 114-116 North Street, the design and form of which is quite anomalous within the street scene. To the rear of nos.114 -118 are a variety of single storey workshops. To the south of nos.114-116 is the Grade II Listed Downend House, which is a substantial three-storey former dwelling house, 10.4m in height and now used as office accommodation. This building currently forms the most dominant element within this street scene. To the rear of Downend House and fronting onto Salisbury Road is a Church Hall, which is a single-storey construction of somewhat utilitarian appearance. To the east of the Church Hall are two-storey semi-detached dwelling-houses, the gardens of which bound the application site and are enclosed by high fences.
- 5.12 Officers have considered the proposal in the context of the local architectural vernacular, which is sub-urban in character and exhibits no strong local distinctiveness supported by any supplementary planning documents. The street scene along this section of North Street exhibits a mix of architectural style, scale, form and age. The character of the block, and the surrounding area, is one where taller elements and structures front the main roads and public spaces whilst smaller elements such as extensions and ancillary buildings are located to the rear within the block.
- 5.13 In the two previous appeals the Inspector considered that the proposals adversely affected the character of the area, stating the following:
- “In both cases the proposed developments would replace a narrow fronted 2-storey detached house and a separate 2-storey office block with a 3-storey single building occupying almost the entire width of the North Street frontage. These structures would have a substantially greater mass than the adjacent Downend House. And although designed to have a similar eaves and ridge height to the Listed Building, upper level windows would break through the eaves and 3-storey gables would project forward of the front elevation. The height, mass and relative complexity of these buildings, located on rising ground between the commercial centre of Downend and the Listed Building, would give them an obtrusive and dominating presence that would overwhelm the visual stature of Downend House and disrupt the established hierarchy of the street scene.”*
- 5.14 In response to these concerns the applicant has incorporated the following revisions into the scheme:

- A gap is maintained adjacent to Downend House.
 - The element adjacent to Downend House is reduced to 2-storey (in line with the existing office block).
 - The building is kept in line with the main existing building line of Downend House.
 - The front elevation rises up to a 3-storey central element, adding variety and in sympathy with the established hierarchy of the street scene,
 - The elevation drops back down to 2-storey adjacent to Turnpike Cottage (no.120 North Street) creating the same massing as exists with the 2-storey house no.118 (to be demolished).
 - Architecturally the style would be early Victorian in appearance but subservient to Downend House.
 - By incorporating a basement level, the overall mass of the building has been reduced.
- 5.15 Officers consider that the proposed Care Home building would exhibit some aesthetic qualities that are superior to the existing office/residential units on the site and that in general design terms, this would help to outweigh any loss of character that may result from the increased mass of the built development when viewed from North Street. The three-storey Downend House at present forms the principle corner element at the junction of North Street and Salisbury Road. The remaining buildings on both of these frontages are subservient in height and mass to Downend House, which creates a legible hierarchy in the street scene. A separate assessment of the impact of the proposal on the setting of the Grade II Listed 'Downend House' is made in the Conservation section below. In urban design terms the mass of the proposed new building on the North Street frontage has been broken up in the revised scheme, so that it would no longer compete with Downend House and upset the legibility of the area that this corner element creates.
- 5.16 To the rear of the North Street frontage, the existing single-storey elements with low roof pitches, would be replaced by the three/two-storey Care Homes' East Wing, which would now extend some 33m in total into the site to a width of between 15m-17m.
- 5.17 The external appearance of the proposed Care Home has however been designed to reflect the context of the area through the use of neutral materials. Stone wall features combined with off white render, natural slate roof tiles, all take reference from other dwellings in the area. The stonework plinth forms a strong base for all elements of the proposed building. This feature is extended to provide the base of the wall to North Street over which traditional cast iron railings would be secured. Windows and doors would be painted timber, combined with re-constituted stone cills, lintels and string courses. Rainwater goods would be powder coated metal. In terms of its external detailing the proposed building is therefore considered to be acceptable. The building would also be constructed to a BREEAM standard of 'Very Good' or Level 3 of the Code for Sustainable Homes.
- 5.18 Having regard to all of the above, officers consider that on balance the revised scheme would no longer adversely affect the character and appearance of the

area and therefore in this respect accords with Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Submission Draft Dec 2010.

5.19 Conservation Issues

Downend House Circa C18/C19 lies adjacent to the southern boundary of the site. The building was the birthplace of the famous cricketer W.G.Grace, born at Downend House on the 18th July 1848 and as such the house is Grade II Listed. The boundary walls are also likely to be curtilage listed but these are to be retained.

5.20 Downend House has been altered in recent years and modern development has occurred in close proximity to the Listed Building. Both of these changes have had a detrimental impact on the historic interest of the building and its setting. Nevertheless, officers consider that the setting of the Listed Building should still be protected and any further inappropriate development in close proximity to Downend House would be detrimental to what remains of the historic setting of the building. This view is considered to accord with the advice given in PPS5 – ‘Planning for the Historic Environment’ as well as Policy L13 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

5.21 To the north and south of the site are a number of Locally Listed Buildings (nos. 106, 108 & 124 North St. and Downend Baptist Chapel), which would be considered as non-designated heritage assets. In accordance with PPS5, the effect of development on the significance of a heritage asset or its setting is a material consideration in determining applications. A Statement of Significance has been submitted to officer’s satisfaction, which discusses Downend House and the Locally Listed Buildings, the settings of which could be affected by the development.

5.22 Whilst officers acknowledge that the buildings to be demolished are of no architectural or historic interest, they are subservient to Downend House in terms of height and massing. Following pre-application discussions and in response to the Conservation Officer’s initial comments, the scheme has been revised. Notwithstanding the revisions listed in para. 5.14 above, the following changes have also been incorporated into the scheme:

- The number of bedrooms reduced from 54 to 49.
- The length of the 3-storey element to North Street has been reduced (increasing the length of the 2-storey element) and set in line with the front of Downend House, with the 2-storey elements set even further back so as to be subservient to the Listed Building.
- A pedestrian gate within the railings and steps now lead to a front door.
- The width of the building fronting North Street has been broken down into 2no. gables with a valley in between thus reducing the massing and scale as to have no detrimental impact on Downend House.
- The rear element is broken down into a double pitched roof with central valley gutter to keep the height to a minimum. The rear wing drops from three to two to single-storey into the site.
- The building is now further away from the boundary with Turnpike Cottage (no.120) than the existing house.

- All windows would be painted timber.
 - The chimney-stacks would be used for kitchen extract purposes and intakes would be sunk into the light wells with none on the front elevation.
- 5.23 The three-storey element to the rear is similar to that previously proposed in the 40 bed scheme but it is noted that the Inspector did not raise any specific concerns in terms of adverse impact on the Listed Building from this element of the proposal.
- 5.24 Having considered all of the revisions, officers are now satisfied that the scale, design and mass of the building are acceptable and subject to conditions to secure matters of detailed design, the scheme now accords with Policy L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.25 Impact Upon Residential Amenities
 Consideration must be given as to whether or not the proposal would result in a significant adverse impact on the amenities of local residents. In particular the matters to consider are the level of disturbance caused by the proposed uses compared to those of the existing use of the site; and issues of overlooking, loss of privacy and overbearing impact.
- 5.26 As regards the future occupiers of the site, landscaped garden/amenity areas would be provided within the grounds of the Care Home. The areas to the north, south and rear of the building would be enclosed by existing and proposed walls and fences, which together with the proposed new planting scheme would give a sense of enclosure and privacy. Given the age and likely medical condition of the Care Home residents however, it is considered most unlikely that significant levels of noise or disturbance would emanate from the amenity areas. Whilst some disturbance may be experienced from the general activities associated with the proposed Care Home, this is most unlikely to be any greater than would be generated by the existing authorised commercial use of the site.
- 5.27 The existing access would be utilised but because the future occupiers would be most unlikely to drive, traffic generation from the Care Home is likely to be lower than the existing commercial uses. Furthermore the number of HGV movements to the site is likely to be less than the extant use. Car parking would for most part be retained to the rear of the site, which is similar to the existing situation but again the overall parking provision would be less than for the current authorised commercial use of the site. On balance therefore, there is unlikely to be any significant additional disturbance from traffic movements over and above those that would be generated by the extant use of the site.
- 5.28 In terms of loss of privacy from overlooking or inter-visibility between facing habitable room windows; the Council's Supplementary Planning Guidance has traditionally required a minimum distance of 21m between facing habitable room windows. These SPG Notes are however very old and to some extent have been superseded by the South Gloucestershire Design Check List (SPD) Adopted 23rd Aug 2007. The only properties that are likely to be affected by overlooking from the Care Home are those along Salisbury Road, most notably nos.11 and 13, and the garden of no.120 North Street, otherwise known as

'Turnpike Cottage'. Directly to the east of the site, the gardens and windows of houses in Buckingham Place are significantly more than 21m away and would not be adversely affected.

- 5.29 With regards to the impact on residential amenity, the Inspector for the previous appeals had the following to say:

"Both of the proposed buildings would have a substantial 3-storey rear projecting wing. The first scheme (50 bed) proposes a longer and slimmer projection than proposed in the second scheme which would have a hipped roof cross wing."

"The long rear wing of the first scheme I do not consider would appear unreasonably overbearing to no.120 North Street. Nevertheless, the windows serving bedrooms on all three floors would give views into the garden of no.120. To the south the large 3-storey wing of the first scheme would appear overbearing. Bedroom windows would permit views into private gardens. I consider that the occupiers of all three of these adjacent properties would, as a result, experience a very significant reduction in the level of privacy."

"In the case of the second appeal proposal (40 bed) the rear wing would be shorter with few views available to no.11 and no.13 Salisbury Road or the garden of no.120 North Street. From the Salisbury Road houses the 3-storey wing would appear to sit largely behind the existing Community Hall and would, in my view, have no significant detrimental impact on occupiers. The 3-storey high blank end wall of the cross wing would however sit close to the boundary with no. 120 just to the rear of the house."

"Both appeal schemes propose replacing no.118 North Street with a 3-storey high double gable flank wall tight to the boundary forward of no.120. When in the house or front garden of no.120 residents would, in my opinion, experience such a large wall in very close proximity as unreasonably overbearing and oppressive. This in my view provides enough justification for dismissing both appeals."

- 5.30 The current proposal has incorporated the positive elements of the previously submitted proposals, whilst at the same time attempting to address the concerns raised by the Inspector. As such the scheme incorporates the following:

- The elevation to North Street adjacent to no.120 stops on the same line as the gable to the existing house (no.118) and in 2 storeys. The 3-storey element of the proposed scheme does not commence until in line with the front of no.120 North Street with the corner turned in a 2-storey format.
- Regarding the impact of the development on the garden of no.120, the proposed scheme stops the 3-storey element back from the line of the scheme, which the Inspector did not object to and with no overlooking. Windows are carefully located with the introduction of specially designed Oriel windows at upper levels.

- Regarding the impact of the development on the gardens of no.11 and no.13 Salisbury Road, the new proposal again is in line with the previous proposal, which the Inspector stated as being acceptable. The new proposal has been carefully designed so that the upper floors do not have a detrimental effect on the privacy of no.11 and no.13. Again specially designed Oriel windows are introduced.
- 5.31 Officers consider that some overlooking of neighbouring gardens from first/second floor windows is a common enough occurrence in a densely populated urban location such as this, and given the distance and angle of the windows in relation to the neighbouring gardens, officers consider that in this case the overlooking issue alone would not justify refusal of planning permission. There are no windows in the southern side elevation of Turnpike Cottage or the northern elevation of the Church Hall to the south of the site. The existing/proposed high boundary treatments would prevent overlooking from the ground floor windows, whilst at first and second floor level, the proposed Oriel windows are designed in such a manner as to prevent direct overlooking of neighbouring property, the front pane of glass being obscurely glazed up to a minimum height of 1.8m above floor level. This solution has been successfully used in other similar developments and is not considered to be inappropriate in this case.
- 5.32 Whilst the rear elevation of the Care Home would be only 4m from the side windows of the adjacent Church Hall, this would be a similar (4.4m) distance as the existing building is from these windows. The northern area of the development to the front of Turnpike Cottage has been opened up and sufficiently set back as to have no significant overbearing impact on this property.
- 5.33 Whilst there would inevitably be some disturbance during the demolition and construction phase, this would be on a temporary basis only; furthermore disturbance during the development phase could in some way be mitigated for by the imposition of a condition to control the hours of working. The work would also be the subject of the normal Environmental Health legislation. Concerns about light pollution can be addressed by a condition to control any proposed external lighting.
- 5.34 Concern has also been raised about the proximity of the proposed Bin Store, located in the driveway next to the front garden of no.13 Salisbury Road. Officers consider that in terms of a convenient collection point, this would be the best location, thus negating the need for refuse vehicles to enter the site. Furthermore, being an enclosed store located next to the front garden (as opposed to the more frequently used rear garden) of no.13, officers consider that the overall impact on residential amenity would be reduced to a level that would be acceptable in this urban area, where it is not uncommon for bins to be located to the front of houses. Full details of the nature of the bin store could be secured by condition. Officers also consider that being a privately operated Care Home; it would be in the operator's interests to ensure that the bin area is kept clean and tidy.

- 5.35 Concern has also been raised about loss of view and outlook for the occupiers of nos.11 and 13 Salisbury Road. Whilst there is no legal right to a view, any impact on visual amenity is a material consideration. An assessment of the appearance of the building has been made under the design section of this report and given that the appearance of the building would not be unsightly, officers consider that there is no compelling case to refuse the scheme on the basis of loss of outlook. It is also noted that the Inspector for the previous appeals only objected on the basis of overbearing impact and loss of privacy as opposed to loss of outlook. In terms of impact on residential amenity, the proposal is therefore considered to be in accordance with Policy H2(A) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.36 Transportation Issues
Consideration must be given to the parking and access provision. Car parking provision should be assessed against the Council's maximum parking standards laid out in Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006. The scheme is also required to satisfy the highway development control Policy T12. The site is currently redundant, any casual car parking that used to take place within the site, was unauthorised; the access has since been blocked up to prevent this. The loss of such parking is not therefore justification for refusal of planning permission.
- 5.37 A draft Travel Plan has been submitted which officers consider is acceptable in principle. According to the Travel Plan, there would be 28 full-time equivalent employees working at the Care Home made up of 22 full-time and 11 part-time staff working on a shift basis, with no more than 12 present at any one time in the peak period between 07.30hrs to 14.00hrs, with figures after this reducing significantly. It should be noted however that these figures related to the originally submitted scheme for a 54 bed Care Home, so could reduce on a pro-rata basis for the now proposed 49 bed Care Home. The proposed parking provision is now 12 spaces, which falls below the SGC maximum parking standards i.e. 1 space per 6 bed spaces plus 1 space per 2 staff. It is considered that an ambulance can turn within the site.
- 5.38 Traffic generation from Care Homes tends to be low and compared to the existing commercial uses on the site, the Care Home would generate less traffic for the simple reason that the average age of future occupiers would be in excess of 80 years old and would not be in a physical state to drive. Care Homes are very much community uses catering for local needs so visitor traffic is likely to be very low. Staffing would likely be on a shift pattern (3 shifts per day) and the majority of staff would most likely be local. The site lies in a highly sustainable location, very close to the centre of Downend; the public transport provision in the area is considered to be very good.
- 5.39 The existing access would be utilised and the proposed visibility splay is considered to be acceptable. The bin storage facility would be located adjacent to the access for easy collection. Secure cycle parking would be provided.
- 5.40 The applicant has indicated a willingness to make a £6,000 contribution towards improved public transport facilities within the vicinity of the site; this can be secured by an appropriate legal agreement. Subject therefore to the

legal agreement, plus conditions to secure the proposed car parking facilities; cycle storage; manoeuvring areas, implementation of the Travel Plan and bin store; there are no highway objections.

5.41 Landscape Issues

Policy L1 seeks to conserve and enhance the character, distinctiveness, quality and amenity of the landscape. Consideration must be given to whether or not there would be any significant loss of vegetation or features of the landscape and whether or not the proposed landscaping sufficiently mitigates for any loss.

5.42 There is no significant vegetation within the site itself. There is however a large mature Corsican Pine tree growing within the grounds of Downend House, close to the south-western boundary of the application site. This tree is prominent within the street scene and has a high amenity value, but is not protected by TPO. The tree overhangs the development site and as such an Arboricultural Method Statement (AMS) has been submitted. The Council's Tree Officer is satisfied that the report clearly outlines the procedures and methods to be employed and adhered to before, during and after construction. The document shows the steps to be taken to ensure that the tree is safeguarded throughout the development phase. The submitted planting details are indicative only but subject to the submission of a full landscape scheme, which can be secured by condition, there is no in principle objection to the proposal in landscaping terms. Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 is therefore satisfied.

5.43 Drainage

PPS25 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, require that proposed development ensures that foul and surface water disposal arrangements are acceptable and incorporate sustainable drainage principles (SUDS). In addition, development will not be permitted where it could increase the risk of flooding. The Council's Drainage Engineer has raised no objections to the principle of the development. The proposal would also be the subject of building regulation approval. Subject therefore, to the standard drainage condition and a condition to secure a mining report; there are no objections on drainage grounds.

5.44 Environmental Issues

Policy EP1 does not permit development that would unacceptably harm the environment, or the health, safety and amenity of users of the site or surrounding land, as a result of pollution to water, air or soil, or through noise, vibration, light, heat or radiation.

5.45 Due to the sites' previous industrial uses, a condition could be imposed to secure a contamination survey, together with mitigation measures if required. Subject to other standard conditions and informatives the Council's Environmental Health Officer raises no objection to the principle of the proposal. In response to concerns about light pollution, a condition could also be imposed to require the prior submission and approval of the details of all external lighting. Details of the proposed extraction systems have been submitted but appropriate conditions would still need to be imposed to control

noise levels. Concerns have been raised about vermin infestation but this is controlled by normal environmental health legislation.

5.46 Ecology

There are no known reasons why the application should be refused on ecological grounds.

5.47 Education

Since the application is for a Care Home for elderly people there are no requirements for contributions towards education facilities within the locality.

5.48 Affordable Housing

There is no affordable housing requirement for this Care Home proposal.

5.49 Community Services

The Community Services requirements have been re-calculated having regard to the reduction of bed spaces from 54 to 49. A total contribution of £14,714.97 is now required towards the provision and maintenance of off-site formal and informal open space. The enhancements would be carried out within 1.2km of the site, most likely at Page Park, which is only 400m from the site. A contribution of £913.36 is also required towards the enhancement of the services provided at the nearest library. A voluntary contribution of 1% of the development costs towards the provision or commission of publicly accessible art, craft and design works has been requested but declined by the applicant.

5.50 Other Concerns Raised

Of the concerns raised that have not been addressed above:-

5.51 Concern was raised about the possible effect of excavations on the foundations of Turnpike Cottage. This matter is considered to be addressed under Building Regulation Control and possibly also the Party Wall Act and Access of Neighbouring Land Act, all of which would be advised to the applicant via informatives attached to any planning permission granted.

5.52 It was suggested that access to the proposed Secure Garden would not be possible if the car park were full. There is in fact a segregated footway to the north of the proposed building, which leads to a gate into the garden. Furthermore, any future building proposals within the Secure Garden would most likely require planning permission.

5.53 Concerns have been raised about the impact of the proposal on house values but this is not a material consideration in the determination of planning applications.

5.54 It has been suggested that if planning permission were granted, this would contravene the Human Rights Act 1998. The application is however determined in accordance with the policies contained within the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. In his report for the Local Plan Public Enquiry the Inspector stated at para.2.2 that:

“The operation of the planning system does not conflict with the Human Rights Act. The Council has not acted unfairly in preparing this plan and then making decisions based upon the policies contained therein.”

- 5.55 The quality of living conditions within Care Homes and the amount of light to rooms would be covered by separate legislation under Building Regulation Control and Licensing.

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 proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

- a) Due to its scale and position in relation to the adjacent dwellings, the proposed development is not considered to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H2 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of The South Gloucestershire Core Strategy Submission Draft Dec 2010.
- b) It has been assessed that the proposal has been designed to respect and maintain the massing, scale, proportions, materials vernacular and overall design and character of the street scene and surrounding area. The development therefore accords with Policies H2 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS1 of The South Gloucestershire Core Strategy Submission Draft Dec 2010 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
- c) The proposal would provide adequate visibility at the access onto Salisbury Road and adequate off street parking and manoeuvring within the site. The proposal is therefore considered to be acceptable in highway safety terms in accordance with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- d) The proposal is considered to be of a good quality design and layout which integrates adequately with the urban context. The proposal therefore accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- e) The proposal subject to conditions, is considered not to result in direct or indirect adverse impact on trees and other important landscape features within or adjacent to the site. The proposal therefore accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 in this respect.
- f) The proposal is considered to represent a sustainable form of development which would achieve a density in keeping with local character. As such the proposal accords with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 in this respect.

- g) The application has no adverse impact on protected species. The proposal accords with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.
- h) The scheme demonstrates a good standard of sustainability in accordance with the requirements of Policy D1 of the South Gloucestershire Local Plan (Adopted) and Policy CS1 of The South Gloucestershire Core Strategy Submission Draft Dec 2010.
- i) Whilst the development of the site will inevitably result in the loss of open space, the contribution of this space to the character of the area is not significant. Suitable mitigation measures will be provided to ensure that existing open space in the area is maintained and enhanced to meet the needs of local residents. The application therefore complies with the requirements of Policies D1, H2, and LC8 of the South Gloucestershire Local Plan (Adopted).
- j) Adequate provision is being made to ensure that the extra impact on the library facilities is being mitigated against in accordance with the requirements of Policy LC1 of the South Gloucestershire Local Plan (Adopted)
- k) The application demonstrates that it will not result in any adverse flooding or drainage effects in accordance with the requirements of Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.
- l) The proposal would not adversely impact on the education service in accordance with the requirements of Policy LC2 of the South Gloucestershire Local Plan (Adopted).
- m) The environmental impacts of the scheme in terms of drainage and noise disturbance have been considered and mitigated for in accordance with Policies EP1, EP2, L17 & L18 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- n) Consideration has been given to the impact of the proposal on the setting of nearby Listed and Locally Listed Buildings in accordance with Policy L13, PPS5 and The South Gloucestershire Council Local List SPD.

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 & Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:
 - (i) A contribution of £4,196.36p towards the provision of, and £2,558.00 towards the 15 year maintenance of, Category 1 formal open space within 1.2Km of the development i.e. most likely Page Park.
 - (ii) A contribution of £1,412.67 towards the provision of, and £6,547.94 towards the 15 year maintenance of, Informal Open Space within 1.2Km of the development i.e. most likely Page Park.

- (iii) A contribution of £913.36p towards the Library Services provided at the nearest Library.
- (iv) A contribution of £6000.00 towards improved public transport facilities within the vicinity of the site.
- (v) A S106 monitoring fee to the value of 4% of the total contributions i.e. £865.13p

The reasons for this Agreement are:

- (i) To provide public open space in accordance with Policy LC8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- (ii) To provide public open space in accordance with Policy LC8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- (iii) To provide an enhanced Library Service in accordance with Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- (iv) To encourage sustainable modes of transportation having regard to Policy T12(F) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- (v) To cover the Council's costs of monitoring the S106.

(2) That the Head of Legal & Democratic Services be authorised to prepare and seal the agreement.

(3) Should the S106 agreement not be completed within 6 months, that authority be delegated to the Director of Planning Transportation and Strategic Environment to refuse the application due to the failure to complete the S106 Agreement offsetting the otherwise adverse impacts of the development.

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. Prior to the first use of the site for the purposes hereby approved, all car parking plus turning areas shall be provided in accordance with the submitted and approved Proposed Site Plan Nos 2540-109 Rev B received 11 Feb 2011 and such measures shall be maintained satisfactorily on site thereafter and used only in conjunction with the site's purpose.

Reason

In the interests of highway safety in accordance with Policies T8, T12 and H2(A) of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. Prior to the first use of the site for the purposes hereby approved, details of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities shall then be implemented on site before the first use of the buildings for the purposes hereby approved and maintained satisfactorily thereafter.

Reason

To ensure the satisfactory provision of secure cycle parking facilities and to promote alternative uses to the car in the interests of sustainability, in accordance with Policy T7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4. Development shall not begin until drainage details incorporating best management practices (SUDS) and the hydrological context of the development have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details.

Reason

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

5. The drainage scheme approved, incorporating best management practices, 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 EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The hours of working on the site for the period of demolition and construction of the development hereby approved, shall be restricted to 07.30 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. During the demolition and construction phases, 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 H2(A) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the commencement of the development a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
 - (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
 - (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.

(c) Proposals for re-cycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.

(d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.

(e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

The approved works shall subsequently be carried out in accordance with the agreed details.

Reason

To accord with the Council's adopted Waste Management Strategy, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 6th 2006 and Policy 37 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002.

8. Prior to the commencement of the development hereby approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority (LPA):

1) A preliminary risk assessment which has identified:

- a) all previous uses
- b) potential contaminants associated with those uses
- c) a conceptual model of the site indicating sources, pathways and receptors
- d) potential unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the LPA. The scheme shall be implemented as approved.

Reason

To protect controlled waters in accordance with Policy EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

9. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval

from the LPA for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason

To protect controlled waters in accordance with Policy EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

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

Reason

To protect the character and appearance of the area to accord with Policies H2/D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. The mature pine tree located adjacent to the site and within the grounds of Downend House, shall be protected in accordance with the submitted 'Treescope' Arboricultural Method Statement. Operations recommended in the Arboricultural Method Statement shall be supervised and monitored by the appointed Arboricultural Consultant and interim reports confirming satisfactory compliance with the recommendations shall be submitted in writing to and approved by the Local Authority Tree Officer.

Reason

To protect the tree in the interests of visual amenity and the character of the area, in accordance with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

12. Prior to the commencement of development, details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To minimise light pollution and 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.

13. There shall be no discharge of foul or contaminated drainage or trade effluent into groundwater or any surface waters, whether direct or via soakaways.

Reason

To protect ground waters in accordance with Policy EP1 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

14. Prior to the commencement of the development hereby approved a Coal Mining Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development can be safely implemented having regard to past coal mining in the area and to identify the possible presence of shafts, adits, drainage levels and culverts, in accordance with Policies EP2 and EP7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

15. Prior to the first use or occupation of the building hereby permitted, and at all times thereafter, the front panels of the proposed Oriel windows as shown on the approved Proposed Elevations Plan 2540-105 Rev B received 11 Feb 2011, shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.8m above the floor of the room in which it is installed.

Reason

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

16. Prior to the commencement of the development hereby authorised, details of the location of any construction compound to be provided on the site shall be submitted to and agreed in writing with the Local Planning Authority and the works shall subsequently be carried out in accordance with the agreed details.

Reason

To safeguard the amenities of the locality, and to accord with Policy H2 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

17. The approved boundary treatments shall be completed before any of the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority.

Reason

To protect the residential amenity and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

18. Development shall not commence until a sample of render of at least one metre square, showing the texture and finish, has been erected on site and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the approved panel, which shall be retained on site for consistency.

Reason

In the interests of the visual amenity of the area and to preserve the setting of the adjacent Listed Building in accordance with Policies D1 and L13 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2011.

19. Notwithstanding previously submitted details, development shall not commence until the detailed design, including materials and finishes, of the following items shall be submitted and approved in writing by the local planning authority:

- a. all new external doors including frames and door furniture & fittings
- b. all new windows (including cill and head details)
- c. all new vents and flues
- d. railings to front boundary, including plinth
- e. chimneys
- f. corbel

- g. eaves, verges and ridges
- h. porch to west elevation
- i. all new external lighting
- j. lightwell railings

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

Reason

In the interests of the visual amenity of the area and to preserve the setting of the adjacent Listed Building in accordance with Policies D1 and L13 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2011.

20. No development shall commence until a representative sample panel of natural roofing slate has been submitted and approved in writing by the local planning authority.

Reason

In the interests of the visual amenity of the area and to preserve the setting of the adjacent Listed Building in accordance with Policies D1 and L13 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2011.

21. Notwithstanding submitted drawings, the railings to the front elevation shall follow the gradient of the pavement. A revised drawing showing the height and level of the railings shall be submitted and approved in writing by the local planning authority.

Reason

In the interests of the visual amenity of the area and to preserve the setting of the adjacent Listed Building in accordance with Policies D1 and L13 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2011.

22. Prior to the commencement of the development hereby approved, full details of the proposed bin storage facilities shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the bin storage facilities shall be provided in full accordance with the details so agreed and before the first occupation of the building hereby approved.

Reason

To ensure adequate bin storage is provided in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

23. Prior to the first occupation of the buildings hereby approved, a Draft Green Travel Plan shall be submitted to the Local Planning Authority. Thereafter the Green Travel Plan is to be completed and agreed in writing by Council Officers within 2no. months of the first occupation of the buildings hereby approved. The Green Travel Plan shall include the agreed modal split targets, and measures to achieve them, for journeys in association with the development, together with penalties (form and quantum agreed) for not achieving those targets.

Reason

To encourage sustainable forms of transport and to reduce highway congestion in the interests of highway safety and the environment, in accordance with Policies H2, EP1 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

24. Prior to the installation of any plant or equipment associated with the building hereby approved, full acoustic details shall be submitted to the Local Planning Authority, to show that once completed, the noise emitted from the site should not exceed the pre-development background noise, measured between the development and the nearest noise sensitive building. (Pre development background X LA90dB; Fan/Plant noise level Y_X+0L_{aeq} dB determined using the principles of BS4142). These details shall be agreed in writing by the Local Planning Authority and thereafter the plant/equipment shall be installed in full accordance with the details so approved.

Reason

To minimise disturbance to the occupiers of the nearest dwelling houses and to accord with Policies H2 and EP1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2010.

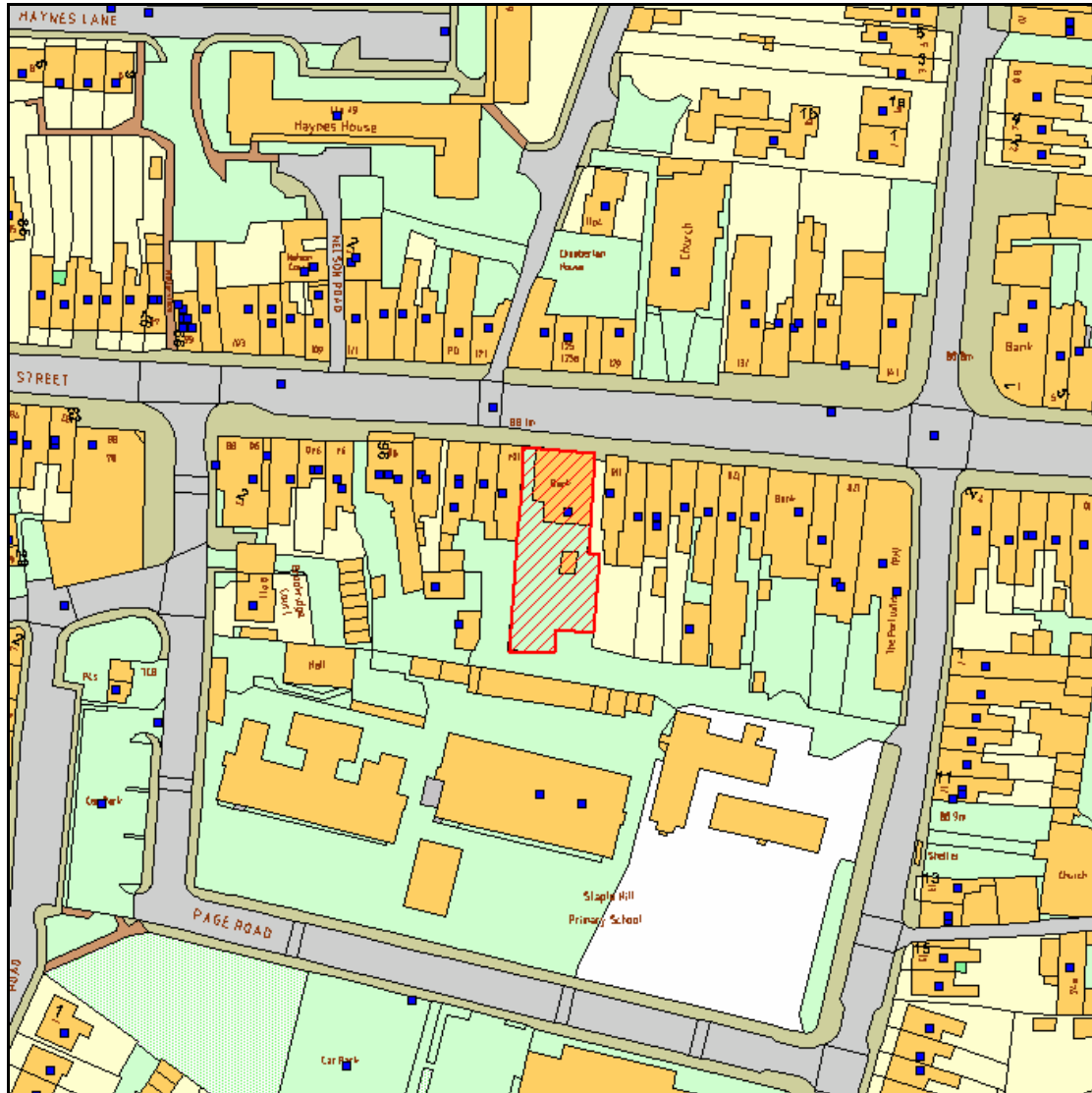
25. The development hereby approved shall be constructed to an EcoHomes/Code for Sustainable Homes standard of 'VERY GOOD'/Level 3 or otherwise agreed with the Local Planning Authority. A formal assessment pre-construction or following construction, shall be undertaken by a licensed BREEAM assessor and a copy of the assessors report and the certificate shall be submitted to the Local Planning Authority prior to the first occupation of the building hereby approved.

Reason

In the interests of sustainable development and to ensure that the development minimises the use of energy and resources in accordance with PPS1 - 'General Policy and Principles', PPS3 - 'Housing' and Policy D1 (G) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

CIRCULATED SCHEDULE NO. 11/11- 18 MARCH 2011

App No.:	PK11/0133/F	Applicant:	Mr P Hooper
Site:	106 - 108 High Street Staple Hill Bristol South Gloucestershire BS16 5HH	Date Reg:	1st February 2011
Proposal:	Installation of replacement shopfront	Parish:	None
Map Ref:	364896 175887	Ward:	Staple Hill
Application Category:	Minor	Target Date:	28th March 2011



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N.T.S.

PK11/0133/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 This application seeks planning permission for a replacement shop front in Staple Hill High Street. The shop front is the right-hand side of a pair relating to one shop. The building is a detached two-storey stone built building in the established shopping area of Staple Hill. The application shop front (No. 106) has at present two windows and a front door to the right of the windows. The proposal is for two large windows with a rendered stall riser and central flush door to match the left-hand shop front (No. 108). In the street, most of the shop fronts have a flush front, to maximise the internal floor area and the display frontage close to the street. Both shop fronts (No.s 106 & 108) have had roller shutters installed.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
T12 Transportation Development Control Policy

South Gloucestershire Core Strategy Draft (December 2010)
CS1 High Quality Design

3. RELEVANT PLANNING HISTORY

3.1 P99/4521 Insertion of three front and two rear velux windows in the existing roof, and insertion of new window in the west elevation.
Approved 16-AUG-99.

3.2 PK00/0925/F Erection of a single storey rear extension
Approved 17-MAY-00.

3.3 PK08/1949/F Installation of new shop front and roller shutters
Approved 21-AUG-08.

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
Unparished area

4.2 Sustainable Transport
No response received

Other Representations

4.3 Local Residents/ Businesses

One letter has been received, raising the following points

- High Street and Broad Street have many attractive and historical buildings
- This building was once a bank with a traditional frontage
- Large signage has already blighted this building
- The replacement shop front will spoil the historical building

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006 advises that development will only be permitted provided that; siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

5.2 Design

The existing shop front is considered to be attractive, but the building is not Listed, or locally listed, nor does it lie within a Conservation Area, therefore the assessment should be made on the basis of PPS1 and the adopted and emerging design policies, especially Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006. The design and materials would be in keeping with the character of the left-hand half of the shop (No. 108) and would respect the character and distinctiveness of the surrounding units. It is therefore considered that the proposal accords with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.3 Residential Amenity

Given the location of the application property on Staple hill High Street, it is not considered that the proposed shop front would have a detrimental material impact on the residential amenities of any nearby properties.

5.4 Transportation Issues

It is not considered that the proposed shop front would result in any highway safety issues. It is therefore considered that the proposal accords with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.5 Other Matters

Concern has been raised over the existing signage at the shop. The signage is covered under Advertisement legislation and must comply with this.

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 has been assessed that the proposed replacement shop front would have been designed to respect and maintain the massing, scale, proportions, materials and overall design and character of the street scene and surrounding area. Additionally, it is considered that the proposals would not have a detrimental effect on residential amenity of nearby occupiers. It is therefore considered that the proposal accords with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

It is not considered that the proposed shop front would not result in any highway safety issues. It is therefore considered that the proposal accords with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6.3 The recommendation to approve 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 approved, subject to the condition as set out on the decision notice.

Contact Officer: Elizabeth Dowse
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

CIRCULATED SCHEDULE NO. 11/11 – 18 MARCH 2011

App No.:	PK11/0201/F	Applicant:	Mr M Hull
Site:	21 High Street Chipping Sodbury Bristol South Gloucestershire BS37 6BA	Date Reg:	1st February 2011
Proposal:	Erection of single storey rear extension to annexe to form sun lounge and alterations to front entrance steps of main dwellinghouse to provide sloped access.	Parish:	Sodbury Town Council
Map Ref:	372645 182244	Ward:	Chipping Sodbury
Application Category:	Householder	Target Date:	25th March 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the receipt of one letter of objection from a neighbouring resident.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for two separate works to the listed building – firstly alterations to the existing front door step to create a ramp and secondly an extension to the existing annex in the garden to form a sun room.
- 1.2 Number 21 is within a terrace of buildings on the west side of the High Street. It dates from the mid eighteenth century, is of two storeys with rendered elevation and double roman tiled roof. The front door is a 6 panelled nineteenth century door with fanlight under an open pediment on brackets, with side pilasters. The property is located fronting the High Street, with a long narrow burgage plot to the rear extending to the River Frome footpath. Approximately mid-way down the garden is a nineteenth century stable building, which has been extended in the past, and converted to a self-contained annexe. The annexe building is curtilage listed.
- 1.3 The application site is situated within the settlement boundary of Yate and Chipping Sodbury as defined in the adopted Local Plan. The site is also situated within the Conservation Area and the building the subject of this application is situated within the curtilage of a Grade II Listed Building. The rear garden of the site forms a historic burgage plot typical of the rear of buildings on the High Street.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 Delivering Sustainable Development
PPS5 Planning for the Historic Environment

- 2.2 Development Plans

South Gloucestershire Core Strategy – Pre-Submission Publication Draft
CS1 Design

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages
L12 Conservation Areas
L13 Listed Buildings
T12 Transportation Development Control

3. RELEVANT PLANNING HISTORY

Whilst there is a long history to the site the two relevant applications are as follows:

- 3.1 P93/1641 Change of use of and alterations to outbuilding to form dwelling house.
Approved July 1993
- 3.2 PK10/1897/RVC Variation of Condition 2 attached to planning permission P93/1641 to remove restrictions of use from persons employed to provide for the needs of the occupiers of 21 High Street and allow the use of the residential annex to be ancillary to main residence.
Approved September 2010

4. CONSULTATION RESPONSES

4.1 Sodbury Town Council

The Parish Council raises no objection to the step. They also raise no objection to the sun lounge but note that this could create a precedent for development of the Burgages

4.2 Public Right of Way Officer

No objection

4.3 Conservation Officer

No Objection

Other Representations

4.4 Local Residents

One letter of objection has been received from a neighbouring resident. The resident does not object to the step but does raise an objection to the extension to the annex. The resident explains the history to the annex and raises the following objections:

- comments on the size of the extension
- the annex is not in keeping with the surroundings
- It represents backland development
- Extending the annex is not in keeping with the historic nature of the area as detailed in the original 1992 and 1993 applications
- It would set a dangerous precedent
- Burden on parking in the High street if the unit was sub-let or sold as separate entities
- Design is intrusive
- The design and raised nature of the sun room would allow direct views into the neighbours garden.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for development providing it is in keeping with the character of the area and satisfies several criteria relating to design, scale, highway and impact upon visual and residential amenities being met. The site also relates to a listed building within

the conservation area and therefore the requirements of Policies L12 and L13 of the South Gloucestershire Local Plan must also be taken into consideration.

5.2 Design/ Visual Amenity

5.3 Front Step

The application includes alterations to the existing front slab to give it more of a slope to give disabled access to the dwelling. The alterations are minimal and will not have any significant impact upon the design or visual amenity of the dwelling. There is no design objection to the proposed step alterations.

5.4 Annex Extension

The application includes the erection of a sun lounge on an existing raised rear veranda. The sun lounge would have a hipped roof creating a valley where it joins the existing rear lean too. The walls of the sun lounge are to be finished in natural stone to match the existing stonework in the building. It is considered that the proposed conservatory meets an appropriate standard in design that integrates with the character of the main dwelling house and surrounding properties.

Whilst it is noted that the neighbour is concerned about the size of the proposed sun lounge, it is considered to be in keeping with the scale of the existing annex. There is an existing raised veranda already in place and the proposed is to erect a sun lounge over this existing raised veranda.

Although the neighbour is concerned that the sun lounge is not in keeping with the historic nature of development, the Councils Conservation Officer has assessed the application and is happy that the design is appropriate for its sensitive setting. The works will protect the character and appearance of the conservation area. The design and visual impact of the proposal is therefore considered to be entirely appropriate.

5.5 Residential Amenity

5.6 Front Step

The alterations to the front step, by virtue of their very small nature will not have any impact upon existing levels of residential amenity.

5.7 Annex Extension

The proposed sun lounge will have a depth of 3.16 metres and will be erected close to the boundary of the curtilage. The sun lounge will be erected close to the eastern curtilage – close to a piece of overgrown and un-kept land of unknown ownership. The overgrown land is not attached to a residential property and is not used as a garden. Whilst windows are proposed in the side elevation of the sun lounge facing this overgrown land, no additional issues of overlooking or loss of privacy will arise than existed from the existing raised rear veranda.

The proposed extension will be 4.3 metres away from the boundary with the residential property to the west – 19 High Street. Again, because of the existing raised veranda, it is not considered that the sun lounge will allow for any greater levels of overlooking than currently exists.

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. The impact on residential amenity is subsequently deemed acceptable.

5.8 Transportation

It is noted that the neighbour is concerned about the possible impact on the existing parking situation on the High Street. It is important to note that the outbuilding has consent for use as an annex attached to the main dwelling. This application does not seek consent to remove this condition. Outstanding the determination of this application, the annex as extended can only be used ancillary to the occupation of the main house. An informative attached to the decision notice will remind the applicant of this fact. It is not therefore considered that the sun lounge will lead to any additional levels of traffic generation that will impact on parking or highway safety in the vicinity of the site.

5.9 Precedent

Whilst the neighbour is concerned about this application setting a precedent for future development in the burgage plots, each planning application is determined on its own individual merits.

5.10 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 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 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 proposed sun lounge represents an appropriate standard of design that reflects the character of the original dwelling and the surrounding street scene. The use of appropriate materials further encourages its successful integration. The proposal protects the character and appearance of the conservation area. Given the depth of the location of the proposed conservatory, and the fact that a raised veranda already exists, the existing level of residential amenity afforded to neighbouring properties is protected.

The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) 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).

CIRCULATED SCHEDULE NO. 11/11 – 18 MARCH 2011

App No.:	PK11/0202/LB	Applicant:	Mr M Hull
Site:	21 High Street Chipping Sodbury Bristol South Gloucestershire BS37 6BA	Date Reg:	1st February 2011
Proposal:	Erection of single storey rear extension to annexe to form sun lounge and alterations to front entrance steps of main dwellinghouse to provide sloped access.	Parish:	Sodbury Town Council
Map Ref:	372645 182244	Ward:	Chipping Sodbury
Application Category:	Minor	Target Date:	25th March 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the receipt of one letter of objection from a neighbouring resident.

1. THE PROPOSAL

- 1.1 The applicant seeks listed building consent for two separate works to the listed building – firstly alterations to the existing front door step to create a ramp and secondly an extension to the existing annex in the garden to form a sun room.
- 1.2 Number 21 is within a terrace of buildings on the west side of the High Street. It dates from the mid eighteenth century, is of two storeys with rendered elevation and double roman tiled roof. The front door is a 6 panelled nineteenth century door with fanlight under an open pediment on brackets, with side pilasters. The property is located fronting the High Street, with a long narrow burgage plot to the rear extending to the River Frome footpath. Approximately mid-way down the garden is a nineteenth century stable building, which has been extended in the past, and converted to a self-contained annexe. The annexe building is curtilage listed.
- 1.3 The application site is situated within the settlement boundary of Yate and Chipping Sodbury as defined in the adopted Local Plan. The site is also situated within the Conservation Area and the building the subject of this application is situated within the curtilage of a Grade II Listed Building. The rear garden of the site forms a historic burgage plot typical of the rear of buildings on the High Street.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS5 Planning for the Historic Environment
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
L13 Listed Buildings

3. RELEVANT PLANNING HISTORY

Whilst there is a long history to the site the two relevant applications are as follows:

- 3.1 P93/1641 Change of use of and alterations to outbuilding to form dwelling house.
Approved July 1993
- 3.2 PK10/1897/RVC Variation of Condition 2 attached to planning permission P93/1641 to remove restrictions of use from persons employed to provide for

the needs of the occupiers of 21 High Street and allow the use of the residential annex to be ancillary to main residence.

Approved September 2010

4. CONSULTATION RESPONSES

4.1 Sodbury Town Council

The Parish Council raise no objection to the step. Similarly the Parish Council raises no objection to the sun lounge but it is noted that this could create a precedent for development of the Burgage plots.

4.2 Councils Conservation Officer

No objection subject to the attachment of conditions

Other Representations

4.3 Local Residents

One letter of objection has been received from a neighbouring resident. The resident does not object to the step but does raise an objection to the extension to the annex. The resident explains the history to the annex and raises the following objections:

- comments on the size of the extension
- the annex is not in keeping with the surroundings
- It represents backland development
- Extending the annex is not in keeping with the historic nature of the area as detailed in the original 1992 and 1993 applications
- It would set a dangerous precedent
- Burden on parking in the High street if the unit was sub-let or sold as separate entities
- Design is intrusive
- The design and raised nature of the sun room would allow direct views into the neighbours garden.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy L13 of the South Gloucestershire Local Plan (Adopted) and PPS5 allow for alterations/additions to a listed building, provided the development is compatible with and would not detract from the special character or features of the building and its setting. Section 16(2) of the Planning (Listed building and conservation area) act 1990 states that when determining a listed building application the local planning authority shall have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses.

5.2 Impact on the Listed Building.

5.3 Front door step

The proposed alterations to the step are required in order to create a level threshold for wheelchair access to the building. The works will involve lifting the existing large stone flag, which currently creates a step, and tilting this to form a slope. This will require a small amount of the pavement to be lowered by the depth of the stone, and a fillet of mortar where gaps are created at the bottom of the pilasters, by the tilt of the stone. Paragraph 45 of the English Heritage PPS5 Planning Practice Guide states: *There will almost always be scope to provide improved access for all without compromising the significance of a heritage asset.* In the opinion of the Councils Conservation officer, the solution will preserve the special architectural and historic interest of the listed building.

5.4 Annexe

The application proposes to extend the existing annexe to form a garden room. This extension will be on the north elevation of the building. The extension will be built of materials to match the stables, and be simply detailed. It is the opinion of the Councils Conservation Officer that the form and scale of the extension will maintain the character and historic interest of the stable, while the more contemporary glazing pattern will allow it to be read as a modern addition. Subject to the attachment of conditions, there is no objection to the proposed extension in terms of its setting on the listed building.

5.5 Other Issues

It is noted that the neighbouring resident has raised several additional concerns such as the impact on parking and overlooking. This however is a listed building application where the only issues for consideration re the impact on the fabric and setting of the listed building. The issue of precedent has also been raised. It is important to note that each application is assessed on its own individual merits and the granting of permission for this extension will not set a precedent for the development of the burgage plots.

6. CONCLUSION

6.1 The recommendation to grant Listed Building Consent has been taken having regard to the section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice contained in PPS 5 (Planning for the Historic Environment).

7. RECOMMENDATION

7.1 Listed Building consent be approved subject to the following conditions:

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. Notwithstanding the submitted details, development shall not commence until the detailed design, including materials and finishes, of the following items have been submitted and approved in writing by the local planning authority. The details shall be at a scale of a minimum of 1:5
 - a. All new windows (including cill and head details)
 - b. All new doors (including cill and head details).
 - c. Step handrail
 - d. eaves

For the avoidance of doubt no trickle vents shall be used, and the oak shall be oiled or left to weather naturally, and not stained or varnished.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at PPS5.

3. No development shall commence until a representative sample of clay roofing tile shall be submitted for inspection and approved in writing by the local planning authority. All development shall take place exactly in accordance with the details so agreed.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at PPS5.

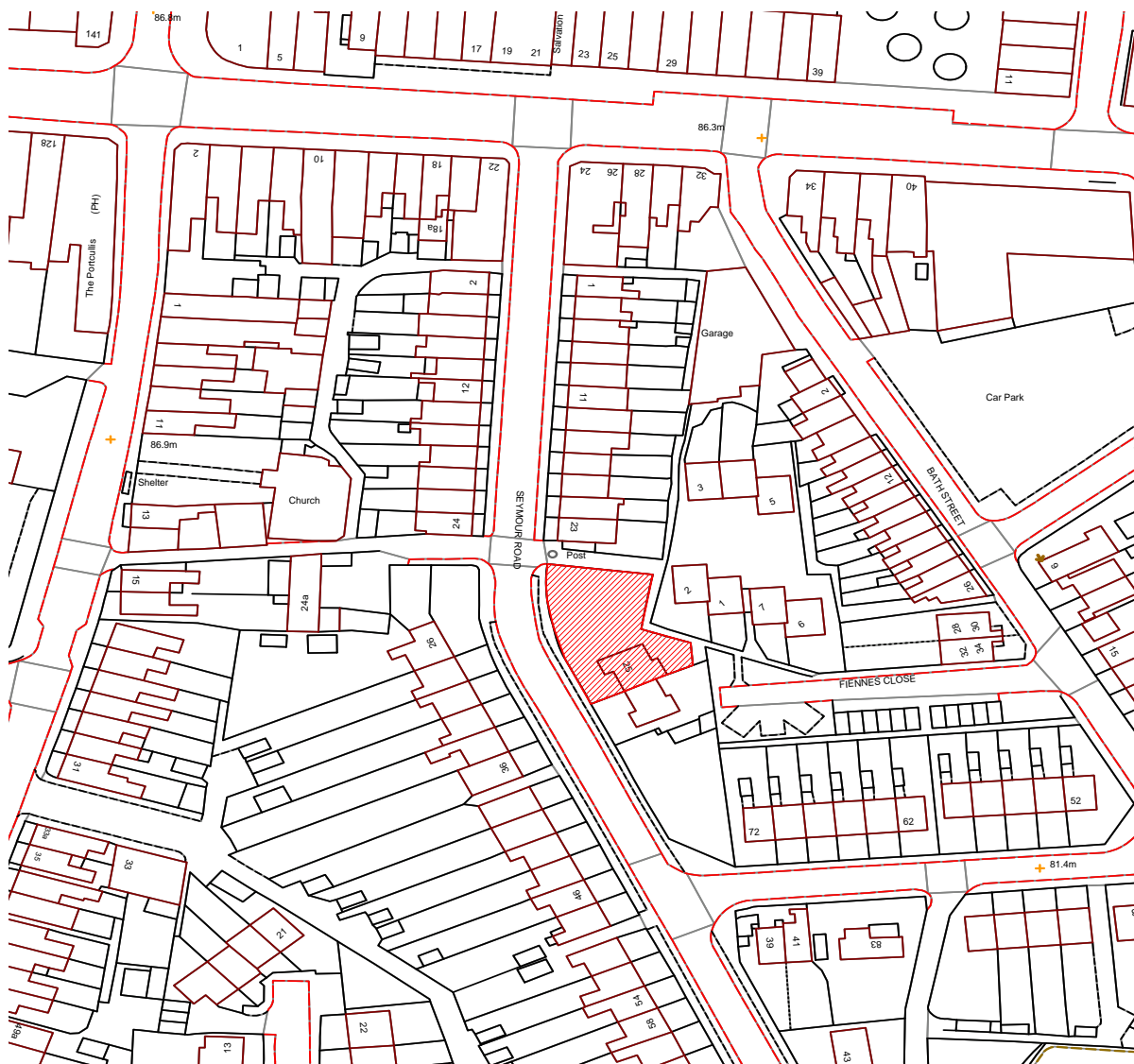
4. The stone elevation walling shall be completed to match the existing retaining wall forming the base of the extension.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at PPS5.

CIRCULATED SCHEDULE NO. 11/11 – 18 MARCH 2011

App No.:	PK11/0207/F	Applicant:	Wood And Wintle c/o agent
Site:	25 Seymour Road Staple Hill South Gloucestershire BS16 4TF	Date Reg:	4th February 2011
Proposal:	Erection of 4 no dwellings with access and associated works	Parish:	None
Map Ref:	364995 175788	Ward:	Staple Hill
Application Category:	Minor	Target Date:	30th March 2011



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 100023410, 2008. **N.T.S.** **PK11/0207/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the circulated schedule due to the receipt of several letters of objection from local residents.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of 4no. dwellings with access and parking within the garden of No. 25 Seymour Road, Staple Hill. The proposed dwellings would measure 17.2 metres wide by 8.8 metres in depth and would have an overall maximum height to ridge of 8.6 metres.
- 1.2 No. 25 Seymour Road is a two storey semi-detached dwelling, to the north of the site is a Victorian terrace and to the rear there is a staggered row of four bungalows. The site is located within an urban area of Staple Hill, close to the main Staple Hill High Street.
- 1.3 During the course of the application amended plans were received, amending the design and reducing the scale of the proposal and including details of parking provision for No. 25 Seymour Road.

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
L1 Landscape Protection and Enhancement
L17 & L18 The Water Environment
EP1 Environmental Protection
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development Control

South Gloucestershire Core Strategy, submission Draft December 2010
CS1 High Quality Design
CS16 Housing Density
CS17 Housing Diversity
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/2942/F Erection of 2no. terraced houses and 3no. flats
with access and associated works.
Withdrawn December 2010

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Site falls outside of any parish boundaries.
- 4.2 Coal Authority
Site falls within a coal mining area, as such recommend the attachment of the standard informative.
- 4.3 Environmental Protection
No objections subject to the attachment of a standard construction hours condition
- 4.4 Drainage Engineer
No objections subject to the attachment of a standard SUDs condition.
- 4.5 Sustainable Transport
No objections subject to the attachment of conditions to ensure the provision and retention of the proposed off street parking.

Other Representations

- 4.6 Local Residents
Nine letters of objection have been received from local residents raising the following concerns:
- Design and access statement states 5 dwellings not 4
 - The site was full of old beautiful trees that were all ripped out before the application was submitted.
 - Proposed buildings will not fit in with the surrounding properties
 - Plenty of houses available for sale in the area do not need more
 - Parking on the road is already a problem
 - Off street parking access is onto a bend in the road which is currently kept clear of parked cars by a single yellow line.
 - Proposal would result in cars reversing on this corner which clearly contravenes local plan policy D1, E.
 - Proposed parking is also in contravention of the building for life assessment section 13 (are the streets pedestrian cycle and vehicle friendly). Cars traversing the pedestrian route would be very hazardous.
 - Adjacent to a frequently used pedestrian and cycle path, increased highway safety risk due to poorly conceived parking.
 - There is not sufficient provision of primary school places, adding further demand would be unacceptable.

- The height of the buildings dominate this section of the street
- The modern materials will not sit well within the existing street scene.
- Seymour Road is used for parking by people using the high street and people collecting children from local primary school
- Yellow line to front of the property means no parking between 8am and 6pm Monday to Saturday.
- Most families would have two or more cars
- Parking would be difficult for construction vehicles
- Proposal would not blend with the streetscape
- Northern most property would be three storey in an area of two storey properties and bungalows
- Semi dormers mentioned are in Broad Street not Seymour Road.
- Contravene government policy for building on garden land, the site should not be considered as brown field but as a green space in an urban area.
- Four dwellings on 0.03 hectares makes 133 houses per hectare, 5 times the recommended limit.
- Parking spaces only suitable for a single small car
- Properties unlikely to attract buyers in an area where there are already properties that are vacant
- No mention regarding the negative impact on No. 25 Seymour Road
- No provision for parking or cycle sheds for no. 25, resulting in additional vehicle on the road.
- Sewers have very shallow run off and have trouble coping with 2 properties. Repeat sewerage overflow would have a negative impact on the environment and local community.
- Think more yellow lines are needed, to address parking issues.
- Represents 'garden grabbing'
- Proposed density is too high

Following the re-consultation, three letters of objection have been received from local residents raising the same concerns as for previous plans: in addition the following comments were raised

- Minimal changes have been made to mollify objectors
- Still excessively large, lacks adequate parking and contravenes government policy.

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.

PPS3 has been reissued on 9th June 2010 to reflect concerns regarding the redevelopment of neighbourhoods, loss of Green Space and the impact upon local character. The changes involve the exclusion of private residential

gardens from the definition of previously land and the removal of the national indicative density target of 30 dwellings per hectare. The existing policies in the local plan, policies H2, H4 and D1 already require that proposals are assessed for their impact upon the character of the area and that proposals make efficient use of land.

The South Gloucestershire Plan (Adopted) 2006 identifies the site as lying within the urban area. With the exception of design, Policy H2 of the adopted Local plan encompasses all the relevant issues of the above policies. Policy H2 allows for new residential development providing that the following criteria are complied with:-

5.2 (a) Development would not have unacceptable environmental or transportation effects; and would not significantly prejudice residential amenity.

In the interests of clarity these two issues will be discussed in turn.

Transportation Issues

The proposal is for the construction of four dwelling on the land adjoining No. 25 Seymour Road. The plans have been amended so that all proposed dwellings would be two-bedroom properties with access and off-street parking.

It is acknowledged that several local residents are objecting to the application and have expressed concerns regarding parking and access. In order to assess parking requirement for the development, reference should be made to the Council's parking standards as set out in policy T8. South Gloucestershire Council parking standards recommend the followings.

- one-bed dwelling parking requirement is 1 space
- two-way dwelling parking requirement is 1.5 space
- three-bed dwelling parking requirement is 2 spaces.

It must be noted that South Gloucestershire Council's parking standards are maximum standards and parking should not exceed the maximum standards in the schedule. In line with the Council's policy, the developer is proposing one parking space for each new dwelling on the site, resulting in Total of four parking spaces would be provided (i.e. one space in front of each new dwelling) for the new development. This level of parking meets the Council's parking standards. Additionally, the applicant is proposing two parking spaces for the existing dwelling, No.25 Seymour Road.

It is accepted that the proposed car parking spaces are small, they are however of a sufficient size for a standard car.

The site is within easy walking distance Staple Hill shopping centre with all amenities and employment opportunities. The site is also well located in relation to access to public transport facilities in High Street and is within easy walking distance to local parks and schools. In view of this the site is considered to be sustainable. Consequently, having consideration of the above points, it is considered that no highway objections could be substantiated in relation to parking.

Some local residents have commented on the “Yellow line” outside the application site. The Councils Transportation Officer is satisfied that the status of the “yellow line” on the road would not be affected by the new vehicular access and that there are no traffic issues or safety implications with regards to new access at this location. As such the proposal is not considered to be contrary to the relevant building for life requirements.

Overall, In view of all the above, it is considered that there can be no highway objections to the proposed development. Conditions would be attached to ensure that the parking is provided prior to the first occupation of any dwelling and retained thereafter.

Residential Amenity

The proposed dwelling would be situated on the side garden land of No. 25 Seymour Road, between this property and the blank side elevation of No. 23 Seymour Road. To the rear of the site is a staggered row of bungalows that are orientated in such a way that the blank side elevation of the nearest property, No. 2 Fiennes Close is adjacent to the site.

When measured from the nearest point the proposal development would be over 5.5 metres away from the boundary with No. 2 Fiennes Close, this property benefits from a modest sized garden which angles away from the side of the property, following the line of the pedestrian walkway. The proposed dwellings would be located adjacent to the side elevation of No. 25 and No. 23 Seymour Road and would be of a similar scale to these properties. As such it is not considered that the proposed dwellings would have any overbearing or overshadowing impact on the surrounding residential properties.

The plans show adequate private and useable amenity space would be provided to serve both the existing and proposed dwellings. Whilst it is accepted that the garden for plot property D is quite small, given that the property is only a two bedroom dwelling in combination with its urban location, this small amount of amenity space is considered acceptable in this instance. However to ensure that adequate amenity is retained it is considered appropriate to remove the permitted development rights for the properties

The proposed dwellings would overlook Seymour Road to the front and would be located over 23 metres away from the front elevations of the opposite dwellings, No's. 26 – 32 Seymour Road. Whilst it is accepted that the proposed dwellings, in particular plots C and D would to some extent overlook the rear garden of No. 2 Fiennes Close, it is considered that the fact that a first floor rear elevation window of No. 25 Seymour Road already overlooks this property, in combination with the fact that the proposed dwellings would be set back further from the site than No. 25 Seymour Road, it is not considered that the proposal would result in any significant increase in overlooking or loss of privacy over and above the levels of overlooking from existing properties.

Overall, the impact on residential amenity is therefore considered to be acceptable.

5.3 **(b) The maximum density compatible with the sites location, it accessibility and surroundings is achieved.**

With regard to concern that the proposal exceeds recommended housing density, it should be noted that recent amendment to PPS3 removed the minimum density target, there is no maximum target for housing density.

Under new government guidance whilst there is no longer a national minimum density target, PPS3 seeks to ensure the most efficient use of land. Officers are satisfied that having regard to the sites constraints, the pattern and scale of existing development, access and impact on residential amenity, no more than the four dwellings proposed could be accommodated on the site. As such it is considered that the proposal makes an efficient use of the land.

5.4 **(c) The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination.**

The new dwellings would be subjected to no greater levels of noise, dust, pollutants etc than the existing dwellings in the vicinity.

5.5 **(d) Provision for education, leisure, recreation etc. in the vicinity is adequate to meet the needs arising from the proposal.**

The proposal is only for 4 two bedroom dwellings and therefore it is considered that the proposal would not have a significant impact on the area in terms of service provision.

Concern has been raised that there is not sufficient provision of primary school places, and as such adding further demand would be unacceptable. It should be noted that the proposal is for four dwellings only which is below the agreed threshold for the Council to request contributions.

5.6 Design / Visual Amenity

Several amendments have been made since the initial submission and the resultant proposal is considered to be of an appropriate standard in design and would reflect the character of the surrounding area.

The proposed dwellings would all be two stories in height with a staggered roof line to bridge the change in levels between No. 23 Seymour Road and No. 25 Seymour Road. It is considered that the proposal is well proportioned and would be in keeping with the scale of the surrounding properties. Whilst concern has been raised that the proposal would not be in keeping with the surrounding area, the proposed dwellings would have hipped roofs to match the surrounding properties and would have a render finish with a stone string course, which is in keeping with the local vernacular which is dominated by stone and render, aiding the integration of the proposal within the street scene. The end dwellings, plots A and D both step forward, reflecting the projecting bays of the surrounding properties.

It should be noted that there are a variety of housing types in the immediate vicinity with the Victoria terrace to the North of the site, the post war two storey terrace with projecting bays to the south and the bungalows to the rear. It is therefore considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

5.7 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 attaching a standard condition outlining the hours of construction. There are therefore no objections on environmental grounds. In terms of drainage the Councils Drainage Engineer has raised no objection to the proposal. A condition would however be required to secure the submission of a full drainage scheme for approval before development could commence. With regard to concern raised regarding the existing sewer, it should be noted that this would be covered by other legislation such as building regulations, furthermore connection to a private sewer, is a private civil matter for the applicant/developer and users to agree.

5.8 Other Issues

With regard to an objection raised on the issue that there is no demand for properties in the area, it should be noted that in order to support mixed communities in all locations the council is supportive of the development of a variety of housing types. Furthermore the council is required to meet a rolling 5 year supply of housing land, whilst it is considered that this target has been met it has not been greatly exceeded, as such it is considered that there will be a demand for housing.

It has been brought to Officer's attention that several trees have been removed from the site prior to the submission of the planning application. The site does not fall within a designated conservation area and there is no record of any tree preservation orders at the site. As such, whilst it is accepted that the trees were possibly a positive contribution to the visual amenity of the area, the removal of the trees did not need any prior consent from the local planning authority.

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 (a) The layout and scale of the proposal has fully taken account of neighbouring residential amenities and the amenity of future occupiers to accord with Policy H2 of the South Gloucestershire Local Plan Adopted January 2006
- (b) The scale of the proposal is appropriate to the site and to the wider area to accord with Policy D1 and H2 of the South Gloucestershire Local Plan Adopted January 2006
- (c) The proposal offers adequate parking provision and will not adversely affect the surrounding highway network to accord with Policy T8 and T12 of the South Gloucestershire Local Plan Adopted January 2006

(d) The scheme is considered to demonstrate that the siting, overall layout, scale, height, massing, detailing and materials are informed by and respect the character of the locality in general.

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

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy D1, and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

5. The parking areas on site hereby approved shall be bound with permeable material and such areas shall be maintained satisfactory thereafter.

Reason.

To ensure a satisfactory means of drainage and pollution control in order to comply with Policyies L17, L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. 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 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

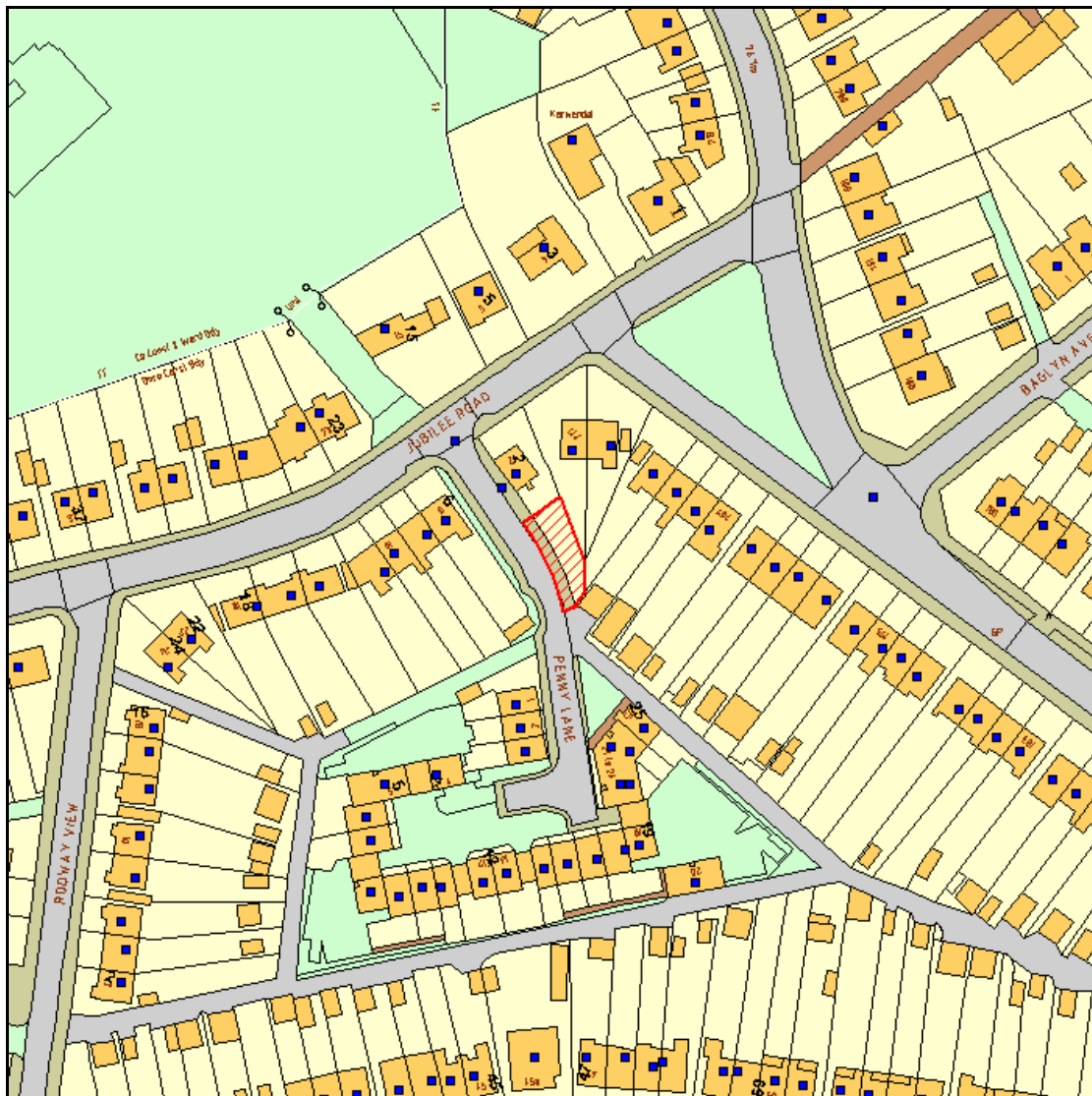
7. The hours of working on site during the period of construction shall be restricted to 07.30 - 18.00 Monday - Friday, 08.00 - 13.00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of 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.

CIRCULATED SCHEDULE NO. 11/11 – 18 MARCH 2011

App No.:	PK11/0250/F	Applicant:	Mr D Bennett
Site:	Land At 2 Jubilee Road Kingswood Bristol South Gloucestershire BS15 4XG	Date Reg:	7th February 2011
Proposal:	Erection of 1 no. dwelling with associated works (Re-Submission of PK10/1434/F)	Parish:	None
Map Ref:	365603 175447	Ward:	Rodway
Application Category:	Minor	Target Date:	31st March 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been forwarded to the Council's Circulated Schedule of applications as representations have been received raising views contrary to the Officer recommendation.

1. THE PROPOSAL

1.1 The application site is situated within a predominantly residential part of Kingswood. The application site forms the rear section of the original garden of no.2 Jubilee Road and is currently fenced off from the existing plot for no.2. The site is bounded by residential development to the north and east with a new access road running along the west boundary serving a new housing development to the south.

The application site is situated within the urban area as defined in the adopted Local Plan.

1.2 The application proposes erection of 1 no. single storey dwelling with associated works. This application is a re-submission of PK10/1434/F.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
H4 Development within Existing Residential Curtilages
T8 Parking Standards
T12 Transportation for New development

South Gloucestershire Core Strategy – Submission Draft December 2010

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility

2.3 Supplementary Planning Guidance/Documents
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

3.1 PK04/2527/F Demolition of No.4 Jubilee Road and buildings on land to the rear. Erection of 24 no. dwellings and construction of new access off Jubilee Road. Construction of car parking & associated works.

- Approved 10.05.2006
- 3.2 PK07/2981/F Demolition of 1no. dwelling to facilitate the erection of 2no. dwellings and garages with associated works.
Withdrawn
- 3.3 PK08/0276/F Demolition of existing dwelling to facilitate the erection of 1no. dwelling and detached garage with associated works. (Resubmission of PK07/2981/F).
Approved 18.03.2008
- 3.4 PK09/1199/F Erection of 1 no. dwelling with associated works.
Refused 25.08.2009
- 3.5 PK09/5719/F Erection of 1 no. dwelling with associated works. (Resubmission of PK09/1199/F).
Refused 01.12.2009
Appeal dismissed
- 3.6 PK10/1434/F Erection of 1 no dwelling with associated works (Resubmission of PK09/5719/F)
Refused 18.08.2010
Appeal dismissed

4. CONSULTATION RESPONSES

4.1 Consultees [including internal consultees of the Council]

Sustainable transport – No objection

Drainage Engineer – No objection, subject to a condition requiring sustainable drainage system to be implemented

Coal Authority – No objection, standing advice to be attached to the decision notice

Other Representations

4.3 Local Residents

1 letter of objection received from the occupiers of 217 Station Road raising the following concerns:

Less than a metre from the boundary with no.217; overbearing impact on no.217; tunnel effect would be experienced in the garden of no.217; proposed levelling off and provision of gabions would raise the ground level adjacent to no.217 by 1m with 1.8m fence above; harmful impact on outlook and living

conditions; impact on the amenity of no.2 and their rear conservatory; proposal would result in additional strain on the drainage network and create problems with rainwater disposal; the proposed gabions would exacerbate any drainage issues; unacceptable access would create highway safety issues; Insufficient manoeuvring space would be available for vehicles; Insufficient off street parking provided; garden grabbing and the loss of garden land within the urban area contrary to advice in PPS3

One letter received from the occupiers of 2 Jubilee Road indicating that they are unable to comment on the application due to a clause attached to their contract of sale stating they shall raise no objection to any planning application related to the application site.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policies H2 and H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for erection of infill dwellings within existing curtilages and within the urban area, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity and highway safety and an appropriate density of development is achieved. Other issues will also be considered relating to highway safety (Policy T12), parking (Policy T8) and landscape protection (Policy L1).

Whilst the application site was once part of the rear garden of no.2 Jubilee Road, it has for some time been fenced off and separated from the garden and as such it is considered that it would be more suitable to consider the proposal against Policy H2 of the adopted Local Plan.

The South Gloucestershire Core Strategy Pre-Submission Publication Draft was issued March 2010 and the consultation period expired on 06.08.2010. The Council's response to the representations received was considered at the Council's Cabinet meeting on 13 December 2010 and at the Full Council meeting on 15 December 2010 and the proposed changes to the Core Strategy agreed by Full Council have now been published. The South Gloucestershire Core Strategy Submission Draft was the published December 2010. Whilst this document is a material consideration in the determination of planning applications, it will be afforded less weight than the adopted Development Plan at this stage.

5.2 Residential amenity

Officers refused a previous application for a two storey dwelling on this site (PK09/5719/F) due to concerns over the proximity of the proposed dwelling in relation to no.2. In dismissing the subsequent appeal related to application PK09/5719/F the Inspector agreed that the impact on the amenity of the future occupiers of no.2 Jubilee Road to be unacceptable especially in relation to their conservatory. The Inspector also considered the impact in relation to no.217 and wrote *inter alia*,

'..I am concerned about the scale and bulk of the proposed building and its close proximity to the eastern boundary of the site. I consider that the presence of the building would unduly impose on the aspect and outlook of the property and its garden.'

A revised scheme to PK09/5719/F was the submitted PK10/1434/F with which the applicant sought to address the concerns of the Council and Inspector by making the following amendments:

- A reduction in the ridge height of the dwelling by 0.65m.
- Reducing the scale of the building at its north end to single storey, thus moving the two storey element of the building away from no.2 by a further 2.5m.
- The building has been moved slightly further away from the boundary with no.2
- The eaves height has been reduced

This application was also refused for the same reasons of impact in relation to bulk and overbearing impact on the neighbouring dwellings. The subsequent appeal was also dismissed.

The current submission has reduced dramatically the scale of the building such that the proposal is now a bungalow measuring 2.25m to eaves and 3.9m to ridge. The building would measure 11m in length and roof would measure 11.6m length. The ground level in relation to no.217 is approximately 0.5m higher and the ground level falls through the site from the road to no.217. The proposed dwelling would be situated 1m from the boundary with no.217 and 6.4m from the rear conservatory of no.2 (9m to the rear elevation of no.2).

Officers have negotiated removal of originally proposed gabions which would have levelled the site raising the height on the boundary with no.217. This would have resulted in a significant presence of the resultant ground level, the 1.8m fence on the boundary and the proposed dwelling. The amended scheme provides a reduced ground level within the building and retains the slope within the site.

It is considered that the presence of the building at 2.3m in height at the rear at a distance of 1m from the neighbouring dwelling no.217 would not be detrimental and the shallow roof pitch (with ridge at 4.3m above ground level of no.217 but at a distance of 4m from the boundary with no.217) would not materially increase the presence/perception of built form. As such the dwelling would not be overbearing when experienced from the rear garden and rear elevation of no.217. In relation to no.2, the proposed dwelling would be modest in scale and sufficient distance for there to be no significant overbearing impact

As such the proposed dwelling would not prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development, loss of outlook. Additionally, being single storey, the proposed dwelling would not result in a material loss of privacy to the adjacent occupiers.

5.3 Visual amenity

Policy D1 of the Local Plan requires all new development to be well-designed. Officers raised no significant concerns in relation to the design of previous applications PK09/5719/F and PK10/1434/F. In the two subsequent appeals, the respective Inspectors raised no significant issues in relation to visual amenity. The revised proposal has made some significant design changes to reduce the overall scale of the building with the proposed scheme being a single detached bungalow. The general design of the scheme has been watered down as a result of the reduced scale but the design is still of good quality and the presence of the building in the street scene is modest. The proposed dwelling would have a fresh clinical modern appearance using smooth render and glazed panels. As such the proposal is considered to be in keeping with the character distinctiveness and amenity of the surrounding area in accordance with the criteria of Policy D1.

5.4 Highway matters

The proposal would provide one off street parking space towards the north of the site. The off street parking provision and its location remain largely unchanged from previous submissions PK09/5719/F and PK10/1434/F. The proposal would provide one off street parking space for a two bedroom bungalow, which meets the Council's adopted maximum parking standard. Vehicles would reverse on or off the highway which is an unclassified cul de sac. It is considered that this manoeuvring arrangement is acceptable and the manoeuvring space available is sufficient in the interest of highway safety. As Officers raised no objection to the previous scheme in highway safety terms and this was not questioned in the subsequent appeal, the proposal is considered to be acceptable in highway safety terms.

5.5 Drainage

The proposal would provide foul drainage to the main sewer system via a foul drainage spur in the north west corner of the plot. This accords with the sequential test requirements of Government Circular 3/99 and is therefore considered to be acceptable.

Surface water would be disposed of via soakaway. A condition is recommended which would require the applicant to submit details of a Sustainable Drainage System (SUDs) for approval prior to commencement. This will ensure drainage is disposed of through the site alone using soakaway system and permeable paving. It is considered that the site could accommodate sufficient drainage facilities. As such subject to approval of this condition, the scheme is considered to be acceptable in drainage terms.

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. A summary of reasons for granting planning permission in accordance with article 22 of the town and country planning (general development procedure) order 1995 (as amended) is given below.
- a) Due to its scale and position in relation to the adjacent dwellings, the proposed development is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H2, H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - b) It has been assessed that the proposed dwelling has been designed to respect and maintain the massing, scale, proportions, materials and overall design and character of the street scene and surrounding area. The development therefore accords to Policy D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
 - c) The proposal would provide adequate parking facilities and the turning and manoeuvring arrangements are acceptable in the interest of highway safety. The development therefore accords to Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

- 7.1 Consent is GRANTED subject to the conditions and informatives as outlined in the attached decision notice:

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To protect the character and appearance of the area to accord with Policies H2, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. 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 H2, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason

To protect the character and appearance of the area to accord with Policies H2, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The dwelling shall be constructed in strict accordance with the finish floor level, eaves and ridge height as shown on the approved drawings in sections A-A and B-B on drawing no.JRK/S3/PL03C using the survey data is shown on the approved drawings.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy [D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy [D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. 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.

9. 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 and L8 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 11/11 – 18 MARCH 2011

App No.:	PK11/0288/F	Applicant:	Girl Guiding Bristol And South Gloucestershire
Site:	Briarlands Activity Site Wick Lane Upton Cheyney South Gloucestershire	Date Reg:	11th February 2011
Proposal:	Erection of detached single storey building to provide toilet facilities.	Parish:	Bitton Parish Council
Map Ref:	369849 170847	Ward:	Bitton
Application Category:	Minor	Target Date:	6th April 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

An objection has been received from the public contrary to the officer recommendation, as well as an objection from Technical Services.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a toilet block to serve the Girl Guide camping facility in the open countryside and the Green Belt. The only building at present on this site is a single storey chalet-type building of weatherboarding and render, under a tiled roof. The overall site is enclosed from the road by a tall stone wall and gates of a similar height and consists of a rectangular field with mature hedgerow boundaries. Beyond those are open fields.
- 1.2 The proposal is to site the toilet block uphill from and to the east of the existing building, where the existing building would largely screen any views into the site from the road frontage. A separate application has been submitted at the same time for extensions to the existing building.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG2 Green Belt
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
GB1 Development in the Green Belt
L1 Landscape
L2 Cotswolds AONB
LC5 Outdoor recreation facilities
EP1 Environmental Pollution
T12 Highway safety
- South Gloucestershire Core Strategy -Submission Draft (December 2010)
CS1 High Quality Design
CS2 Green Infrastructure
- 2.3 Supplementary Planning Guidance
Development in the Green Belt

3. RELEVANT PLANNING HISTORY

- 3.1 P96/4383 Erection of facilities building for Guides Approved
- 3.2 PK08/0196/F Erection of two wet weather shelters Approved
- 3.3 PK11/0286/F Erection of extensions to camping building Undetermined

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Support the application.

4.2 Other Consultees [including internal consultees of the Council]
Sustainable Transportation

There are no highway objections to this proposal.

Landscape Officer

The application is for a new toilet facilities building, located alongside the existing facilities block. The location has been chosen to tie in with the existing building and minimise visual impact, as the block is located next to the boundary hedgerow.

It is considered that there is no landscape character or visual amenity objection to the proposal with regard to Policies L1, L2, D1 & GB1.

Technical Services

Object to the application on the following grounds:

Drainage details are required to demonstrate that the risks of flooding and pollution have been eliminated. Full Planning Permission involving a new septic tank submitted without a DETR assessment:

No public foul sewers are readily available. A septic tank with an approved method of irrigation for the overflow effluent will be required. A full planning or reserved matters application requiring the use of a new septic tank must be accompanied by a report confirming proof of compliance with all the factors listed in paragraph 6 of DETR Circular 03/99. Consult the Environment Agency for the need to obtain a 'Discharge Consent'. Building Regulation approval must also be obtained.

Other Representations

4.3 Local Residents

One letter of objection was received, stating the following concerns:

- The site is used for private functions as well as by the Girl Guides, which could be in breach of the terms of the original planning permission
- The present accommodation is adequate for the Guides' needs

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The initial assessment needs to be made of whether this proposal can be regarded as inappropriate development in the Green Belt or otherwise. Beyond this, an assessment of the impact of the proposal on the openness of the Green Belt and the size of the facility has to be made and then issues such as design and the impact on the visual amenity of the Green Belt.

5.2 GB1: Inappropriate Development?

The site is currently used by the Girl Guides for outdoor activities, principally camping, and this is considered to be a recreational use. In terms of the use of the land, this is considered to fall within the limited categories of use which are not inappropriate in the Green Belt and as long as the proposed building is for essential purposes, supporting that use, the proposal is considered to represent development that is in accord with policy GB1.

5.3 GB1: Size of building and effect on the openness of the Green Belt

The most important attribute of the Green Belt is stated in PPG2 as its openness. Therefore, if it were possible for the functions proposed for this building to be incorporated within the existing building, the openness of the Green Belt could be preserved on this site. The existing building is however the subject of a separate current planning application for extensions and it is therefore considered that under these circumstances, it could not incorporate a toilet and shower block within it as it is already too small. The building is considered to be no larger than it would need to be to provide the essential facilities of showers, toilets and a disabled toilet. There will therefore be some effect on the openness of the Green Belt through the erection of the proposed building. It stands to be assessed whether this effect has been minimised through suitable siting.

From the public realm, the only view that can be obtained of this corner of the site gives a view of the existing building, through the gates. The proposed toilet/shower block would be on slightly higher ground than the existing building, but smaller than it, therefore most of its bulk would be screened from public view by the existing building. The siting is therefore considered to be acceptable in order to minimise any impact on the openness of the Green Belt. This aspect of the proposal is also considered to accord with policy GB1.

5.4 GB1 and D1: Design and visual amenity

The context for the design of the proposed building is considered to be set by the existing building on site, as any departure from this, notwithstanding the limited level of visibility from the public realm as identified above, could be regarded as inappropriate design for a building in this location. The materials to be used in the construction of the new building are indicated to match those of the existing building and this is considered to be an appropriate design approach, according with policy D1 and not harming the visual amenity of the Green Belt, according with policy GB1 of the adopted Local Plan.

5.5 Drainage

An objection has been received from Technical Services requiring full drainage details as part of the determination of this application, in order to demonstrate that there will be no flooding or pollution arising. However, it is considered that a condition requiring these details would suffice in this instance. The condition would have to be cleared prior to the commencement of any works on the site and this should lead to a solution being found which would not result in flooding or pollution as a result of the proposal.

5.6 Transportation

The highway comments at 4.2 above indicate that the proposal would not give rise to any additional hazards to highway safety in connection with the proposal. It is considered that the proposal would satisfy policy T12.

5.7 Policy LC5

Policy LC 5 sets criteria to be met by development proposals for outdoor sports and recreation development proposals. Criterion A deals with new facilities which does not apply in this instance; B is concerned with landscape impact,

which as covered at 4.2 above, is not considered to be compromised by this proposal and C is for environmental and transportation effects, covered in the preceding two paragraphs. Criterion D requires that the proposal should not unacceptably prejudice residential amenities. The consultation process has raised issues under this heading. Noise from the site as existing has been identified as a problem. However, this proposal is not related to the use of the site, but the erection of a new building. It is not considered that the proposed building on the site would lead in itself to additional noise and therefore criterion D is considered to be satisfied. Criterion E is concerned with on-street parking and highway safety, covered in the previous paragraph. The additional building is not considered to be likely to lead to additional parking and any additional parking requirement would in any event be catered for within the site. The final criterion is concerned with lighting and advertisements which may affect residential amenity or highway safety. No lighting or advertisements are proposed under this application. It is therefore considered that the proposal accords with policy LC5.

5.8 Other Issues

The issue raised about the use of the site is one for Planning Enforcement. If any breach of the current planning permission is taking place, this could be dealt separately from the determination of this planning application.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposal would support the recreational use of the site, raising the accommodation standards to an acceptable level, while not harming the purposes of including land within the Green Belt, the openness of the Green Belt and the visual amenity of the Green Belt. Neither would there be any harm to residential amenity. The proposal is therefore considered to accord with policies GB1, D1, LC5, L1, L2 and T12, of the adopted South Gloucestershire Local Plan.
- 6.3 The recommendation to approve 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 approved, subject to the conditions shown.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. Prior to the commencement of development drainage detail proposals incorporating a septic tank compliant with paragraph 6 of DETR Circular 03/99, 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 prevent non-point source pollution and flooding, and to accord with Policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

DEVELOPMENT CONTROL (EAST) COMMITTEE – 18 MARCH 2011

App No.:	PK11/0307/F	Applicant:	Mr A Bates
Site:	8 Melrose Close Yate Bristol South Gloucestershire BS37 7AY	Date Reg:	2nd February 2011
Proposal:	Erection of single storey side and rear extension to provide additional living accommodation.	Parish:	Yate Town Council
Map Ref:	372233 182642	Ward:	Yate Central
Application Category:	Householder	Target Date:	29th March 2011



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 100023410, 2008. **N.T.S.** **PK11/0307/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This planning application has been referred to the Circulated Schedule in light of objections received from a local resident regarding the proposed development.

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the erection of a single storey side and rear extension to form additional living accommodation.
- 1.2 The application site relates to a semi detached dwelling within the established residential area of Yate.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
H4 Extensions

South Gloucestershire Core Strategy Pre-submission Draft March 2010

CS1 High Quality Design

- 2.3 Supplementary Planning Guidance
SPD Design

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No objection

Other Representations

- 4.2 Local Residents

One letter has been received from a local resident raising the following planning objections regarding the proposed development, which have been summarised by the Planning Officer as follows:

- Extension from front elevation will be out of character with street scene
- Impact on on-street car parking

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Plan allows for extensions to existing dwellings, subject there being no adverse impact on existing visual and residential amenities. Policy CS1 of the Core Strategy seeks to achieve high quality design.

5.2 Visual Amenity

The application site relates to a two storey semi detached dwelling within the established residential area of Yate. The property is situated within a cul-de-sac. The dwelling has a red brick finish with brown coloured profiled roof tiles. This application seeks planning permission for the erection of a single storey side and rear extension.

5.3 Objections have been raised on the grounds the front elevation will be out of keeping with the character of the street scene. Due to the configuration of the application site the proposed extension will measure 1.80m at the front and get wider towards the rear. The proposed rear extension will tie in with an existing single storey rear extension.

5.4 The extension will be set back 2.0m from the front building line of the existing dwelling, and views of the side elevation will largely be screened by no.6 Melrose. It is considered the proposed extension by reason of its scale, design and siting would not have adverse impact on the character of the dwelling or immediate street scene.

5.5 Residential Amenity

The proposed single storey side extension will be sited alongside the adjoining boundary of no. 6 Melrose, which consists of a low boundary wall. The extension will be sited 3.60m within the side elevation of no.06 at the nearest point and 5.80m at the furthest point. It is considered that the proposed single storey side and rear extension by reason of its siting and scale would not have an adverse impact on the existing residential amenities of no.6 in terms of loss of privacy or overbearing impact.

5.6 Transportation Issues

Objections have been raised on the grounds the proposed development will result in the loss of on site car parking, where there are already problems of on street car parking.

5.7 At present there is on site car parking provision for three cars i.e garage and 2 unenclosed parking spaces. The proposed extension by reason of its siting will result in the loss of the garage and one unenclosed parking space, leaving one car parking space. The Council's car parking standards for a three-bedroom dwelling recommends 2 spaces. Regard must be had for the fact these standards are maximum standards. As this site is considered to be within a reasonable sustainable location, the Planning officer is of the opinion as there is provision for one on site car parking space which is in line with the Council's maximum car parking standards, the proposed development would not have an unacceptable impact on road and pedestrian safety.

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 decision to recommend 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.

- a) The proposed extensions has been designed to positively enhance the character and appearance of the dwelling and area taking account of materials, design, siting, height and scale of the development-Policies D1 and H4.
- b) The proposed extensions have taken account of neighbouring residential amenities and through careful design, the proposal will not materially harm the amenities of neighbouring properties by reason of loss of privacy or overbearing impact-Policy H4
- c) The development maintains satisfactory levels of onsite car parking to meet highway car parking standards-Policy T12

7. RECOMMENDATION

7.1 Planning permission be granted subject to the following planning conditions.

Contact Officer: Tracey Price
Tel. No. 01454 863424

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 extensions 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.

CIRCULATED SCHEDULE NO. 11/11 – 18 MARCH 2011

App No.:	PK11/0443/F	Applicant:	Mr L Weston
Site:	53 North Street Oldland Common South Gloucestershire BS30 8TT	Date Reg:	18th February 2011
Proposal:	Erection of single storey front extension to form porch and additional living accommodation.	Parish:	Bitton Parish Council
Map Ref:	367408 171745	Ward:	Oldland Common
Application Category:	Householder	Target Date:	13th April 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of one letter of objection from a neighbouring resident.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a single storey front extension to span the width of the existing dwelling. The proposed extension would have a depth of 1.9 metres and a simple lean too type roof. The purpose of the extension is to provide an enlarged living room and entrance porch. There is an existing lean too front porch that will need to be removed to make way for the extension as proposed.
- 1.2 The application site relates to a two storey mid-terrace stone cottage located within the residential area of Oldland Common opposite Sir Bernard Lovell School.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

South Gloucestershire Core Strategy, Submission Draft December 2010
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/1300/F Erection of rear conservatory.
Approved June 2006
- 3.2 PK04/2867/F Erection of two storey and single storey rear extension to form additional accommodation, and raising of existing roof over part of dwelling (Resubmission of PK03/1242/F).
Approved October 2004
- 3.3 PK03/1242/F Erection of two storey rear extension to form additional accommodation and raising of existing roof over part of dwelling.
Approved September 2003

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

Bitton Parish Councillors raise no objections to the proposed development but did voice some concern over possible overbearing on the adjacent property

Other Representations

4.2 Local Residents

One letter of objection has been received from a local resident who notes that they have a large bay window immediately adjacent to the proposed extension. The concern is that the proposed extension will create a very considerable reduction in natural daylight available. The effect of the proposed extension would be to put the neighbours bay window and front room into a stone corner.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policies D1 and H4 of the South Gloucestershire Local Plan allows for development providing it is in keeping with the character of the area and satisfies several criteria relating to design, scale, highway and impact upon visual and residential amenities being met.

5.2 Design and Visual Amenity

The proposed single storey front extension is considered to demonstrate a good standard of design that will integrate successfully into the street scene and character of the area. The immediately adjacent properties have a variety of front extensions already in place including porches, dormer windows and lean too extensions and canopies. Careful consideration has been paid to the design of the extension through the use of natural stone with buff brick window and door surrounds to ensure the extension integrates successfully with the existing dwelling and surrounding properties

As such it is considered that in terms of its scale and design the proposed extension accords with policy D1 of the Local Plan.

5.3 Residential Amenity

It is noted that the occupants of the attached property are concerned that the proposed extension would result in the overshadowing of their existing front bay window. It is not considered however that the proposed extension, given that an existing front porch is already in place and given the limited depth of the proposed extension, would have any significant or detrimental impact on the existing levels of residential amenity.

The existing front porch (to be demolished) is erected up to the boundary with the attached dwelling. This front porch has a depth of 1.4 metres and a height to eaves of 2.2 metres. By means of comparison, the proposed extension would have a depth of 1.9 metres and a height to eaves of 2.2 metres. It is not considered that the very limited increase in depth by 50cm will result in any unacceptable impact on residential amenity for neighbouring occupants.

Furthermore, it is considered that there are no issues relating to loss of sunlight/daylight and sufficient garden space will remain following the development to serve the property. The impact on residential amenity is deemed acceptable.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed extension demonstrates a good standard of design that will reflect and enhance the character of the existing dwelling. Furthermore, the existing level of residential amenity afforded to neighbouring properties is protected. As such the proposal accords with Policies D1 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 conditions on the decision notice.

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).

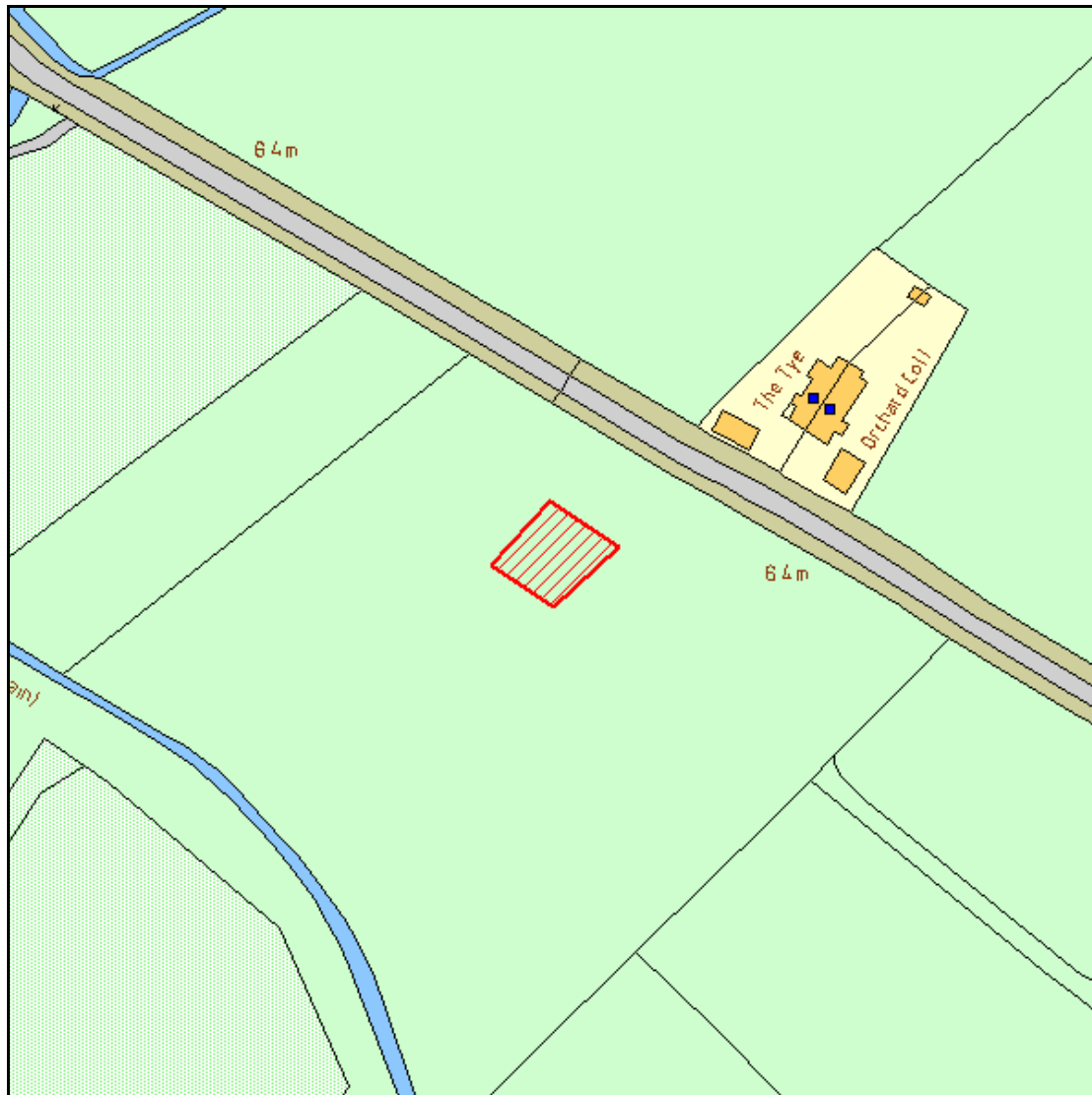
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 11/11 – 18 March 2011

App No.:	PT10/3187/F	Applicant:	Mr Alister Reynish
Site:	Land Off Vimpenys Lane Easter Compton South Gloucestershire	Date Reg:	1st February 2011
Proposal:	Erection of an agricultural building for the storage of agricultural machinery, fodder and livestock.	Parish:	Almondsbury Parish Council
Map Ref:	356018 182272	Ward:	Almondsbury
Application Category:	Minor	Target Date:	28th March 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as concerns were raised in representations made to the Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of an agricultural building for the storage of agricultural machinery, fodder and livestock.
- 1.2 The application site relates to a parcel of agricultural land located off Vimpenneys Lane, Compton Greenfield where the proposed building is to be sited. The site is located within the Green Belt in open countryside and also within Flood Zone 3a.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS4	Planning for Sustainable Economic Development
PPS7	Sustainable Development in Rural Areas
PPS25	Development and Flood Risk

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
EP1	Environmental Pollution
EP2	Flood Risk and Development
GB1	Development within the Green Belt
L1	Landscape Protection and Enhancement
E9	Agricultural Development

2.3 Supplementary Planning Guidance

Development in the Green Belt (2007)
South Gloucestershire Council Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant history.

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

Support, conditional on the building being used for agriculture.

4.2 Other Consultees

Environment Agency

No objection.

Transportation

No objection.

Other Representations

4.3 Local Residents

One letter was received raising no objection but requesting that the following issues are noted as conditions:

- The barn will be positioned as close to the easement strip for the Seabank high-pressure gas pipeline, which crosses the field, as regulations permit. This will minimise the visual impact of the barn on our property.
- There is no reference in the application to external lighting on the barn as there will be none.
- There is no explanation of the routing and structure for overhead, vulnerable services mentioned in the application. There will be none as it is not intended to supply the barn with either electricity or water.
- No animal waste removed from the barn will be stored and allowed to accumulate in the field so there will be no resultant, negative environmental impact caused by odour, insects or slurry polluting the adjacent ditches.
- The barn will be used to store agricultural machinery currently kept in the field and that, once built, the field will not be used to store further equipment and machinery.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy GB1 of the Local Plan allows in principle for the construction of new buildings for agriculture.

Policy E9 of the Local Plan relates to the erection of agricultural buildings. Permission is therefore granted subject to the satisfaction of the following criteria:

5.2 **They are sited on land which is in use for agricultural purposes and there are no existing suitable underused buildings available;**

5.3 The building proposed here is sited on an agricultural holding. On visiting the site it was clear that there were a number of agricultural machines and vehicles that were being stored on the land. The applicant's Design and Access

Statement states that the building will be used in conjunction with the grazing of livestock. This small scale farming enterprise is based on rearing beef cattle and breeding a small flock of sheep. Overall, it is accepted that the land is in use for agricultural purposes and that there are no other agricultural buildings on the land that could be utilised and so the principle of constructing an agricultural building on the site is considered acceptable.

5.4 **Adequate provision is made for access and manoeuvring of machinery and livestock to avoid the perpetuation, intensification or creation of a traffic hazard;**

5.5 There is an existing access to the site from Vimpenneys Lane, an unclassified road. The proposed use and new agricultural building would not generate a high level of traffic. It is considered that the low level of traffic generated by the proposal would not prejudice highway safety. The Council's Highways Officer has raised no objection to the proposal.

5.6 **Development would not have unacceptable environmental effects;**

5.7 A Flood Risk Assessment (FRA) was submitted with the application and identifies the site as being in Flood Zone 3a. The FRA notes that the intended use of the building for agricultural purposes is of a low vulnerability according to Table D.3 – Flood Risk Vulnerability and Flood Zone Compatibility matrix and as such the proposed development is considered to meet the requirements of the sequential test as set out in PPS25 and the development is appropriate in this respect. The FRA makes a number of recommendations to mitigate against flooding, and these are also suggested by the Environment Agency who raise no objection to the development subject to informatives being attached to the decision notice. These are however proposed in the recommendation as conditions.

5.8 **The proposal would not prejudice the amenities of people residing in the area.**

5.9 The proposed building would be located away from any nearby residential properties and therefore there would be no overbearing or loss of privacy impact. As noted by the local resident, there will be no external lighting or storage of waste outside the building however it is not considered expedient to condition these matters.

5.10 Landscape / Design

The site is located in close proximity to many other agricultural and other types of rural building all along Vimpenneys Lane. There is partial screening in the form of mature vegetation around the site. It is not considered the proposed building would therefore not have any widespread visual impacts. It is considered there are no landscape objections to the proposal in the context of Policies L1 and E9.

5.11 In terms of design, the building is proposed to be constructed of a mixture of concrete block, green profile metal sheeting, steel doors, Yorkshire boarding

and a fibre cement sheeted roof giving the building a fairly agricultural appearance. The location of the building, as drawn on the location plan is acceptable and there is no reason to condition this. The size and scale of the building is considered appropriate given the size of the site and other agricultural buildings in the local area.

5.12 Improvements Achieved to the Scheme

None deemed necessary.

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 proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

- a) The proposal would not prejudice highways safety, residential amenity or have any unacceptable environmental effects. The proposal therefore accords to Policy E9 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The design of the proposed building is considered acceptable and it would not have an unacceptable impact on the surrounding landscape. The proposal therefore accords to Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- c) The proposal represents appropriate development within the Green Belt. The proposal therefore accords to Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of PPG2.

7. RECOMMENDATION

7.1 That planning permission is **GRANTED** subject to the following conditions.

Contact Officer: William Collins
Tel. No. 01454 863425

CONDITIONS

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

Reason

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

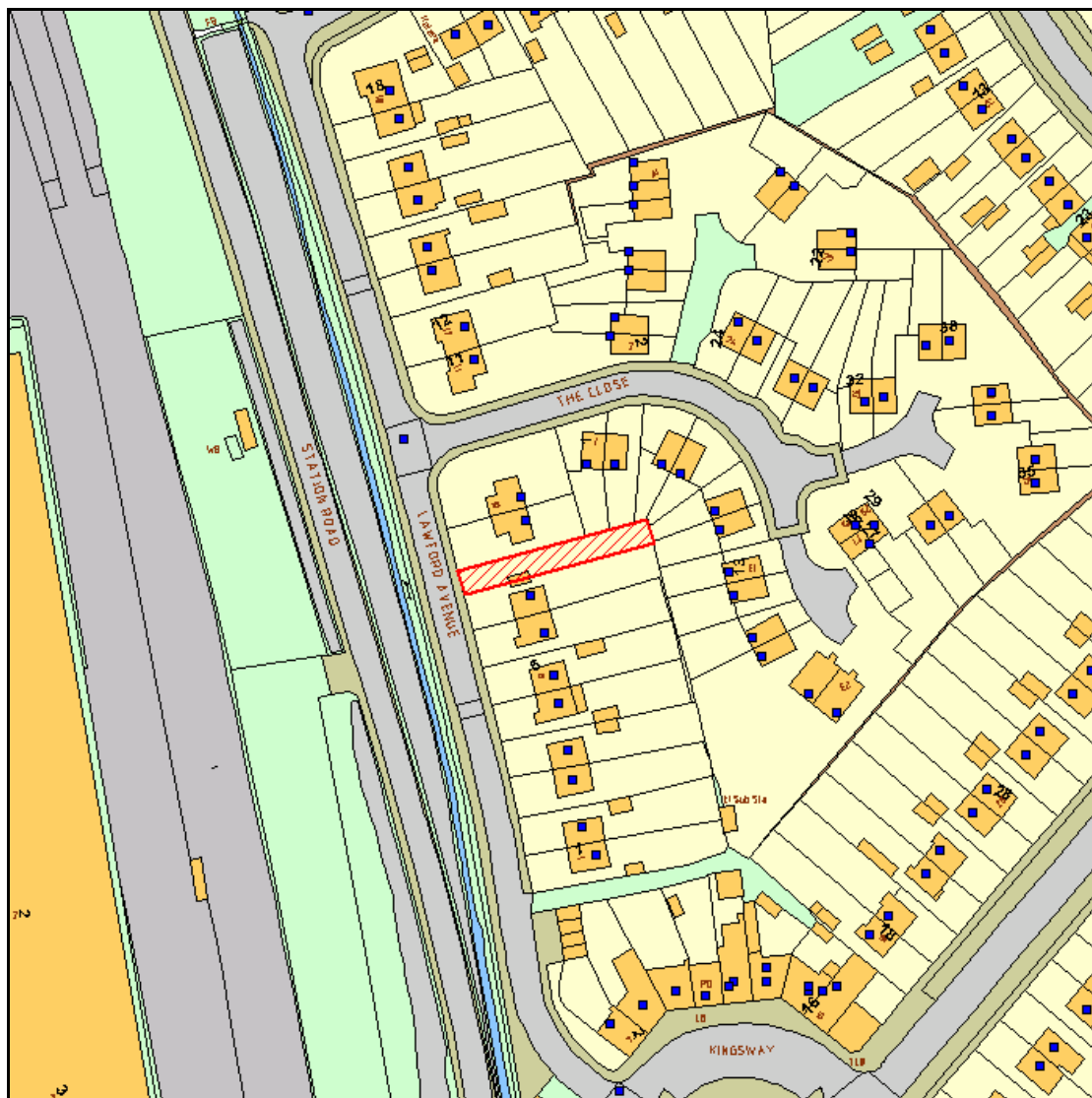
2. No development shall take place until details showing the finished floor levels of the new building and how the building will be made floodable letting flood water flow in and out of the building freely have been submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out prior to the first use of the development and shall be retained in accordance with the approved details. For the avoidance of doubt, the finished floor level of the new building should be at the same level as the current ground level.

Reason

In the interests of flood prevention, and to accord to PPS25 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 11/11 – 18 MARCH 2011

App No.:	PT11/0351/O	Applicant:	Mr V Clutterbuck
Site:	8 Lawford Avenue Little Stoke Bristol South Gloucestershire BS34 6JR	Date Reg:	4th February 2011
Proposal:	Erection of 1no. dwelling (outline) with means of access to be determined. All other matters reserved. (Resubmission of PT10/1624/O)	Parish:	Stoke Gifford Parish Council
Map Ref:	361204 180754	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	30th March 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as representations were made contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks outline planning permission for the erection of 1 no. detached dwelling. This is a red line application and seeks to establish the principle of residential development on the site and access to it. All other matters are reserved.
- 1.2 The application site relates to the side garden to the north of no. 8 Lawford Avenue and lies within the existing urban area of Little Stoke. The land currently has a shed in situ as well as ornamental shrubbery. This application is a resubmission of PT10/1624/O which was withdrawn following Officer's concerns over the siting of the new dwelling.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
EP1	Environmental Pollution
H2	Proposals for Residential Development within the Defined Settlement Boundaries
H4	Development within Existing Residential Curtilage
L1	Landscape Protection and Enhancement
L5	Open Areas within Defined Settlements
L9	Species Protection
T8	Parking Standards
T12	Transportation Development Control Policy for new Development

Emerging Development Plan

Core Strategy Proposed Changes Submission Publication Draft (December 2010)

CS1	High Quality Design
CS5	Location of Development
CS15	Distribution of Housing
CS16	Housing Density

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT10/1624/O - Erection of 1no. dwelling (outline) with means of access to be determined. All other matters reserved. Withdrawn

4. **CONSULTATION RESPONSES**

4.1 Stoke Gifford Parish Council

Object on the grounds of inappropriate development.

4.2 Other Consultees

Environmental Protection

No objection.

Highways

No objection.

Drainage

No objection subject to condition.

Other Representations

4.3 Local Residents

No response.

5. **ANALYSIS OF PROPOSAL**

This application seeks outline planning permission for the erection of a new dwelling within the garden of an existing dwelling located within the Bristol north fringe urban area. This report shall therefore establish whether the principle of new residential development is acceptable in this location. Furthermore, it is acknowledged that the matters of layout, appearance and landscaping are reserved for subsequent consideration. Nevertheless this report should also establish whether the principle of the development would be acceptable with regard to these specific matters.

5.1 Principle of Development

- The application site is situated within the Bristol north fringe urban area, as shown on the South Gloucestershire Local Plan Proposal Maps (Adopted) January 2006. PPS3 (Housing), the Joint Replacement Structure Plan and Policies H2 and H4 of the Local Plan allows for new residential development within settlement boundaries and the curtilages of dwellings. On this basis the proposed development would be acceptable in principle.
- 5.2 PPS3 expects schemes to make an effective use of the site by achieving the maximum density compatible with the sites accessibility, environmental constraints, and its surroundings. The expectation under Policy H2 of the Local Plan states that all developments will achieve a minimum density of 30 dwellings per hectare.
- 5.3 Notwithstanding this policy context in June 2010 the Coalition Government issued a Ministerial Statement under the title of *'New Powers for Local Authorities to Stop 'Garden Grabbing''*. This statement made the following changes to Planning Policy Statement 3: Housing: -
- 1) The definition of 'previously developed land' has been amended to exclude private residential gardens.
 - 2) The national indicative minimum density target (of 30 dwellings per hectare) for new housing development has been removed.
- 5.4 These changes have been introduced to reflect the concerns regarding the overdevelopment of neighbourhoods, loss of green space and the impact upon local character. PPS3 is a material consideration in relation to planning application for housing development and as such these amendments are material and must be taken into account when determining this application.
- 5.5 Policies H2 and H4 of the South Gloucestershire Local Plan allow for residential development on sites that are within the defined settlement boundaries or urban areas, without reference to whether or not such land is brownfield or previously development land. Therefore, on this basis Officers do not consider the change to the definition of 'previously developed land' to make a significant difference to the approach that the Council take in considering applications for residential development, and thus the proposed development remains to be acceptable in principle.
- 5.6 Nevertheless the Ministerial Statement has raised some important points regarding the design and density of new residential development. Firstly the statement reiterated the need to ensure the residential development do not result in the overdevelopment of neighbourhoods, the loss of green space, and impact upon local character. These matters can be reasonably resisted on the basis of existing policies (D1, L5, H2, and H4) within the South Gloucestershire Local Plan.
- 5.7 The second point relates to the requirement in PPS3 for all new residential developments to achieve the national indicative density target of 30 dwellings

per hectare. This policy objective was reflected in Policy H2(b) of the South Gloucestershire Local Plan which stated that the maximum density compatible with the sites location should be achieved, but with an expectation that it will achieve a minimum density of 30 dwellings per hectare. The Ministerial Statement has removed the requirement for new residential development to achieve the national indicative minimum density, and thus very limited weight should be given to Policy H2(b).

5.8 The remaining advice in PPS3 states *“Good design is fundamental to using land efficiently...”* (Para. 48) and *“Careful attention to design is particularly important when chosen local strategy involves intensification of the existing urban fabric. However when well designed and built in the right location, it can enhance the character and quality of an area”* (Para. 49). *“Density is a measure of the number of dwelling that can be accommodated on a site or in an area. 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.”* (Para. 50)

5.9 On this basis in this application the need to achieve an efficient use of land is still an important material consideration. However this need should be carefully balanced against the requirement to consider the character of the area and whether the proposal is good quality design. Policy D1 of the South Gloucestershire Local Plan recognises this, and density is one of the design factors that this policy requires to be assessed.

5.10 Density

The proposed site extends to approximately 0.02 hectare. The proposal is for a single dwelling which will achieve a density of approximately 40 houses per hectare. It was noted on site that the properties immediately adjoining the site (namely no's 7, 8, 9 and 10) all benefit from similar plot sizes and as a consequence the new property would be in keeping with the densities of surrounding properties. In terms of its relationship within the plot it is considered that there is only enough space for 1no. dwelling and thus this is the most appropriate and efficient use of the land. The applicant had previously applied for 1no. detached dwelling under application PT10/1624/O however this was not considered appropriate in terms of siting and the pattern of nearby development. The siting of 1no. attached dwelling on the site is therefore considered appropriate in density terms.

5.11 Residential Amenity

The proposed dwelling would be attached to no. 8 Lawford Avenue, Little Stoke. No. 9 Lawford Avenue has been extended to the side and does not have any side elevation windows. No. 8 Lawford Avenue has side elevation windows at first floor and ground level. It is therefore considered expedient to impose a condition restricting fenestration on this south facing elevation. The proposed dwelling would be in line with the two properties either side and therefore there would be no adverse overbearing impact as a result of the development.

5.12 Landscape / Environmental Issues

The land currently has a shed on it and some ornamental shrubbery. A landscape condition is not considered necessary given the limited existing visual amenity the site provides. No drainage details were submitted with the proposal and so a condition will be attached to the decision notice requiring full details to be submitted.

5.13 Transportation

It is proposed that two off street parking spaces would be provided for each property and this is considered appropriate. No turning area is required as Lawford Avenue is an unclassified road.

5.14 Design

It is considered that owing to the size and layout of the site, a new dwellinghouse could comfortably be accommodated. The site is flanked by two storey properties and so the new property measurements put forward of approximately 5.8 m in width, 8.0 m in depth and 8.3 m in height are considered in keeping with the height and footprint of existing properties and also character of the local area. Under the previous application it was proposed for the new dwelling to be detached and this was not considered to be in keeping with the form of development in the locality. It was therefore suggested to the applicant that the dwelling was attached. This is stated in the Design and Access Statement as are the aforementioned parameters of size and it will therefore be conditioned that the Reserved Matters applications follows the provisions of this Statement. The detailing and final design of the dwelling will be considered within the subsequent Reserved Matters application although the Design and Access Statement states that materials are to match those in no. 8 Lawford Avenue.

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.
- 6.3 The recommendation to grant permission is for the following reasons:
 1. The proposed layout has been configured to allow a frontage form of development that would be in keeping with the general pattern of residential development within the locality. As such, the proposal would be compliant with Planning Policies D1 (Achieving Good Quality Design in New

Development), H2 (Residential Development) and H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposal would provide an appropriate level of density having regard to the site, its location and accessibility. As such, the proposal is considered to be compliant with the requirements of planning policy H2 (Residential Development) of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of PPS3.
3. The proposal would not cause any significant adverse impact to residential amenity. The proposal is therefore considered to accord with Planning Policies H2 (Residential Development) and H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.
4. The proposal is considered to be acceptable in highway safety terms and compliant with Planning Policies T8 (Parking Standards) and T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

7.1 Planning Permission is **GRANTED** subject to the following conditions:

Contact Officer: William Collins

Tel. No. 01454 863425

CONDITIONS

1. Approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the layout, scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

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

Reason

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

6. The glazing on the south facing elevation shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason

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

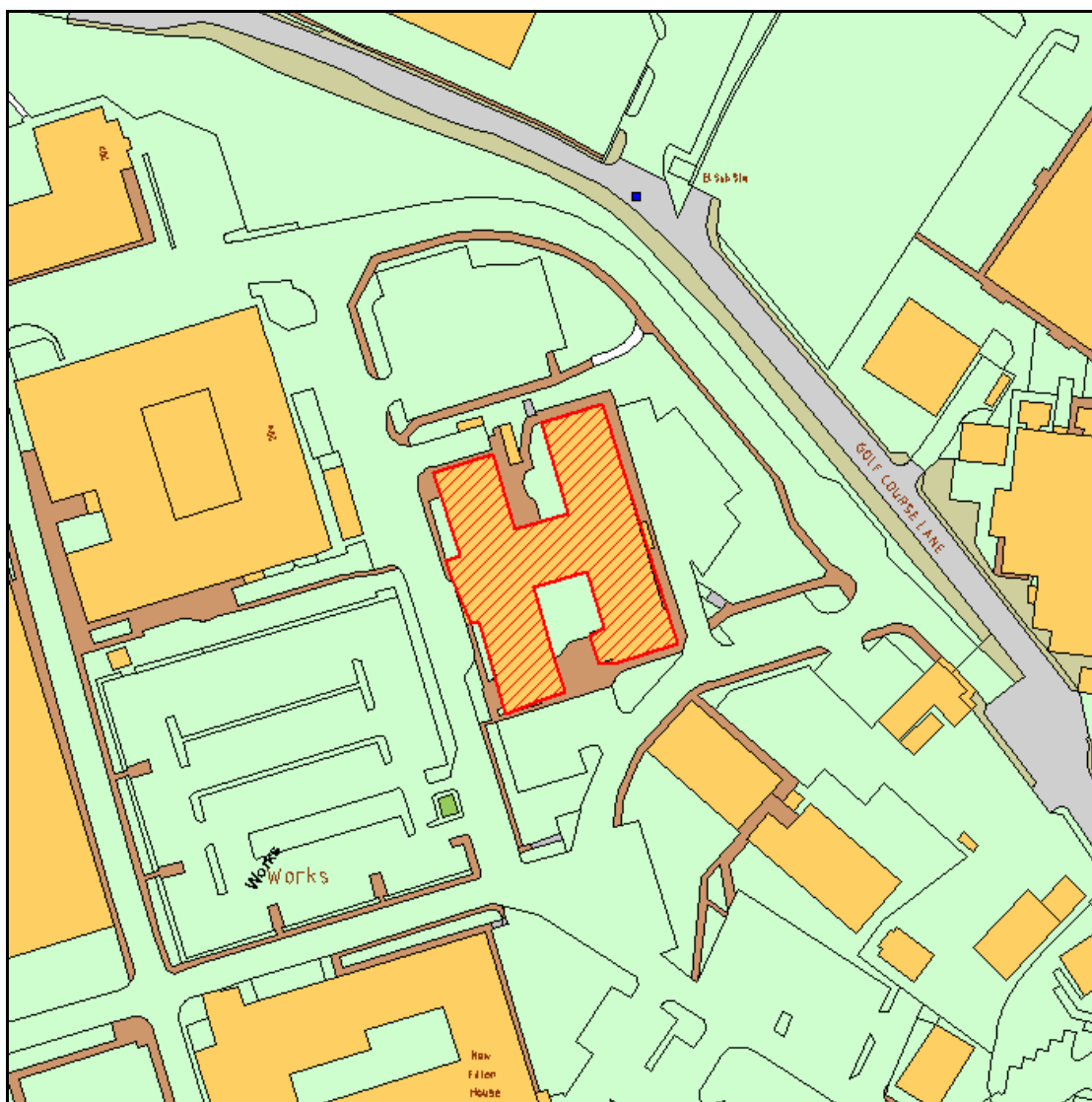
7. On submission of the subsequent 'Reserved Matters' application, the design principles as described in the 'Design and Access Statement' (as received by the Council on 2nd February 2011) shall be adhered to specifically in respect of the layout and scale of the proposed dwelling having regard to the illustrative block plan received by the Council on 2nd February 2011.

Reason

To ensure a good quality of design in the interests of visual amenity and to accord with Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 11/11 – 18 MARCH 2011

App No.:	PT11/0397/CLP	Applicant:	BAE Systems BAE SYSTEMS
Site:	BAE Systems Building 20R Golf Course Lane Filton Bristol South Gloucestershire	Date Reg:	9th February 2011
Proposal:	Application for Certificate of Lawfulness for the proposed installation of new entrance screen and dropping of window sills to existing office	Parish:	Filton Town Council
Map Ref:	359526 179351	Ward:	Filton
Application Category:	Minor	Target Date:	5th April 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because it comprises a Certificate of Lawfulness for a proposed development.

1. THE PROPOSAL

- 1.1 The application forms a Certificate of Lawfulness application in respect of external alterations to an existing office building.
- 1.2 The application relates to building 20R at the BAE site, Filton.

2. POLICY CONTEXT

- 2.1 Town & Country Planning (General Permitted Development) Order 2008

3. RELEVANT PLANNING HISTORY

- 3.1 N109/2: Erection of office buildings and construction of new car parking area. Permitted: 15 Aug 1974
- 3.2 N109/39: New group research building. Withdrawn: 2 Oct 1981
- 3.3 N109/40: Erection of research facility and office building totalling 4,600 sq.m. in connection with electronics laboratories. Permitted: 29 Oct 1981
- 3.4 N109/44: Alterations to existing vehicular and pedestrian access; construction of new perimeter road and car park. Permitted: 19 June 1982
- 3.5 N109/46: Erection of sub-station and the erection of a flammables store. Permitted: 17 June 1982
- 3.6 P96/2262: Erection of single-storey extension. Permitted: 28 Oct 1996
- 3.7 PT06/3571/F: Erection of plant room to accommodate clean room in building 20R. Permitted: 31 Jan 2007
- 3.8 PT09/5580/ADV: Display of 6 monoliths. 12 fascia signs and 3 glazing film signage, 1 wall graphic and 1 main reception sign. Permitted: 8 Dec 2009

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No objections
- 4.2 Other Consultees
No comments received

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Site/ Proposal

The application relates to a three-storey office building that forms part of the BAE complex at Filton. This Certificate of Lawfulness relates to external changes to the front of the building that would comprise:

- New entrance foyer to include new revolving door with new full height glazing either side and a replacement entrance canopy above;
- New full height glazing replacing one row of ground floor windows on the front elevation of the building at ground floor level;
- Minor works to facilitate level access to revised entrance to building.

5.2 Principle of Development

It must be ascertained whether the works would exceed those parameters set by the General Permitted Development Order, Part 41, Class A (Office Buildings) by means of the extent and nature of the works proposed.

5.3 General Permitted Development Order

Class A cites that 'the extension or alteration of an office building' forms permitted development. This is subject to those criteria considered below:

- 5.4 Development is not permitted if the gross floor area of the original building would exceed 25% or 50 square metres; whichever is greater. In this instance, the proposal would allow a small extension to the front of the building that would measure 1m in depth and 5.8m in width (excluding the forward projecting revolving door. It would appear that the building has benefited from two single-storey additions in 1996 and 2006 (see history). Therefore, the gross floor space of the building would not be exceeded by more than 25% thus the works are considered to comply with the legislation in this respect.
- 5.5 Development is not permitted if the height of the building as extended would exceed 5m where within 10m of a boundary or curtilage or in all other cases, exceed the height of the building being extended. In this instance, all works are at ground floor level and under 3m in height. As such, this part of the legislation is satisfied.
- 5.6 Development is not permitted if any part of the development, other than an alteration, would be within 5m of any boundary of the curtilage of the premises. In this instance, the building sits behind a small car park that serves these premises thus it would be reasonable to assume that this forms part of the building curtilage. Therefore, the works are more than 5m from the building curtilage thus this part of the legislation is satisfied.
- 5.7 Development is not permitted if any alteration would be on article 1(5) land. Article 1(5) land comprises a national park, an area of outstanding natural

beauty, a conservation area, any areas specified by the Secretary of State and the Minister of Agriculture, Fisheries and Food for the purposes of the Wildlife and Countryside Act 1981, the Broads or a World Heritage Site. The application site does not relate to Article 1(5) land.

- 5.8 Development is not permitted if the development would be within the curtilage of a listed building. The building is not listed.
- 5.9 Permitted development is subject to the following conditions:
- The office building as extended or altered shall only be used as part of, or for purposes incidental to, the use of that office building;
 - Any extension, in the case of Article 1(5) land shall be constructed using materials which have a similar external appearance to those used for the building being extended; and
 - Any alteration shall be at ground floor only.
- The proposal is considered to be compliant with these conditions.
- 5.10 For the purposes of the above, where two or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single building when making any measurement whilst 'office' building means any building used for any purpose within Class B1 (a) of the Use Class Order. These limitations are not considered to prevent the issue of a Certificate in this respect.
- 5.11 Works to allow a level access to the revised entrance would involve the removal of a short section of dwarf wall and the introduction of a dropped curb into the car park. It is not considered that these minor works would warrant the benefit of planning permission.

6. RECOMMENDATION

- 6.1 That a Certificate of Proposed Lawful Development is **GRANTED** for the following reason:

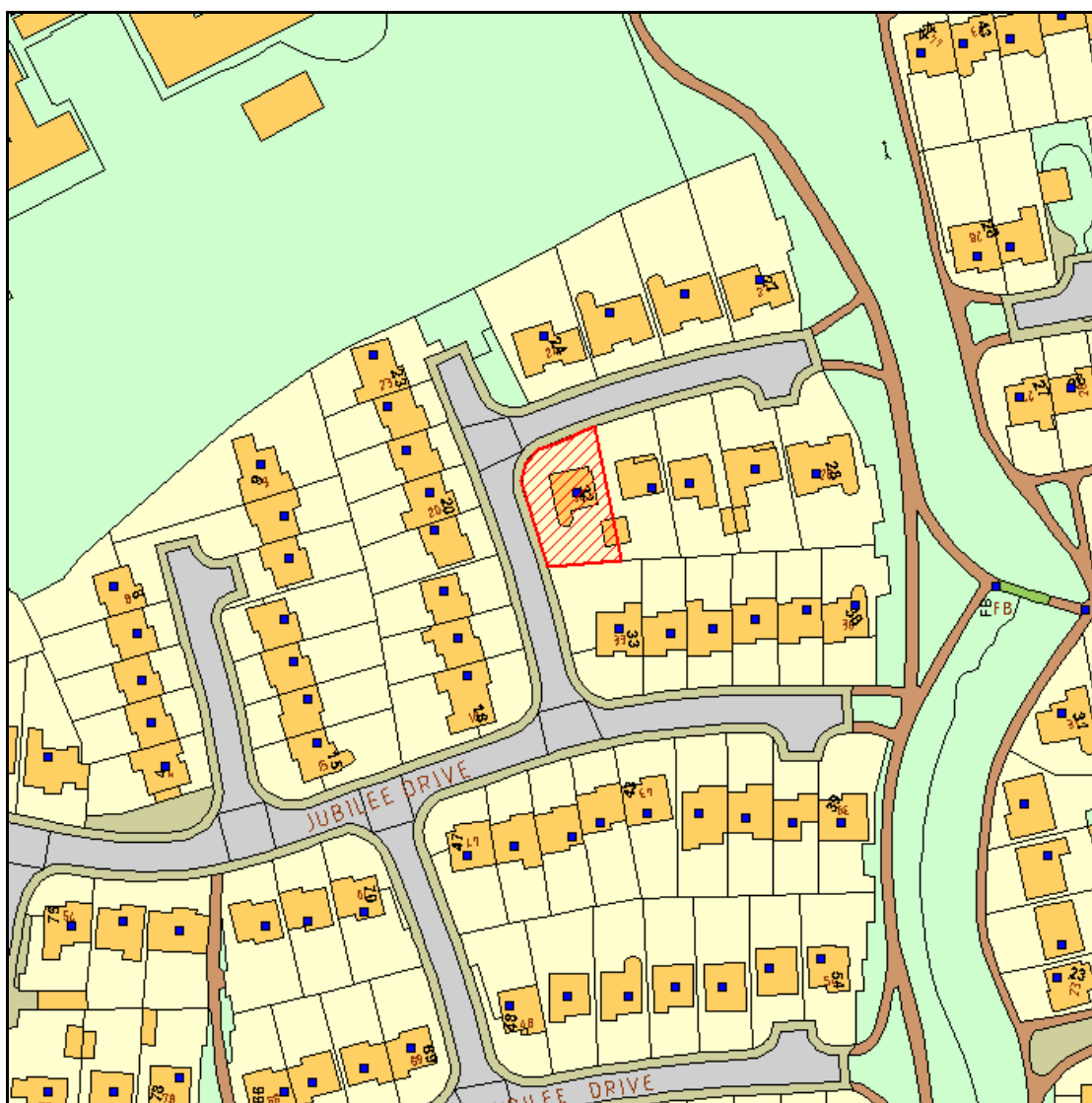
Contact Officer: Peter Burridge
Tel. No. 01454 865262

REASON

1. The proposal would fall within Schedule 2, Part 41, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

CIRCULATED SCHEDULE NO. 11/11 – 18 MARCH 2011

App No.:	PT11/0465/F	Applicant:	Mr C Burt
Site:	32 Jubilee Drive Thornbury Bristol South Gloucestershire BS35 2YQ	Date Reg:	15th February 2011
Proposal:	Erection of single storey rear extension to form additional living accommodation. Erection of 1.8 metre high side boundary wall.	Parish:	Thornbury Town Council
Map Ref:	364902 190094	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	7th April 2011



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 100023410, 2008. **N.T.S.** **PT11/0465/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule List because an objection has been received from the Town Council contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey rear extension (retrospective) and the re-siting of a 1.8 metre high side boundary wall.
- 1.2 The application site comprises a two-storey detached corner property situated on the eastern side of the cul-de-sac Jubilee Drive within the established residential area of Thornbury.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
H4 Residential Development within Existing Residential Curtilages
L1 Landscape Protection and Enhancement
T12 Transportation Development Control Policy for New Development

South Gloucestershire Core Strategy -Submission Draft Proposed Changes (December 2010)
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P93/1760, erection of two-storey side extension to form enlarged living rooms with bedroom and enlarged bedroom over (in accordance with the amended plans received by the Council on 27th July 1993), approval, 11/08/93.
- 3.2 PT10/1760/F, erection of single storey rear extension to form additional living accommodation, permitted development, 16/09/10.
- 3.3 N801/121, re-positioning of existing 1.8 m (6 ft.) high boundary wall. Erection of pair of gates and raising height of part of existing internal boundary fence to 1.8 m (6 ft.), approval, 23/12/1982. (33 Jubilee Drive).

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

Objection - Although there is no objection to the proposed extension, the alterations to the boundary wall are unacceptable as they may lead to loss of openness and are detrimental to the character of the area.

4.2 Transportation DC

No objection.

Other Representations

4.3 Local Residents

No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy H4 allows for the principle of the proposed development, it is considered that the main issues to consider are the appearance and form of the proposal and the effect on the character of the area (policies D1, and H4 of the South Gloucestershire Local Plan (adopted) January 2006; the effect on the occupiers of the neighbouring properties and highway safety issues. In terms of the proposal to move the position of the boundary wall, weight has also been given to the fact that a neighbouring property was granted planning permission for a similar scheme (N801/121).

5.2 Appearance/Form

Retrospective planning permission is sought for the erection of a single storey rear extension to provide an extended dining room and a sitting room. The proposal is constructed of brick and extends the full width of the dwellinghouse and measures approximately 2.4 metres in depth and is encompassed by a lean-to roof, which comprises 4no. rooflights. It is considered that the proposal is sufficiently in-keeping with the character of the existing dwellinghouse in terms of scale, form, materials and siting and is not significantly prominent from the public realm. The extension, which appeared to be fully constructed when the Officer visited the site, differed slightly from the plans submitted. The plans submitted showed part of the rear wall being stepped back, however, the constructed build is flush across the rear elevation; the design of the fenestration differed in the southern rear elevation from that shown on the plan, whilst there is no doors or windows in either side elevation, which differed from the plans submitted. Amended plans have been received, which more accurately reflects the built extension. The amended plan submitted demonstrates that the access is through the rear elevation, which also includes a single double pane window.

5.3 The applicant also seeks permission to move an existing 1.8 metre high boundary wall forward to encompass a strip of grass adjacent to the street for approximately 10 metres. The Town Council's comments regarding the effect on the character of the area are noted, and whilst there is likely to be some small loss of openness, it is considered that it would not adversely affect the

overall amenity of the area. The wall would be set back by approximately 2.8 metres from the front elevation of the dwelling, which will ensure that the more prominent open area around the corner of the property will be retained. Weight is also given to the fact that no. 33 to the south of the host dwelling was granted planning permission in 1982 (N801/121) to move their boundary wall forward in a similar manner. Some trees and vegetation will be removed to accommodate the proposal, however, it is considered that the scale, health and quality of the vegetation is not worthy of retention and its loss would not adversely affect the character of the area. Whilst no elevation plan of the proposed wall has been submitted, if permission is granted, a condition can be applied to ensure that the wall is 1.8 metres in height and constructed of red brick to match the existing wall to ensure an acceptable standard of appearance.

5.4 Residential Amenity

The host dwelling benefits from its corner location by only having one neighbouring property within close proximity situated to the east. Given the single storey lean-to form of the extension and modest scale, it is considered that the proposal does not adversely effect the amenity of the neighbouring occupiers through loss of natural light or outlook. No windows are located in either side elevation of the extension, therefore, it is considered that the proposal does not introduce any significant adverse privacy issues to the detriment of the neighbouring occupiers residential amenity. It is considered that all other neighbouring properties are situated at a sufficient distance from the application site to not be significantly adversely affected by the proposal.

5.5 Transportation

The wall would be set back from the highway and the Council's Transportation Officer considers that the proposal would not introduce any significant adverse highway safety issues. It is considered therefore, that the proposal does not conflict with policies T12 or H4 of the South Gloucestershire Local Plan (adopted) January 2006.

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 for the following reasons:

The proposal does not adversely affect the residential amenity of the surrounding neighbouring occupiers through loss of privacy or natural light – policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

The extension constructed is sufficiently in-keeping with the character of the existing dwelling in terms of scale, form, siting and materials and is not adversely prominent from the surrounding area. The loss of the open strip of land adjacent to the boundary, as well as the vegetation, would not adversely affect the character or visual amenity of the area – policies D1, H4 and L1 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposed wall would be set back from the highway and would not have a significant adverse impact on highway safety – policies T12 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

7.1 Planning Permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

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 wall to be erected along the western boundary shall be 1.8 metres in height and constructed of brick to match the existing wall in respect of colour, texture, bond and pointing.

Reason

To ensure an acceptable standard of appearance and to comply with policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 11/11 – 18 MARCH 2011

App No.:	PT11/0508/CLP	Applicant:	Mr Younas
Site:	The Old Stables Filton Road Hambrook Bristol South Gloucestershire	Date Reg:	18th February 2011
Proposal:	Application for Certificate of Lawfulness for the proposed erection of a conservatory and detached garage.	Parish:	Winterbourne Parish Council
Map Ref:	362759 178557	Ward:	Winterbourne
Application Category:	Minor	Target Date:	12th April 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because the Council's scheme of delegation requires all Certificate of Lawfulness applications to be circulated to Members.

1. THE PROPOSAL

1.1 The applicant seeks a Certificate of Lawfulness for:

- a. The erection of a single storey rear extension.
- b. The erection of a detached garage.

1.2 The application site relates to detached cottage and its associated curtilage. The site lies outside of any settlement boundary and is designated as Green Belt.

2. POLICY CONTEXT

2.1 Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (GPDO).

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|-------------|--|
| 3.1 | PT01/2394/F | Change of use from ancillary hotel accommodation to dwelling. Erection of two storey extension and construction of access.
Refused 18.09.2001 |
| 3.2 | PT02/0203/F | Change of use from ancillary hotel accommodation to dwelling. Erection of single storey extension and construction of access.
Approved 15.02.2002. |
| 3.3 | PT04/3621/F | Erection of two storey rear extension to form lounge with bedroom over and erection of first floor rear extension to form bedroom.
Approved 24.11.2004. |
| 3.4 | PT05/1203/F | Erection of rear conservatory and detached double garage.
Refused 03.06.2005. |
| 3.5 | PT05/2187/F | Erection of rear conservatory (Resubmission of PT05/1203/F)
Refused 18.08.2005. |
| 3.6 | PT06/2960/F | Erection of detached double garage.
Refused 10.11.2006. Appeal Dismissed. |

- 3.7 PT08/0518/F Erection of rear conservatory.
Refused 02.04.2008. Appeal Dismissed.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection.
- 4.2 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

5.1 This application is seeking a Certificate of Lawfulness to state that the proposed development is lawful. It is not a planning application where the relative merits of the scheme are assessed against policy rather it is an evidential test of whether it would be lawful to proceed with the proposal. Accordingly, the key evidential test in this case is whether proposals fall within the permitted development rights afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) Order 2008.

5.2 In 2002 planning permission was granted on the application site to convert ancillary hotel accommodation to an independent dwelling. Under this planning permission permitted development rights were removed to protect the openness of the Green Belt:

2. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no development as specified in Part 1 (Classes A, B, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To allow the Local Authority to assess the impact upon the openness of the Green Belt in accordance with policy LP30 of the adopted North Fringe Local Plan, and policy GB1 of the South Gloucestershire Local plan (deposit draft).

5.3 As result of this condition the application site does not benefit from permitted development rights for the erection of outbuildings or extensions. On this basis the proposed development would require planning permission and therefore a Certificate of Lawfulness cannot be granted in this instance.

6. RECOMMENDATION

6.1 That a Certificate of Lawfulness of Proposed Use be refused as it has been shown that the application site does not benefit from permitted development rights under Classes A and E of the Town and Country Planning (General

Permitted Development) (Amendment) (No. 2) (England) Order 2008.
Therefore the proposal requires planning permission.

Contact Officer: Peter Rowe
Tel. No. 01454 863131

REASONS FOR REFUSAL

1. On the balance of probability the evidence has demonstrated that planning permission ref: PT02/0203/F revoked permitted development rights under Classes A and E of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. Therefore, planning permission would be required for the proposed development and accordingly a Certificate of Lawful Proposed development cannot be granted.