



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY
THE DIRECTOR OF ENVIRONMENT AND COMMUNITY SERVICES**

CIRCULATED SCHEDULE NO. 09/13

Date to Members: 01/03/13

Member's Deadline: 07/03/13 (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 and in the interests of improving the effectiveness and efficiency of the Development Control service, this option should only be exercised after careful consideration. Members are therefore asked to take account of the following advice:

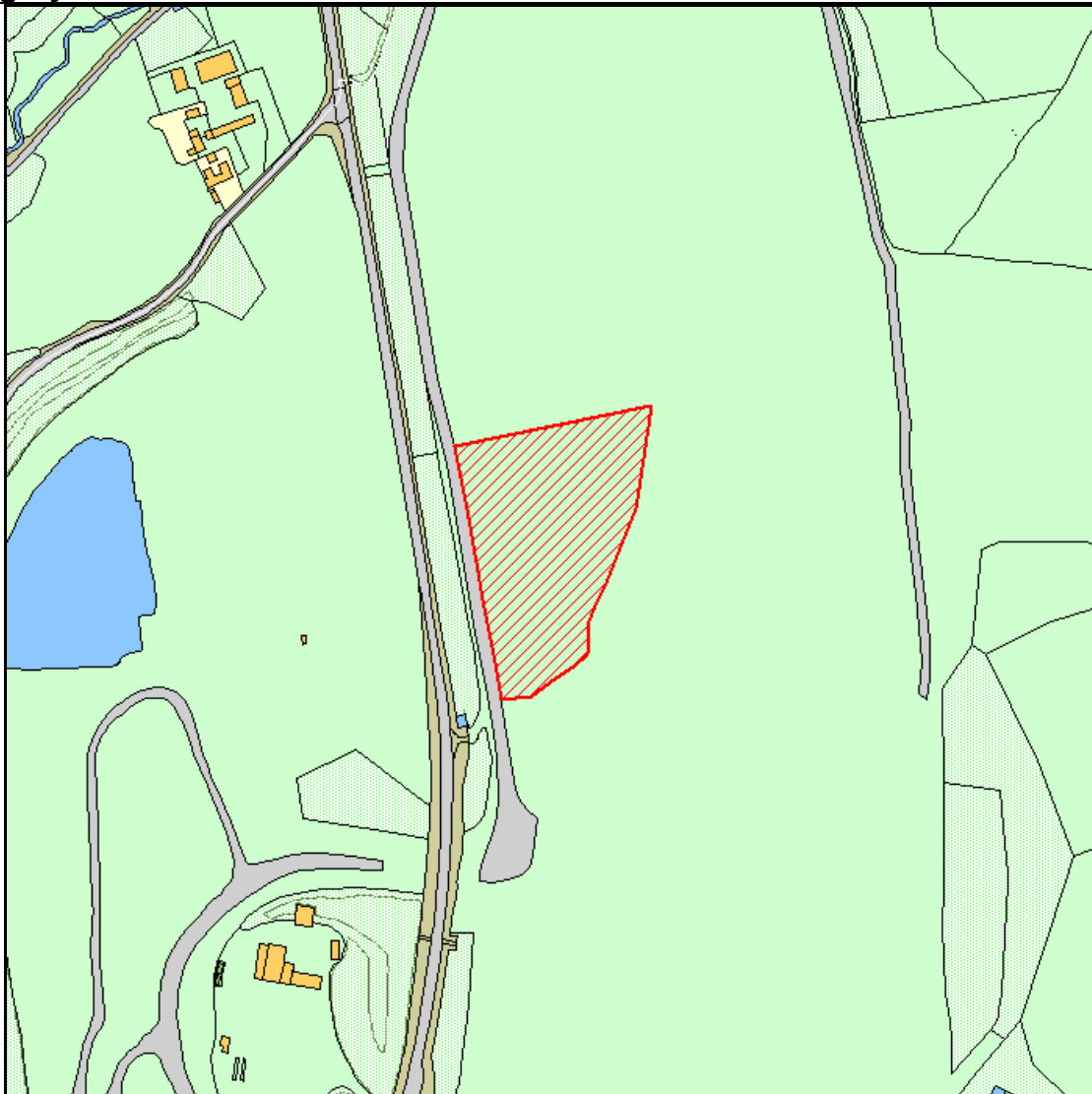
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Management Technical Support Team. If in exceptional circumstances, you are unable to e-mail your request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

CIRCULATED SCHEDULE – 1 MARCH 2013

| ITEM NO. | APPLICATION NO | RECOMMENDATION | LOCATION | WARD | PARISH |
|----------|----------------|-------------------------|---------------------------------------------------------------------------------------------------------|---------------------|-----------------------------------|
| 1 | PK11/0398/MW | Approve with Conditions | Land At Hampstead Farm Chipping Sodbury Quarry Chipping Sodbury South Gloucestershire BS37 6AY | Chipping | Sodbury Town Council |
| 2 | PK12/3851/F | Approve with Conditions | Horseshoe Cottage The Green Old Sodbury South Gloucestershire BS37 6LY | Cotswold Edge | Sodbury Town Council |
| 3 | PK12/4089/F | Approve with Conditions | 1 Bank Road Kingswood South Gloucestershire BS15 8LX | Woodstock | None |
| 4 | PK12/4212/F | Approve with Conditions | 186 Bath Road Longwell Green South Gloucestershire BS30 9DB | Longwell Green | Hanham Abbots Parish Council |
| 5 | PK13/0110/F | Approve with Conditions | 57 Kings Drive Hanham South Gloucestershire BS15 3JJ | Hanham | Hanham Abbots Parish Council |
| 6 | PK13/0135/F | Approve with Conditions | Land Adjoining 1 Barrington Close Kingswood South Gloucestershire BS15 4QD | Kings Chase | None |
| 7 | PK13/0191/F | Approve with Conditions | 9 Kingsleigh Park Kingswood South Gloucestershire | Woodstock | None |
| 8 | PT12/3318/CLE | Refusal | Ingst Hill Farm Ingst Hill Olveston South Gloucestershire BS35 4AP | Severn | Olveston Parish Council |
| 9 | PT12/4017/F | Approve with Conditions | 97 Station Road Filton South Gloucestershire BS34 7JT | Filton | Filton Town Council |
| 10 | PT12/4124/F | Approve with Conditions | 2 Fennel Drive Bradley Stoke South Gloucestershire | Bradley Stoke South | Bradley Stoke Town Council |
| 11 | PT12/4282/F | Approve with Conditions | Railway Tavern 56 Wotton Road Charfield Wotton Under Edge South Gloucestershire GL12 8SR | Charfield | Charfield Parish Council |
| 12 | PT13/0070/F | Approve with Conditions | 98 Park Road Thornbury South Gloucestershire BS35 1JW | Thornbury North | Thornbury Town Council |
| 13 | PT13/0139/F | Approve with Conditions | 36 Frampton End Road Frampton Cotterell South Gloucestershire BS36 2JZ | Frampton Cotterell | Frampton Cotterell Parish Council |
| 14 | PT13/0142/CLP | Approve with Conditions | 35 Pursey Drive Bradley Stoke South Gloucestershire BS32 8DJ | Stoke Gifford | Stoke Gifford Parish Council |
| 15 | PT13/0160/R3F | Approve with Conditions | Land In Front Of 1 To 14 Orchard View Falfield Wotton Under Edge South Gloucestershire | Charfield | Falfield Parish Council |

CIRCULATED SCHEDULE NO. 09/13 – 1 MARCH 2013

| | | | |
|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-------------------------|
| App No.: | PK11/0398/MW | Applicant: | Hanson Aggregates |
| Site: | Land At Hampstead Farm Chipping Sodbury Quarry Chipping Sodbury South Gloucestershire | Date Reg: | 10th February 2011 |
| Proposal: | Variation of condition 3 of planning permission reference N4997 to allow for the continued use of site for quarrying and associated activity within existing quarry area. | Parish: | Sodbury Town Council |
| Map Ref: | 372305 182996 | Ward: | Chipping Sodbury |
| Application Category: | Major | Target Date: | 10th May 2011 |



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright
and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PK11/0398/MW**

REASON FOR REPORTING TO CIRCULATED

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

1. THE PROPOSAL

- 1.1 This application seeks to vary a condition on an existing consent such that it would permit the continued use of the site highlighted for quarrying and associated activity within the existing quarry area. Permission reference N.4997, granted on 11th April 1979 covers a relatively small area, approximately 1.6 ha, of the operational quarry within what is referred to the Hampstead Farm part of the quarry. This particular planning permission was individually time limited whereby condition 3 states that *'planning permission shall expire after a period of 15 years from the commencement, unless an extension of time is approved in writing by the County Planning Authority'*. The reason given for this condition, along with the majority of the conditions of that consent was in the interests of amenity, the orderly working of the quarry and to ensure the early completion of landscaping. There is no record of a time extension having been approved and therefore an application is being made to vary and regularise the position. This will serve to formalise the retention of the area as part of the overall quarry, pending completion of quarrying and the final restoration of the Hampstead Farm area.
- 1.2 It should be noted that a review of old mineral conditions for the whole of Chipping Sodbury Quarry is underway. This is a statutory requirement under both the Planning and Compensation Act 1991 and the Environment Act 1995, covering all old minerals permissions. This is being undertaken under references PK11/0612/MW and PK11/0613/MW and reports are being prepared. These reports, under the Council's own constitution, will go to committee once complete. These submissions cover the conditions for operations within the quarry as a whole including the area of land the subject of this application however this application is necessary to formalise timescale limits on this particular parcel of land within the wider quarry complex. It is therefore sought to vary the timescale of this particular parcel of land commensurate with the remainder of the quarry. The proposals have been screened under the 2011 Environmental Impact Assessment Regulations and the application is not considered to meet the thresholds or criteria for full EIA in its own right.
- 1.3 The site itself, in relation to the rest of the quarry, is a small triangular parcel of land located within the wider Hampstead Farm part of the quarry complex the remainder of which is permitted under the larger consents of NA/IDO/004 and P90/1871. Reserves within the small area covered by N4997 have been substantially worked out, but it does form part of the operational area in terms of access to adjoining parts of the Hampstead Farm area and provides internal haul roads to a tunnel beneath the B4060 which links Hampstead Farm to the Southfields processing area. The site operationally will be required for the duration of Chipping Sodbury Quarry as a whole as well as there being limited reserves to extract in order to reach the finished anticipated landform and depth within the Hampstead Farm area. Aside from the western edge of the

permission area which borders the B4060 there is no existing natural or physical boundary to the edges of the consent with the overall quarry area.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Framework Technical Guidance
MPG14 Review of Mineral Permissions

2.2 Development Plans

South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002
Policy 22 Residential Amenity
Policy 31 Meeting Future Requirements

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012
CS1 High Quality Design
CS10 Minerals Supply

3. RELEVANT PLANNING HISTORY

- 3.1 IDO 542 – Quarrying was originally granted under IDO (Interim Development Order) permission 542 issued on 11th October 1947 for all areas, other than Southfields.
- 3.2 SGC646/C – Quarrying of limestone in the Southfields area. Approved 1959. This permission relates to quarrying in the Southfields area.
- 3.3 SG646/H – Extraction of limestone (2 acres approx.) Approved 1st December 1965. This permission relates to quarrying in the Southfields area.
- 3.4 Modification Order – In 1977 the former Avon County Council negotiated a modification in respect of the IDO permission. This essentially reduced area of the permission that would be excavated, due to poor quality limestone and provided for increased landscaping requirements utilising site overburden which was to be deposited.
- 3.5 N4997 – Extraction of limestone and provision of landscaping. Approved 11th April 1979. This was essentially a small northwards extension to quarrying within Hampstead Farm that had not previously been covered by the other larger consents.
- 3.6 P90/1871 – The extraction of stone from within a preferred area within an existing quarry complex and the extension of existing environmental screenbanks. Approved 19th October 1994. The permission for this relatively small area of land was subject to a time limit not consistent with the majority of the quarry and is currently subject of consideration to vary condition and extend

the timescale for the site under planning application reference PK10/3386/FMW being considered concurrently with the review.

- 3.7 NA/IDO/004 – The planned development of land for quarrying dated 11th October 1947. Agreed 28th September 1992. This was essentially the registration and up to date recognition of the early IDO permission referred to above.
- 3.8 It should also be noted that under the terms of a Section 106 Agreement in connection with planning permission reference P93/2645 for the extension of Tytherington Quarry, that quarrying rights for remaining reserves of stone at Southfields, Barnhill and East Hampstead Farm were surrendered.
- 3.9 PK11/0612/MW and PK11/0613/MW – Application for the determination of new conditions under the Planning and Compensation Act 1991 (formerly ref. NA/IDO/004A) and application for determination of conditions under the Environment Act 1995 (formerly ref. P98/2078/MR). Currently under simultaneous considerations with reports to follow to committee.
- 3.10 PK13/0003/SCR Continued use of site for Quarrying. Screening Opinion that this was not EIA development 20th February 2013.

4. CONSULTATION RESPONSES

4.1 Yate Town Council

A detailed and relatively long response has been received by Yate Town Council. This is summarised below. The full document is available on the Council's website:

We consider it essential that all the applications, including this and the ones upon which we were consulted before Christmas are considered as an integrated whole, with the consistent imposition and enforcement of conditions.

1. Problems of nuisance from dust and noise emanating from activities in the adjacent Barnhill stone stockpile area have been a regular occurrence over the last 30 years, since the houses in the 'counties' area of Yate were built. These remain a problem and their removal has not been addressed.

2. Whilst the original consent for this part of the overall site does not deal with the stockpiles at Barnhill, a different permission (P90/1871) required detailed control procedures for the stockpile area. An application for the extension to timescale of P90/1871 is also currently under consideration (PK10/3386/FMW). This application needs to be consistent with other permissions for the site in its content and conditions.

3. Although the bulk of Permission P90/1871 deals with extraction of limestone at the northern end of the Hampstead Farm site, condition 19 was also included in an attempt to deal with nuisance created by stockpiling of stone at Barnhill. It is not considered that the control criteria submitted for the

stockpiles are being met. The quarry operators are regularly in breach of Planning Conditions imposed upon them, and that the imposition of any additional controls for the stockpile area could not be relied upon to resolve the long running problem of dust and noise nuisance which is caused by the unsuitable co-location of the stockpile area and nearby sensitive residential properties.

4. The IDO and Minerals Review submissions deals with a number of issues related to the extraction of limestone throughout the whole of the quarry site. In the Consultation Report (May 2002) related to Planning Documents NA/IDO004/A and P98/2078/MR, there are numerous references to the unsuitability of the current stockpile location at Barnhill and the need to draw up plans to relocate it within a short time scale. 8 years later we are still waiting for this to be achieved. The Planning file P98/2078/MR also contains a letter written in June 1998 giving details of the re-landscaping that will be required after the stone piles have been removed. Why is it that 12 years later, we are still waiting for this to happen?

5. Several Planning Documents related to the quarry complex specifically state that extraction of stone should commence at the southern end and proceed in a northerly direction. The whole of the Hampstead Farm site is currently being worked, a fact that can be ascertained from Google Earth aerial photographs and confirmed from the contour maps shown in Appendix 1 of the Quarry's own EIA Scoping Report dated June 2009. If the Quarry operator had complied with this condition, then the southern end of Hampstead Farm should by now have been worked out and would be available for stockpiling stone extracted from the northern end of the site.

6. Dust Noise and Nuisance: Residents have been keeping detailed logs of observed dust generation and noise nuisance within and around the stockpile area. Significant deposits of fine limestone dust have been noted and photographed throughout the year. Residents have also been measuring noise levels that clearly demonstrate the unacceptable nuisance that activities within the stockpile area create. Although the quarry operators claim to have introduced dust and noise management plans in November 2009, the problems continue unabated. These sources of continual nuisance that adversely affect our quality of life and enjoyment of our homes are quite unacceptable and need to be permanently eliminated without any further delay.

7. There are a number of documents available that provide guidance related to the operation of quarries which state that activities that have the potential to create dust should be located in a sheltered site. The current location at Barnhill is probably the most exposed location in the local area, being on an elevated plateau approximately 50 metres away from residential property, and towering above them.

8. There is a long history of documenting the unsuitability of the stock pile: housing relationship. Damping and other measures have proven to be, at best, a palliative measure, and only as good as the care with which the developer has applied them.

9. The Quarry operators own vast acres of land to the east of Hampstead Farm that is eminently more suitable for storage of crushed stone. There appears to be no good reason why this land should not be utilised for this purpose. If for any valid reason this is unacceptable, then an alternative site needs to be urgently identified. A claim by the Quarry operators that there is no viable alternative is totally unacceptable and unreasonable.

10. The source of continual nuisance that adversely affects our quality of life and enjoyment of our homes is quite unacceptable and needs to be eliminated without any further delay. Relocation of the stockpiles to a more suitable sheltered site well away from sensitive residential properties is long overdue and is the only satisfactory solution to this long running source of irritation and nuisance that has been patiently endured by local residents for the past 30 years. This requirement needs to be included in any permission for continued extraction of stone from the area.

We strongly opposed to the erection of an earth mound on top of the bank, just 50 meters from properties, towering above our rooftops that will do nothing to reduce the towering effect of the stock piles, they will simply be earth. There are documents dealing with noise that indicate that the reduction in noise levels produced by such structures might be as little as 5-10 decibels at best, which would be insignificant in relation to the high levels experienced, and would not justify the imposition of such a monstrosity. In addition, it is likely that such a structure would project the dust higher into the atmosphere and result in dust deposits affecting an even wider area than it already does. This is yet another example of a futile attempt to treat the symptoms of the problem rather than the root cause and will not solve the inherent problem, which is, quite simply, that the quarrying has moved a considerable distance away, to the other side of the B road to Wickwar, and over a decade ago it was agreed the stockpiles should follow.

We therefore strongly object to Planning Applications and would ask you to reject it. All permissions for extraction at the whole of the Hampstead Farm site should be temporarily withdrawn until such time as the stockpiles of stone have been relocated to a more suitable site, well away from sensitive residential properties. The current storage area should also be re-landscaped with the minimum of delay, in accordance with the specifications laid down by SGC. This should include reinstatement of the obstructed Public Right of Way that crosses the site and is shown on the Definitive Map.

Sodbury Town Council

No objection

4.2 Other Consultees [including internal consultees of the Council]

Ecology

No objections

Transportation

No objections

Environmental Protection

No objections

Environment Agency

No objection

The Coal Authority

No objections

Other Representations

4.3 Local Residents

Two letters have been received from local residents, the first one is virtually identical to the comments received by Yate Town Council. Again full details are available on the Council's website. The comments have been referred to under the Yate Town Council comments in the relevant section above.

The second letter comments as follows:

'Appreciating that Hanson is an important employer in the area, I have no objection as such to approval being granted. However, I would ask that such approval comes with the condition that existing stockpiles are first relocated from the current Barnhill location where operations cause considerable noise and dust problems for local residents. As I know you are aware, Hanson are putting together plans to apply to build an earth bund along the western edge of the Barnhill stockpile area. They would not be doing so if they had any intention of voluntarily moving these piles in the foreseeable future. Making this current application conditional is therefore the only way to ensure this long running nuisance is brought to a satisfactory conclusion.'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of the area as a whole for the purposes of quarrying and associated works is established by virtue of historic planning consents. Unlike most of the quarry complex, the particular parcel of land the subject of this application was granted with an individual time limit of 15 years '*unless an extension of time is approved in writing by the County Planning Authority*'. This timescale has expired although as the quarry is still very much active and this parcel of land is a small but integral part within the overall working of the quarry. The application essentially therefore seeks to vary the requirements of this timescale restriction, in line with the remainder of the quarry. This would provide an end date of 21st February 2042, the date that is provided through Government legislation for the cessation of operations, where existing older permissions do not already have an end date and that which would apply to the remainder of the quarry. The main issue therefore is not the principle or the impact of the whole quarry itself but whether there will be additional or material impacts from granting this existing part of the quarry an extension in line with the remainder of the quarry.

- 5.2 This application seeks to vary a condition under s73 of the Planning Act 1990. The scope of such a decision is more limited than for a general planning application and is limited to the consideration of the condition. A Local Planning Authority may impose the original condition (in effect refusing the variation sought); or vary the condition; or grant permission without conditions. It is not appropriate for a Local Planning Authority to seek to fundamentally alter the nature of the original consent.
- 5.3 The comments of the Town Council and residents are noted, although it is also noted that it is acknowledged that the site or consent area the subject of the application site does not involve perceived issues of residential nuisance itself. The comments and concerns relate largely to the ongoing management and operations at the quarry, which itself is established. The main concern raised appears to be that of the stockpiling area, to which it is acknowledged that the area the subject of this application does not relate. The scheme of operating conditions for the site as a whole will be addressed under references PK11/0612/MW and PK11/0613/MW (as referred to in paragraph 1.2 of this report) and this is where conditions across the site will be determined and applied. Any remaining relevant conditions from the N4997 consent will be considered for their continued relevance within the overall operations of the quarry within these submissions.
- 5.4 In response to other issues raised, regarding any perceived breaches of conditions and other enforcement issues associated with other consents, this would need to be addressed under separate enforcement action if it was found expedient to do so. In addition to this, no bund application has been received, although this again, is not considered relevant to the consideration of this application
- 5.5 In this context therefore and given its location on the eastern side of the B4060 within the working quarry, it is not considered that granting permission for the continued use of the area the subject of this application for quarrying and associated activity would in its own right give rise to any significant or material impacts.
- 5.6 It is therefore proposed to recommend a timescale that ties in with the wider condition submissions being concurrently considered for the site. This would provide a uniform time limit across the quarry to a date of 2042. The area would in all other respects be controlled by conditions agreed pursuant to PK11/0612/MW and PK11/0613/MW as it exists in the areas of review covered by those submissions.

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 site consists of a relatively small area of land within the operational quarry area. The site is an existing and operational part of the quarry complex. Its

continued use as such would not give rise to any material or additional impacts in its own right. The proposals are therefore in accordance with Policy 22 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002. The continued use of the site would also enable and contribute to the provision of supply of crushed rock in line with the principles of Policy 31 of the South Gloucestershire Minerals and Waste Local Plan and CS10 of the South Gloucestershire Local Plan Core Strategy incorporating Inspectors Preliminary Findings and Draft Main Modifications September 2012, and the National Planning Policy Framework.

- 6.3 The recommendation to vary condition 3 on N4997 has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is granted to vary condition 3 on consent N4997.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

1. The permission hereby granted shall cease no later than 21st February 2042.

Reason:

To minimise the duration of disturbance from the mineral extraction operations, to reflect the overall timescale for operations at the quarry complex and to accord with Policy 22 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002.

CIRCULATED SCHEDULE NO. 09/13 – 1 MARCH 2013

| | | | |
|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-------------------------|
| App No.: | PK12/3851/F | Applicant: | Mr Julian Shipp |
| Site: | Horseshoe Cottage The Green Old Sodbury South Gloucestershire | Date Reg: | 23rd November 2012 |
| Proposal: | Erection of a gabled pitched roof over existing flat roof garage and a link into existing workshop roof, to provide additional ancillary living accommodation. | Parish: | Sodbury Town Council |
| Map Ref: | 375284 181587 | Ward: | Cotswold Edge |
| Application Category: | Householder | Target Date: | 15th January 2013 |



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
 Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright
 and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK12/3851/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule due to a number of objections received from local residents.

1. THE PROPOSAL

- 1.1 This application seeks consent to replace an existing flat roof with a gabled pitched roof to provide additional living accommodation over the existing garage.
- 1.2 The site is located on Badminton Road in Old Sodbury. It is adjacent to a Grade II listed building, '1 The Green'. The Conservation Officer initially objected to the proposed development, as it would have a detrimental impact on the setting of the listed building. However, following design amendment the objection has been withdrawn subject to the imposition of a number of conditions.
- 1.3 As mentioned above, design amendments have been submitted. These amendments lowered the proposed ridge height, used more appropriate materials, and partitioned the existing garage door to reduce its bulk.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

L1 Landscape

L2 Cotswold AONB

L13 Listed Buildings

GB1 Green Belt

H4 Development within Existing Residential Curtilages

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.

CS1 High Quality Design

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK02/2288/F Approved with Conditions 04/09/2002
Erection of single storey side extension with basement to provide study with balcony above. Construction of balcony railings and external spiral staircase.

- 3.2 PK01/0609/F Approved with Conditions 03/07/2001
Conversion of commercial garage/workshop (B2) to residential garage (C3) for
Horseshoe Cottage.

4. **CONSULTATION RESPONSES**

- 4.1 Sodbury Town Council
Initial objection to the development, however no objection has been raised to
the revised scheme.
- 4.2 Landscape Officer
No Objection
- 4.3 Conservation Officer
Initial objection, however following the design amendments there is no
objection subject to the imposition of conditions.
- 4.4 Historic Environment and Archaeology
No comment

Other Representations

- 4.5 Local Residents
Four letters of objection have been received to this development. The reasons
for objection can be summarised as follows:
- Garage is not attached to cottage, it is used as a private garage which does
not have any living accommodation, therefore this development is a change
of use and it cannot be ancillary;
 - Development is adjacent to a listed building and will have a detrimental
impact upon it;
 - Development is inappropriate in a rural location;
 - Development is inconsistent with the character of the surroundings;
 - Development may in the future be used for commercial activity;
 - Development represents overdevelopment of the site;
 - Development will block light, affect views, and the enjoyment of the gardens
of nearby occupiers;
 - Development would have a negative impact on property values;
 - If permitted, future inappropriate permitted development should be resisted;
 - Land in front of the garage on The Green is owned by Badminton Estates.
Access and parking are limited and cause issues;
 - Solar panels on flat roof block light and there are concerns that they do not
have planning consent;
 - Application is worded in a confusing manner;
 - Notifications have not been received.

5. **ANALYSIS OF PROPOSAL**

- 5.1 This application seeks consent to replace an existing flat roof with a gabled roof to provide additional ancillary living accommodation in the proposed roof space.
- 5.2 **Principle of Development**
The planning history of the site has a key role in establishing the principal of the proposed development. Application PK01/0609/F gained planning consent to change the use of the site from a commercial garage and workshop to a domestic garage associated with Horseshoe Cottage.
- 5.3 As a result of this previous decision, the garage is now a domestic garage associated with a residential property. Policy H4 is therefore pertinent in establishing the principal of development.
- 5.4 Policy H4, which manages development within existing residential curtilages, is generally supportive or extensions, alterations, and additions provided that a good standard of design is achieved and there is no detrimental impact on amenity.
- 5.5 Therefore, the proposed development is acceptable in principal subject to the considerations set out below.
- 5.6 **Design and Conservation**
The aim of the proposed development is to provide additional floor space over the existing garage. This has been achieved by replacing the existing flat roof with a gabled roof structure. A number of design amendments have been sought to the initial proposed design. These amendments have reduced the overall ridge height, improved the link between the proposed development and existing building, and reduced the impact the building would have on the setting of the listed building.
- 5.7 It is therefore proposed to erect a gable over the existing flat roof. The gable end will face The Green and it will include a casement window. The roof will be covered with double roman clay tiles and a roughcast render finish will be applied to the elevations. A pier will be added to the front elevation which will act to break up the mass of the roller shutter door. As a result, the garage becomes more domestic in appearance.
- 5.8 The materials proposed are appropriate for the location. Traditional materials respect the setting of the listed building. The pitch of the gable roof matches that of the existing single-storey element. This is therefore considered to be acceptable and meet a good standard of design.
- 5.9 To be acceptable, the development must meet the design standard set by policy D1, design criteria of policy H4, and the considerations about the setting of listed buildings in policy L13.

- 5.10 The setting of the listed building is preserved, the development has no impact on the features of historical or architectural interest, and as a result the development is in accordance with policy L13. A good standard of design has been met. The scale, height, and massing of the development respect the character and distinctiveness of the area. Furthermore, it is considered that the proposed development is an improvement to the appearance of the building and makes a positive contribution to the street scene. The design complies with the criteria of policy D1 and H4.
- 5.11 To ensure that development is carried out in accordance with the plans submitted and to protect the character and appearance of the area, a condition will be attached requiring the submission of facing materials. To ensure that the proposed pier is not removed at a later date to the detriment of visual amenity, a condition will be attached regarding replacement doors and windows. To ensure that the roof line is retained, permitted development rights in Schedule 2 Part 1 Classes B and C will be removed. These conditions are required to ensure a satisfactory external appearance and to protect the listed building's setting.
- 5.12 Amenity
Development should not prejudice the amenity of nearby occupiers. One window is proposed in the front elevation that overlooks The Green. This will not create or cause overlooking leading to the loss of privacy. The existing flat roof is approximately 4.8m away from the corner of the nearest adjacent occupier. The ridge height is approximately 8m away from the adjacent property. Due to these distances and the fact that a single-storey building is located in between the proposed new roof and nearest neighbour it is considered that there will be no prejudicial impact on the amenity of the neighbour; this includes loss of light or an overbearing impact, or an impact on the use of neighbouring gardens.
- 5.13 AONB, Green Belt, and Landscape
Land adjacent to the development site is located within the green belt. The site itself is located within the Cotswolds Area of Outstanding Natural Beauty. The proposed development will be conspicuous from the green belt, however, it will not have an impact on the openness of the land.
- 5.14 The application site is located within a cluster of buildings located around The Green in Old Sodbury. The rest of the settlement spreads from this point, where there is a cross roads with the A432. Included within these buildings is a petrol filling station with canopy, a historic terrace, as well as later infilling. The majority of buildings are two-stories in height with pitched tiled roofs.
- 5.15 Located behind the service station canopy, the proposed development will be integrated into the backdrop of the existing buildings. A pitched roof is considered to be an appropriate roof type for a domestic garage and is commensurate with the existing architecture of the settlement. The increase in ridge height is not at odds with the height of a two-storey building or the nearby two-storey dwellings. As a result, the proposed development will not have a material impact on the openness of the green belt and cannot therefore be considered harmful.

- 5.16 There will be no prejudicial impact on the setting of the wider landscape or the Cotswolds AONB as a result of this development. The Council's Landscape Architect has reviewed the development with regard to the impact on the landscape and raises no objection.
- 5.17 Transport and Parking
This development makes no material change to the parking requirements of the site, the availability of parking spaces, or vehicular movements to and from the site. Therefore, there will be no impact on highway safety or parking provision and the development complies with policy H4.
- 5.18 Public Concerns
A number of concerns have been raised by members of the public, which have not been addressed in the above analysis. A response to these is set out below.
- 5.19 Although the site is located in a rural area, it is a residential property. Therefore, the rural nature of the site does not have an impact on what development is considered to be acceptable or not; that is set by the use of the site.
- 5.20 A change of use application would need to be submitted should the site be used for a commercial purpose in the future. Therefore it is not a material consideration in determining this application.
- 5.21 A pitched roof is considered to be commensurate with the character of the local area and the architecture of domestic garages. On this occasion, the erection of a pitched roof does not constitute overdevelopment.
- 5.22 Property values and rights of access are not material considerations of the planning system.
- 5.23 It can be confirmed that consultations were issued in accordance with the adopted Statement of Community Involvement. The description of works has been amended during the course of the application, which may have caused confusion.

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 erection of a gabled pitched roof has been assessed against policy D1, L1, L2, L13, GB1, and H4 of the South Gloucestershire Local Plan (Adopted) January 2006. The design of the development is in keeping with the character and appearance of the street scene and surrounding area. Suitable materials have been selected and the massing, scale and height of the

development is appropriate. In terms of design, the development accords with policies D1 and H4. There will be no prejudicial impact on amenity which satisfies the requirements of policy H4. The setting of the listed building is preserved in accordance with policy L13. The development will not have an impact on the openness of the green belt or the setting of the landscape and therefore is in accordance with policies L1, L2 and GB1.

- 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 It is recommended that consent be **GRANTED** subject to the conditions listed below.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. 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 B or C), other than such development or operations indicated on the plans hereby approved, shall be carried out on the roof hereby permitted 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 setting of the Listed Building known as 1 The Green, and to accord with Policy D1, L13, and H4 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. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows or doors [other than those expressly authorised by this permission] shall be constructed, or replaced with anything other than an exact replica, 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 setting of the Listed Building known as 1 The Green, and to accord with Policy D1, L13, and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 3

CIRCULATED SCHEDULE NO. 09/13 – 1 MARCH 2013

| | | | |
|--------------------------|---------------------------------------------------------------------------------------------------------------|-----------------|-----------------------|
| App No.: | PK12/4089/F | Applicant: | Moosehead Ltd |
| Site: | 1 Bank Road Kingswood South Gloucestershire BS15 8LX | Date Reg: | 17th December 2012 |
| Proposal: | Demolition of existing offices to facilitate erection of 3 no. terraced dwellings with associated works | Parish: | None |
| Map Ref: | 364907 173825 | Ward: | Woodstock |
| Application Category: | Minor | Target Date: | 7th February 2013 |



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright
and may lead to prosecution or civil proceedings.
100023410, 2008. N.T.S. PK12/4089/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. **THE PROPOSAL**

1.1 The application site is situated on the south side of Kingswood High Street within the commercial centre of Kingswood. The site is bounded by an attached office to the north which fronts onto High Street, public house to the west (rear), residential development to the south and with vehicular access onto Bank Road to the east. The site comprises a large pre war building, originally built as a dwelling but most recently occupied as an office. The building is attached to 100 High Street to the north, a Locally Listed building used as an office. The building to the south (3 and 5 Bank Road) and across the pedestrian street (102 High Street, Lloyds Bank) are also Locally Listed Buildings.

The site is situated within the urban area as defined in the adopted Local Plan. The site is not situated on a primary or secondary shopping frontage and is not safeguarded for employment purposes.

1.2 The application proposes change of use from Offices (Class B1) to 3no. self contained flats (Class C3) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).

2. **POLICY CONTEXT**

2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

| | |
|-----|-----------------------------------------------------|
| D1 | Design |
| L1 | Landscape Protection and Enhancement |
| E3 | Employment Development within Settlement Boundaries |
| T8 | Parking Standards |
| T12 | Transportation for New Development |
| H2 | Residential Development within the Urban Area |

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.

| | |
|------|--------------------------------------------|
| CS1 | High Quality Design |
| CS5 | Location of Development |
| CS8 | Improving Accessibility |
| CS9 | Environmental Resources and Built Heritage |
| CS15 | Distribution of Housing |
| CS16 | Housing Density |

2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist – August 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 K525/1 Alterations and extension to existing premises to provide additional office accommodation kitchen and toilet facilities (Previous ID: K525/1)
Approved 30.11.1977
- 3.2 K525/2 Change of use of building from residential to office (Previous ID: K525/2)
Approved 11.07.1978
- 3.3 P98/4354 Erection of single storey extension
Approved 22.07.1998
- 3.4 PK12/3214/F Change of use from Offices (Class B1) to 3no. self contained flats (Class C3) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).
Approved 27.11.2012

4. **CONSULTATION RESPONSES**

4.1 Consultees [including internal consultees of the Council]

Sustainable transport – No objection. The proposal as amended resolves the original concerns about lack of off street parking, by providing 3 x 2 bed units only. The proposal would provide one space for each dwelling and one guest space which is acceptable.

Tree Officer – No objection. The tree in the rear garden of plot 2 on the proposed block plan is not worthy of TPO due to low amenity value. Its loss is inevitable and it should therefore be replaced with other appropriate trees within the site.

Conservation Officer – No objection. The scheme as originally submitted has been amended removing lintol details and flat roofed dormers. The overall scale has been reduced and now the proposal preserves the setting of the adjacent heritage assets.

Environmental Protection – No objection. Standard informative related to construction sites should be attached to the decision.

Other Representations

4.2 Local Residents

1 letter of objection received from the occupier of 22 London Street, Kingswood raising the following concerns:

- The character of this corner of Kingswood should be preserved
- The design is poor, boring and repetitive

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework was published in March 2012. The document replaces most PPG/PPS guidance providing a more simplified and up to date advice in determination of planning applications. The NPPF indicates that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

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

It is considered that the relevant policies of the adopted Development Plan do not materially depart from the NPPF. As such full weight can be afforded to the Development Plan policies in this case.

Policy H2 of the South Gloucestershire Local Plan is supportive in principle of proposals for erection of residential development within the urban area, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity, highway safety and an appropriate density of development is achieved. L1 seeks to control the character and appearance of an area by retaining landscape features that contribute to the character of the area. In terms of transportation and highway safety policies T8 related to off street parking provision and T12 in terms of accessibility and general highway safety are also important considerations.

The proposal would involve development on the car park of the existing office and replacement of part of the building. Part of the office would therefore be lost and the associated car parking. The office use would however remain within the main two storey element of the building. There is no Development Plan policy which specifically seeks to retain business uses which are not located within a safeguarded employment area or located on a primary or secondary shopping frontage. However the NPPF gives some guidance in this respect. Par.22 reads,

'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.'

Notwithstanding the Governments clear aim to reuse business premises where the business use can no longer be supported, this proposal only reduces the size of the business premises and parking available rather than removal of the business use completely.

Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.'

The South Gloucestershire Core Strategy Development Plan Document was considered by the Inspector appointed to hold the Core Strategy Examination in Public and a refreshed Core Strategy that incorporates Post-Submission Changes was considered by the Council in mid December. Following this decision, the South Gloucestershire Core Strategy (incorporating Post-Submission Changes) December 2011 was taken forward to Examination in Public. The Inspector concluded that the Submission Core Strategy is capable of being made sound provided a number of modifications are made. Following a further period of consultation on the Inspector led changes and passed back to the Inspector. The Inspector issued an interim report in September 2012 of draft modifications and a further day of Examination is scheduled for March 2013. At this stage the Core Strategy therefore remains unadopted. This document is therefore a material consideration in the determination of planning applications, and the Core Strategy policies, which are not subject to Inspector modification, will now carry considerable weight at this stage.

In determination of this application there are no significant differences between the relevant adopted Development Plan policies and the Core Strategy.

5.2 Reduction to business use

The proposal is to use part of the site occupied by an existing vacant office building to provide a terrace of three two storey dwellings with parking to the front. The proposal would result in the demolition of a single storey element of the existing building and the removal of all parking associated with the office. The two storey building would remain. The applicant provided details of marketing, which has taken place to find a tenant for business purposes, as part of previous application PK12/3214/F (conversion of the entire building to provide 3 flats). The marketing has taken place since February 2011. The marketing was considered to be extensive and included a reduced price, all of which was unsuccessful. It was therefore considered as part of application PK12/3214/F that the existing office use in this location is not viable and the loss of the existing business use was therefore considered to be acceptable. As such this application for reduction only to the office floorspace rather than complete removal would not result in any significant harm in terms of local economic development.

5.3 Sustainable Development

The proposal would provide residential development in a location within the existing town centre, walking distance to both amenities and transport links.

The site is considered to be located in a highly sustainable location. The proposed residential use would add to the mix of uses within the centre and would have a positive impact on the area as a 24hr realm in the interest of crime prevention and the vitality and viability of the centre.

5.4 Visual amenity

Policy D1 of the Local Plan requires all new development to be well-designed. The site is located within the commercial centre of Kingswood just behind the main shopping frontage. The area is characterised by a mix of commercial, retail, office and residential development. The site is bounded by Locally Listed buildings to the north and south, and Lloyds Bank to the east is also Locally Listed. The site is visually prominent when viewed from Banks Road which abuts the east boundary of the site. Banks Road is a dead end street which turns into a pedestrian only link from the car parks to the south to the main centre to the north. The site is well screened from views from Regent Street to the north with only a glimpse afforded through the pedestrian access from Banks Road. The site is therefore considered to be clearly visible from public views in the immediate vicinity of the site, but is not visually prominent.

The proposal would provide three two storey 2 bed dwellings forming a terrace fronting onto Banks Road. The existing dwellings to the south and the office to the north already front onto Banks Road and the proposal would follow this pattern of development. The proposed layout of the site and positioning of the dwellings would be in keeping with the pattern of the settlement.

The applicant has chosen a modern approach in terms of design using a mix of Double Roman roof tiles and render to match the existing office building and treated timber boarding. The roof would have an unusual dualated pitch with a flat centre. The proposal would be in keeping with the office building to the north and the clinical modern design would add a fresh addition to the locality and lift the area visually.

The original building (office) would be retained and only an ugly flat and shallow pitched roofed side single storey element would be removed.

Overall, the proposal would protect the character, distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1. Additionally, the proposal would preserve the setting of the adjacent heritage assets (locally listed buildings).

There is a mature Cherry trees growing within the parking area at the rear of the existing property. This is a significant tree offering high visual amenity to the area, however due to its position in close proximity to the neighbouring building it would not fulfil the criteria for a Tree Preservation Order .

The tree is shown as retained within the proposed development and will be situated within the rear garden of one of the new properties. No details have been provided regarding tree protection and construction techniques which will be employed to prevent any damage to the rooting area of the tree.

It is considered that the retention of the tree would have major impact on the sunlight reaching the gardens and rear windows on two of the dwellings leading to pressure from the new residents to prune or remove the tree.

It is therefore recommended that the best course of action would be to remove the existing tree and replant with smaller garden varieties. A condition is therefore recommended to request confirmation of whether the tree will be removed and for a scheme for replacement tree planting to be submitted for approval.

5.5 Residential amenity

The site would be situated adjacent to a public house but the side of the public house has no windows or openings facing towards the site. As such it is unlikely that the amenity of the future occupiers would be compromised by way of noise and disturbance.

The proposal would result in no undue overlooking of the adjacent dwelling to the south (no.3). As such the proposed development would not prejudice the amenity of neighbouring occupiers in terms of loss of privacy. The proposed terrace of dwellings would be situated a minimum distance of 8m from the side elevation of no.3. No.3 has one first floor side bathroom window and 3 small ground floor windows facing north towards the application site. The proposal due to its distance and position in relation to the side windows of no.3 would not prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development.

Private amenity space is provided for each dwelling.

5.6 Transportation issues

The proposal would include the provision of 4 off street parking spaces. The application has been amended following concerns raised by the Highways Officer in terms of insufficient off street parking provision and the original proposal to provide 3 x 3 bed dwellings has been reduced to 3 x 2 bed dwellings. The parking standard for a two bed dwelling is one space. The proposal would therefore provide sufficient space for each dwelling and one additional guest space within the site. The proposal would meet the Council's parking standard. The amended dwellings have lower roof heights and no additional accommodation would now be achievable in the loft areas.

The proposal would result in the loss of all parking associated with the office use adjacent to the site which would remain, albeit at a smaller size. The site and adjacent office are situated in a highly sustainable location in the town centre close to all amenities and close to excellent public transport links. There is no parking available within close distance of the site. The provision of no parking associated with the office use, situated within a highly sustainable location would not result in any significant pressure for on street parking or highway safety concerns and would be likely to promote means of travel other than the private car.

The proposal would result in no significant intensification of the existing access into the site. The proposal is considered not to result in any significant highway safety issues.

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 31 of the Town and Country Planning (Development Management Procedure) Order 2010 is given below:
- a) Due to its position in relation to the adjacent dwellings and located within the town centre, the proposed development is considered not to give rise to a material loss of amenity to the adjacent occupiers or the future occupiers of the flats. The development therefore accords to Policy H2 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - b) It has been assessed that the proposed development has been designed to respect and maintain the massing, scale, proportions, materials and overall design and character of the street scene, surrounding area and the setting of adjacent heritage assets. The development therefore accords to Policy D1, L1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
 - c) The proposal would provide sufficient off street parking, in a highly sustainable location and would result in no significant increase in traffic. The development therefore accords to Policy H2, 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 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 L18 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 the existing tree on the land shown in the rear garden of plot 2 on the proposed block plan and whether it is to be retained and details of suitable replacement trees and a scheme for 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 D1, L1, E3, H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. All hard and soft landscape works as approved by condition 2 shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

To protect the character and appearance of the area to accord with Policies D1, L1, E3, H2 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, 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 D1, L1, E3, H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. 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.

7. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the any dwelling is first occupied, and thereafter retained for parking related to the development hereby approved.

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.

8. All windows and doors shall be of timber construction (or aluminium windows) and finished in a colour to be first submitted to and approved in writing by the Local Planning Authority.

Reason

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

9. All bargeboards and eaves fascias shall be constructed from painted timber in a colour to be first submitted to and approved in writing by the Local Planning Authority.

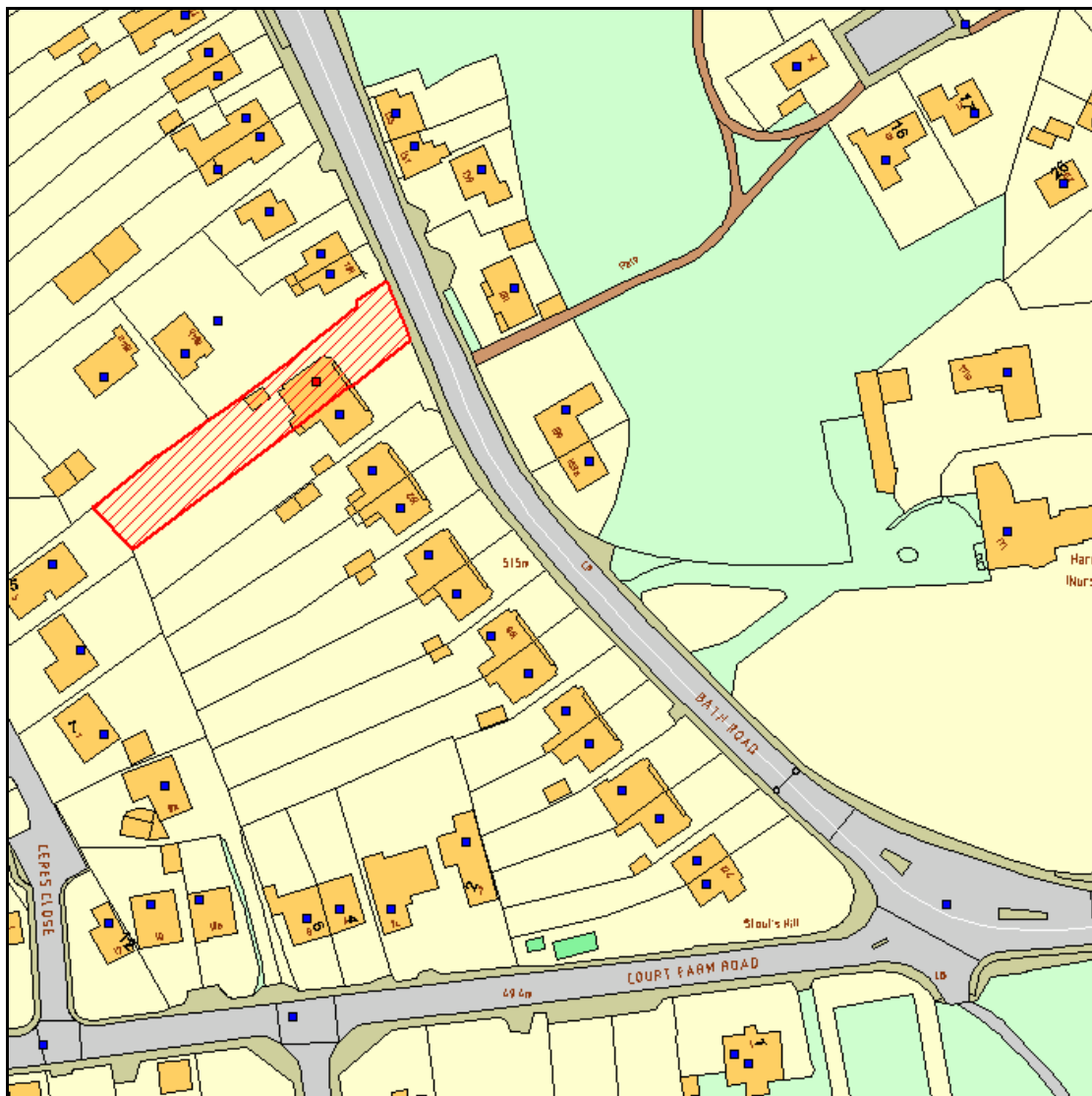
Reason

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

ITEM 4

CIRCULATED SCHEDULE NO. 09/13 – 1 MARCH 2013

| | | | |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------|---------------------|------------------------------|
| App No.: | PK12/4212/F | Applicant: | Mr Simon Hall |
| Site: | 186 Bath Road Longwell Green South Gloucestershire BS30 9DB | Date Reg: | 7th January 2013 |
| Proposal: | Erection of two storey rear extension and installation of 2no. front dormer windows to form additional living accommodation. | Parish: | Hanham Abbots Parish Council |
| Map Ref: | 365973 170796 | Ward: | Longwell Green |
| Application Category: | Householder | Target Date: | 4th March 2013 |



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PK12/4212/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following a comment from a local resident

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a two storey rear extension and the installation of 2no. front dormer windows to form additional living accommodation.
- 1.2 The application site is a semi-detached bungalow situated within the established residential area of Longwell Green.
- 1.3 During the course of the application revised plans were requested and received to improve the design of the roof and remove the initially proposed flat roof element. It is considered that as the changes were minimal and did not change the overall proposal the plans were not sent out for re-consultation.

2. POLICY CONTEXT

2.1 National Guidance

NPPF National Planning Policy Framework March 2012

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 Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012

CS1 High Quality Design

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/2245/F Demolition of existing garage. Erection of double detached garage
Approved 28.8.12

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
No objection

Other Representations

4.2 Local Residents

One letter of objection has been received:

- first floor bedroom window is excessively large and could impose on our bungalow especially in the winter

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be tested against the above policies. Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. Policy D1 of the Local Plan requires all new development to be well designed and along with other criteria, respect and enhance the character, distinctiveness and amenity of both the site and locality. It is considered that the proposal accords with the principle of development and this is discussed below.

5.2 Design and Visual Amenity

The existing single storey dormer bungalow has a hipped main roof and benefits from a hipped roof conservatory attached to the rear elevation. It also has a semi-detached pitched roof rear extension with the neighbour at No. 188 Bath Road and a further smaller single storey extension attached to this. To the front the property has a large gable bay window and the rear garden can be accessed via a long drive to the north.

The proposal would create a two-storey element with an asymmetrical gable roof to the southwest, facing the garden. The extension would extend across the whole of the rear of the dwellinghouse, using the footprint currently occupied by the rear conservatory and semi-detached extension. A small lean-to extension would replace the existing lean-to structure. Windows and doors would be mainly in the southwest elevation with the exception of windows at ground floor level in both the north elevation of the small single storey lean-to extension and the main dwellinghouse. Two bonnet style dormer windows would also be positioned in the front roof elevation and two rooflights on the north side.

- 5.3 The dormer windows to the front would both serve a large bedroom to be created in the front roof space of the dwelling. These are considered to be of an appropriate scale and design with materials to match those of the existing dwellinghouse. The rear elevation would be of block and brick work with a rendered finish. Some cedar boarding would be used to add interest and break-up the expanse of render on this rear elevation. Folding doors and skylights would bring light into the proposed kitchen element. An originally proposed flat roof feature has been removed and replaced with a small pitched roof which helps to better integrate the design and complement the existing house. Good quality materials would be used in the construction. It is acknowledged that the

proposal would result in a large extension to the original property. However, given that it both follows an existing footprint and the hipped roof line it is considered to be an acceptable addition, appropriate to the area which takes the property to what is considered its maximum size.

The proposal thereby accords with Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.

5.4 Residential Amenity

Concern has been expressed by neighbours to the southwest regarding the potential of overlooking. The properties are separated by approximately 55 metres. Given this distance it is considered that the potential impact on the residential amenity of neighbours to the southwest is acceptable. It is acknowledged that the proposal would create a large expanse of roof projecting to the southwest, however, this would be hipped away from neighbours to the north west and given they would be approximately 30 metres away and positioned slightly more to the southwest it is considered that any impact on their residential amenity is acceptable. These neighbours are separated from the application site by a high rendered wall of over 2 metres and as such it is considered the proposed ground floor windows in the north elevation would have no impact on these neighbours. With regard to the side rooflights, these are to serve a bathroom and as such would be conditioned to be of obscure glazing. It is considered that as the application site is adjacent to but set back from the main Bath Road, neighbours across the road at No. 161 Bath Road will not be adversely affected by the proposed front bonnet dormer windows.

Given the above it is considered that the proposal accords with Policy H4 of the South Gloucestershire Local Plan (Adopted) 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 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) Consideration has been given to the impact of the proposed development on the character of the surrounding area, which would in this case not be affected, in accordance with Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) 2006.
 - (b) The proposal would not prejudice the amenities of neighbouring properties in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.
 - (c) Adequate amenity space would be provided to serve the development in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

(d) The design of the scheme would be in accordance with Policy D1 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 written on the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

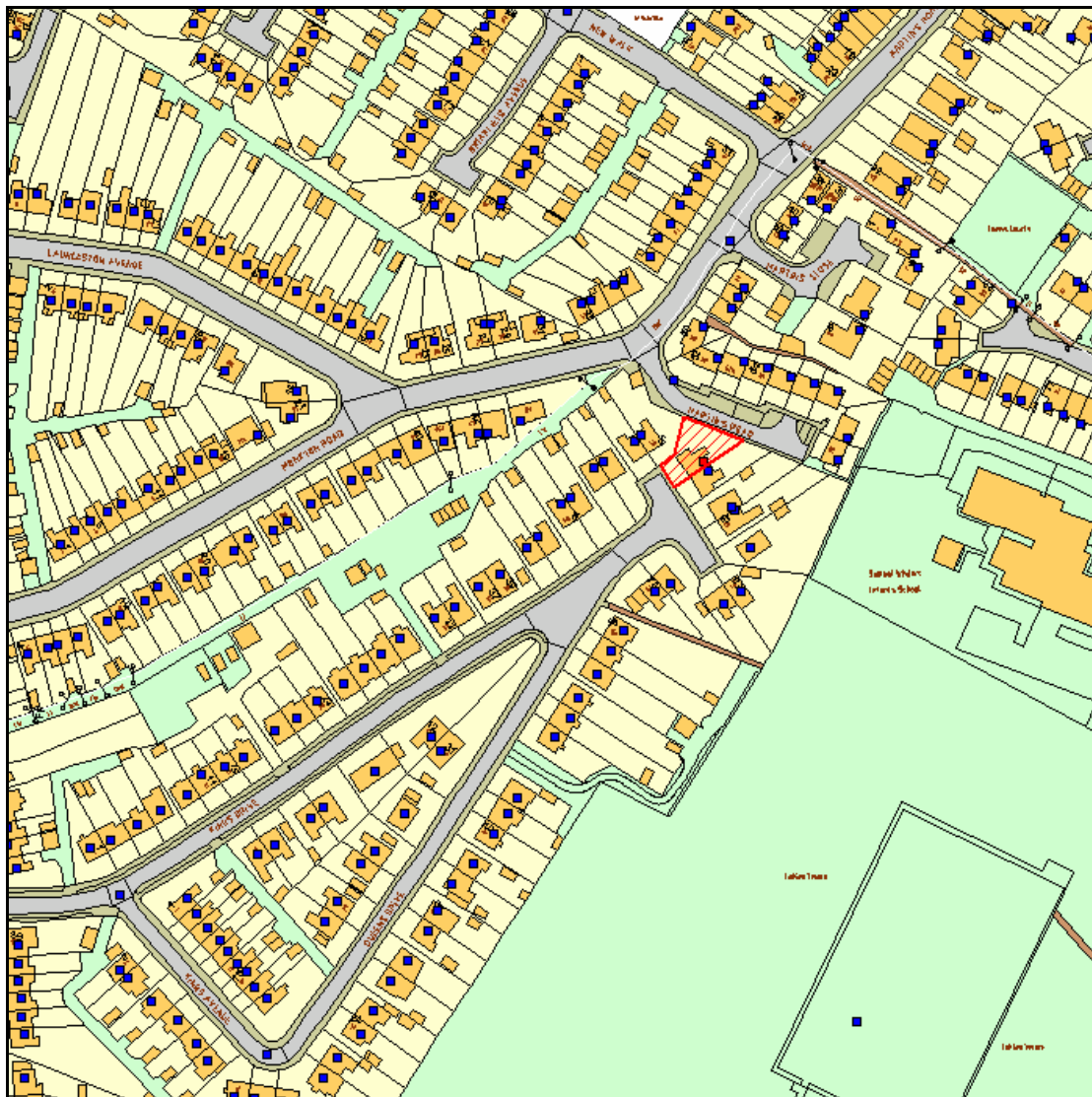
2. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed rooflight windows on the north elevation shall be glazed with obscure glass to level 3 standard or above.

Reason

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

CIRCULATED SCHEDULE NO. 09/13 – 1 MARCH 2013

| | | | |
|----------------------------------|-----------------------------------------------------------------------------------------|-------------------------|---------------------------------|
| App No.: | PK13/0110/F | Applicant: | Mr And Mrs Titcomb |
| Site: | 57 Kings Drive Hanham South Gloucestershire BS15 3JJ | Date Reg: | 17th January 2013 |
| Proposal: | Erection of two storey side extension to provide additional living accommodation. | Parish: | Hanham Abbots Parish Council |
| Map Ref: | 364082 172027 | Ward: | Hanham |
| Application Category: | Householder | Target Date: | 13th March 2013 |



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
 Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright
 and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK13/0110/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from Hanham Abbots Parish Council; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a 3 bedroom semi-detached dwelling house, located at the corner plot of Kings Drive, Hanham. The property lies at the end of cul-de-sac where most of the houses have similar designs. The location is entirely residential in character. There is an attached garage and a conservatory to the side of the property.
- 1.2 It is proposed to demolish the existing garage and conservatory and to construct a two-storey side extension, which would provide cycle storage and an extended dining area on the ground floor and a bedroom with en-suite above. The extension would set back 0.6metres from the front elevation of the host dwelling.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework (NPPF) March 2012.

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

| | |
|-----------|----------------------------------------------------------------|
| D1 | Design |
| L1 | Landscape Protection and Enhancement |
| H4 | Development within Residential Curtilages |
| T8 | Parking Standards |
| T12 | Transportation Development Control Policy for New Development. |
| EP1 | Environmental Protection |
| L17 & L18 | The Water Environment. |

Emerging Policy

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012
CS1 High Quality Design

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List SPD (Adopted) 23 Aug 2007.

Residential Parking Standards Draft SPD Nov 2012

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

4.1 Hanham Abbots Parish Council

The Parish Council object to this proposed development as it appears to be cramped and out of character with the surrounding properties. The Council note that No. 57 Kings Drive will lose their garage to facilitate extension and the Council are concerned that this will result in more demand in on street parking.

Other Representations

4.2 Local Residents

One letter was received from a local resident who supports the proposal.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework was published in March 2012. The document replaces most PPG/PPS guidance providing a more simplified and up to date advice in determination of planning applications.

The NPPF indicates that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

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

It is considered that the relevant policies of the adopted Development Plan do not materially depart from the NPPF. As such significant weight can be afforded to the Development Plan policies in this case.

The South Gloucestershire Core Strategy Development Plan Document was considered by the Inspector appointed to hold the Core Strategy Examination in Public and a refreshed Core Strategy that incorporates Post-Submission Changes was considered by the Council in mid December. Following this decision, the South Gloucestershire Core Strategy (incorporating Post-Submission Changes) December 2011 was taken forward to Examination in Public. The Inspector has concluded that the Submission Core Strategy is capable of being made sound provided a number of modifications are made.

The Inspector has considered the results of the consultation process on the draft Main Modifications to the South Gloucestershire Core Strategy. This includes the Council response as set out in its letter of 16 November 2012. Inspector considered that the views put forward helpful in clarifying his views on a number of matters. The Inspector intends to issue a more detailed note early in the New Year regarding the matters that he would like to examine further.

The Core Strategy is therefore a material consideration in the determination of planning applications, although at this stage the Core Strategy policies, which

are subject to Inspector modification, are likely to carry less weight than the Development Plan at this stage.

In determination of this application there are no significant differences between the relevant adopted Development Plan policies and the Core Strategy.

- 5.2 Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. Policy D1 of the Local Plan requires all new development achieve good quality of design and along with other criteria, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

5.3 Design/Visual Amenity

The existing property is a two-storey semi-detached dwelling. The proposal is to demolish the existing garage and conservatory and to construct a two-storey side extension.

The Parish Council raise their concerns as it appears to be cramped and out of character with the surrounding properties. Officers acknowledge that the shape of the proposed extension is unusual and the design is restricted by the shape of the plot. However it is also noted that there is a similar extension at No. 67 Kings Drive (with a fully hipped roof).

The proposed extension would be set back from the front elevation and would have a lower hipped roof, officers therefore consider that the proposal would be subservient to the host dwelling. The proposed matching materials for the external surface of the extension would help to integrate with the existing dwellings. In addition, the property and the new extension are situated in a discreet location. Officers therefore consider that on balance the new extension would not cause significant harm to the character and appearance of the host dwelling and other surrounding properties to warrant a refusal of this application.

5.4 Impact on Residential Amenity

The nearest neighbouring property to the proposed new extension is No. 55 Kings Drive, which is also a two-storey semi-detached dwelling with a similar architectural design.

The proposed two-storey extension would sit at an angle of the neighbouring property, No. 55. There would be a high level opening window on the first floor level of the side elevation of the proposed extension. On the ground floor, there would be a dining room window on the side elevation, which would be located at a similar location of the existing kitchen window and conservatory. Officers therefore consider that the proposal would not cause significant loss of privacy upon the neighbouring occupiers.

As the proposed extension would sit at an angle of the neighbouring property, No. 55, Officers consider that the proposed extension would not cause significant overbearing impact upon the neighbouring occupiers.

Sufficient amenity space would be retained to serve the dwelling. As such it is considered that the proposed development would not have any adverse impact on residential amenity.

5.5 Transportation Issues

The Parish Council is concerning that the proposal would result in the loss of parking facilities within the site. Officers noted that, notwithstanding the garage, there is parking space in front of the garage. In addition, the existing front garden would be able to provide extra parking spaces. Officers therefore consider that the proposal would not cause significant issue in terms of the provision of parking facilities provided that a planning condition is imposed to ensure at least two parking spaces will be provided at the front of the property. The applicant has confirmed that the proposed condition is reasonable and acceptable.

5.6 Environmental Issues

As the proposal would require additional parking spaces in front of the property, a planning condition is imposed to ensure that the new parking spaces would be constructed with permeable bound surface in order to prevent flooding in the locality and accord with Policies L18 of the South Gloucestershire Local Plan.

5.7 Landscape Issues

The proposal would not affect any significant trees or any landscape features within the site. The proposal would retain adequate amount of amenity space to serve the property.

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.

1. Consideration has been given to the proposal's scale and design and is considered to accord with Policies D1 and H4(A) of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept 2012
2. The scheme is not considered to adversely affect residential amenity in terms of overlooking, loss of privacy, overbearing impact or loss of amenity space and therefore accords with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
3. The proposal would have no adverse highway implications in accordance with Policy H4(C), T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4. Consideration has been given to the drainage implications of the scheme and its impact upon the environment in accordance with Policies EP1, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
 5. The proposal would not adversely affect any features of the landscape and accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 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 That planning permission be **granted** subject to the following conditions:

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. No windows shall be inserted at any time in the northwest side elevation of the extension hereby approved.

Reason
To protect the residential amenity of the neighbouring occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason
To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
4. An off-street parking area measuring 5 metres by 5 metres shall be provided within the front garden area of the property before the extension is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The parking spaces shall be finished with permeable bound surface and shall be maintained as such thereafter.

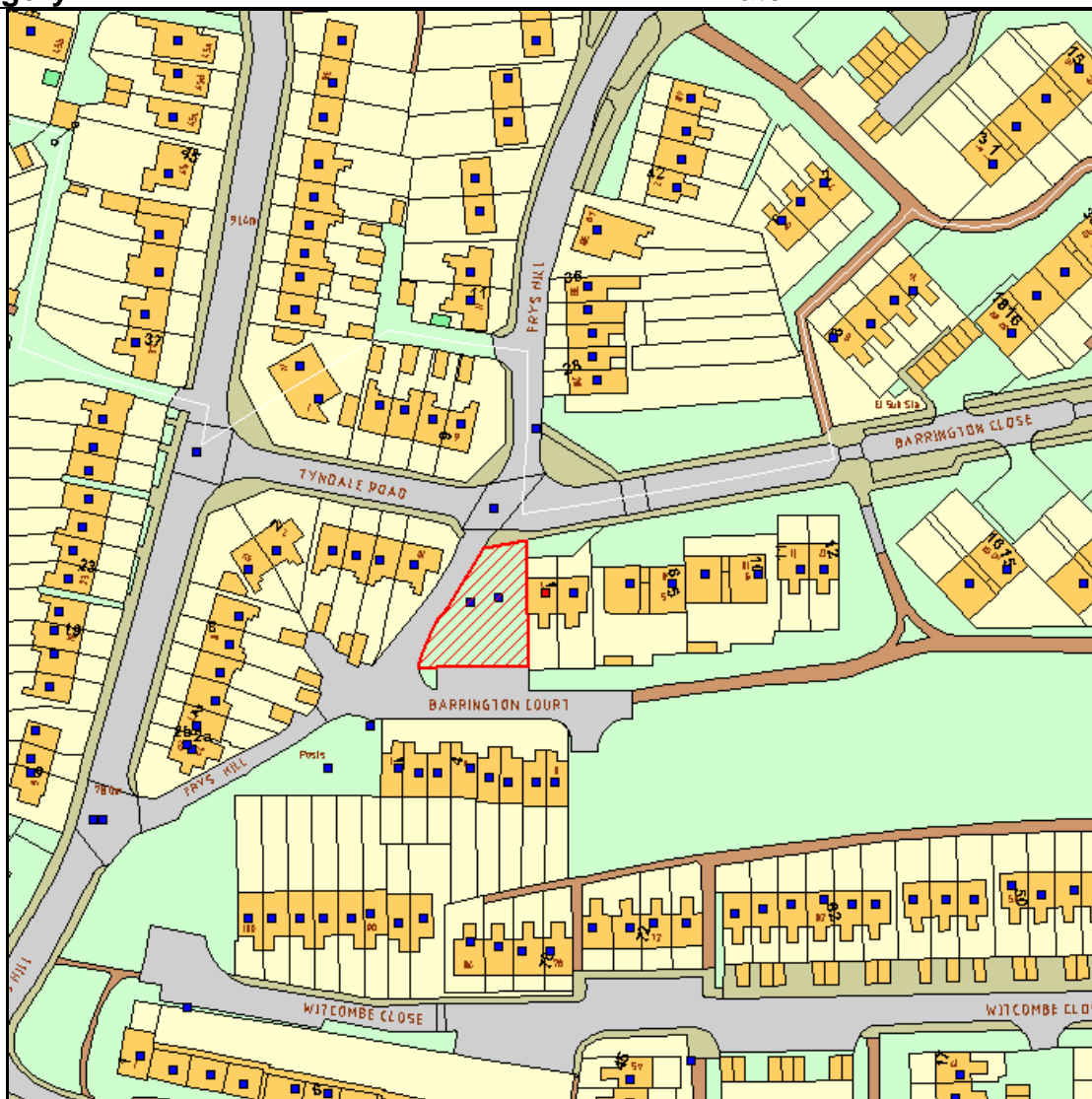
Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

To prevent flooding and to ensure that a satisfactory means of drainage is provided, and to accord with Policies L17/L8/EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 09/13 – 1 MARCH 2013

| | | | |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|------------------------------------------|
| App No.: | PK13/0135/F | Applicant: | John Dean Building Contractors Ltd |
| Site: | Land Adjoining 1 Barrington Close Kingswood South Gloucestershire | Date Reg: | 17th January 2013 |
| Proposal: | Erection of 2no. dwellings with cycle store, access and associated works. (Amendment to previously approved scheme PK12/1134/F). | Parish: | None |
| Map Ref: | 365486 174503 | Ward: | Kings Chase |
| Application Category: | Minor | Target Date: | 12th March 2013 |



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
 Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright
 and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK13/0135/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following objections received from three local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of 2no. dwellings with cycle store, access and associated works. The application follows a recently approved scheme (PK12/1134/F) for 2no. dwellings on the site with the difference that this application includes a small lean-to extension to the rear of each property.
- 1.2 The application site relates to land situated within the established residential area of Kingswood

2. POLICY CONTEXT

2.1 National Guidance

NPPF National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

| | |
|--------|--------------------------------------------------------------------------------------------|
| D1 | Achieving Good Design in New Development |
| L1 | Landscape Protection and Enhancement |
| EP1 | Environmental Pollution |
| EP2 | Flood Risk and Development |
| L17&18 | The Water Environment |
| H2 | Residential Development within Urban Areas |
| H4 | Development within Existing Residential Curtilages, Including Extensions and New Dwellings |
| T7 | Cycles |
| T8 | Parking Standards |
| T12 | Transportation Development Control |

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012

| | |
|------|-------------------------|
| 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)
Draft SPD: Residential Parking Standard (November 2012)

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/0083/F Erection of 2 dwellings with garages, access and associated works

| | | |
|-----|-------------|----------------------------------------------------------|
| | Withdrawn | 21.2.12 |
| 3.2 | PK12/1134/F | Erection of 2 dwellings with access and associated works |
| | Approved | 25.5.12 |

4. **CONSULTATION RESPONSES**

4.1 Parish/Town Council
The area is unparished

4.2 Other Consultees [including internal consultees of the Council]

Sustainable Transport

No objection subject to conditions attached to the decision notice

Drainage Engineers

No objection subject to informatives attached to the decision notice

Wessex Water

No objection subject to an informative attached to the decision notice

Environmental Protection

No objection subject to an informative attached to the decision notice

Coal Authority

No objection

Historic Environment

No objection

Other Representations

4.3 Local Residents

Three letters of objection have been received from local residents. The points raised are:

- business venture
- concrete jungle, taking away open space
- loss of natural light to rear half of property
- proximity to existing dwellings, full structural survey request
- ownership of concrete slab and pre-commencement planning condition
- highways – road traffic incident
- consultee, Wessex Water, omitted from previous application
- privacy issues with west facing windows
- bike sheds – risk of anti-social behaviour
- parking for the site and visitors

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application stands to be assessed against the above listed policies. The site is within the established residential area as defined in the South Gloucestershire Local Plan (Adopted) 2006. Policies in the local plan (H2, H4 and D1) require that proposals are assessed for their impact upon the character of the area and that proposals make efficient use of land. As stated in the NPPF the government attaches great importance to the design of the built environment, citing good design as a key aspect of sustainable development and thereby positively contributing to making places better for people. Developments should function well and add to the overall quality of the area, creating attractive and comfortable places to live, work and visit. Furthermore they should respond to local character and history and reflect the identity of local surroundings and materials

5.2 The South Gloucestershire Core Strategy Development Plan Document was considered by the Inspector appointed to hold the Core Strategy Examination in Public and a refreshed Core Strategy that incorporates Post-Submission Changes was considered by the Council in mid December. Following this decision, the South Gloucestershire Core Strategy (incorporating Post-Submission Changes) December 2011 was taken forward to Examination in Public. The Inspector concluded that the Submission Core Strategy is capable of being made sound provided a number of modifications are made. Following a further period of consultation on the Inspector led changes and passed back to the Inspector. The Inspector issued an interim report in September 2012 of draft modifications and a further day of Examination is scheduled for March 2013. At this stage the Core Strategy therefore remains unadopted. This document is therefore a material consideration in the determination of planning applications, and the Core Strategy policies, which are not subject to Inspector modification, will now carry considerable weight at this stage.

5.3 Policy H2 of the South Gloucestershire Local Plan states residential development will be permitted within existing urban areas provided that it does not prejudice residential amenity, the maximum density is compatible with the site, the site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination and the provision for education, leisure, recreation and other community facilities is adequate to meet the needs arising from the proposal. Policy H4 of the South Gloucestershire Local Plan is supportive in principle for the erection of infill dwellings within existing curtilages, providing the design is acceptable and that there is not unacceptable impact on residential and visual amenity. Policy D1 requires all new development to be well designed and along with other criteria, respect and enhance the character, distinctiveness and amenity of both the site and locality. Policy T12 identifies factors relating to parking, access and highway safety that must be taken into consideration and Policy T8 advises on minimum parking standards.

5.4 A very similar application for 2no. dwellinghouses has been recently approved on the site and this carries significant weight in the determination of this current application.

5.5 Design and Visual Amenity

5.6 Design

The surrounding area is clearly suburban in character with a number of two-storey dwellinghouses arranged as semi-detached or terraced properties. The approach of the applicant is to produce two three-bed semi-detached dwellinghouses that complement the simple style of properties adjacent to and opposite the application site. The proposed dwellinghouses would have simple pitched roofs, exteriors of painted render above facing brick and white uPVC windows. A small roof would shelter their front doors. As the site is sloping the main roofline of one half of the semi would be slightly above that of the other. Ultimately, the roofline would be of a similar height to that of existing adjacent properties and therefore in keeping with the scale and character of the area. Off street parking and a cycle store are also proposed for each property.

This current application differs slightly from that previously approved in that a small lean-to extension would be attached to each of the proposed dwellinghouses to the rear thereby increasing the overall footprint of the properties. Good quality materials would be used in the construction. Given the above the proposal is considered to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.

5.7 Character and Density

As previously mentioned the area is characterised by two-storey semi-detached and terraced properties of approximately the same size. With regard to density it is considered that the site could accommodate no more than the proposed number of dwellinghouses and lies within what is a sustainable location in Kingswood and within easy walking distance of shopping, community facilities and public transport routes.

5.8 Residential Amenity

This proposal would result in a slight reduction in the amount of residential amenity space allocated to each of the proposed dwellinghouses. Nonetheless, it is considered that given the location of the proposed dwellinghouses within an existing settlement area and taking into consideration their proposed size it is deemed that the private amenity space allotted for the proposed development is acceptable.

Concern has been expressed regarding the loss of open space in this area resulting from the development. The application site is approximately 20 metres away from a large area of open public amenity space (approximately 5,819 sq metres) which currently serves the local community. Given this, it is deemed that the development would not adversely effect the amount of open space available to local residents.

5.9 Loss of natural light and proximity

Neighbours adjacent to the proposed most easterly dwellinghouse have expressed concern regarding loss of light resulting from this proposal. This

proposal would result in each of the two dwellinghouses having an additional single storey extension to their south elevations. The extensions would stretch across the width of the properties (approximately 5.5 metres) and measure 1.2 metres deep. The proposed dwellinghouses would be due east from neighbours at No. 1 Barrington Close with the most eastern proposed dwellinghouse being slightly forward of this neighbour. In total the proposed dwellinghouse would be 2 metres forward of the main building line of No. 1 Barrington Close. One metre of this would be two-storey and one metre would be at single storey height. The 45 degree rule can be used to assess potential impact on neighbour's amenity. The method was applied in this case and it has been calculated that the proposal would not impact on the amount of light entering the neighbouring property. It is considered that the proposal thereby concurs with this rule.

The proposal would be 0.5 metres away from neighbours at No. 1 Barrington Close. It has been stated by neighbours that the ownership of a strip of concrete between the two properties is currently under investigation. As part of this application, however, the applicant has signed the appropriate form to indicate ownership of the land. The question of ownership is not a planning matter but a civil issue which must be decided between the two parties, and thereby cannot be covered under the remit of a planning report which considers an application against planning policy and legislation.

Concern has been expressed regarding impact on privacy the proposed windows in the west elevation would have on neighbours at No. 8 Tyndale Road. This property is positioned slightly to the north of the application site and angled away to the southwest. The closest proposed dwelling would be approximately 15 metres away from neighbours with two windows in this opposing west elevation. One of these windows would serve a bathroom and one a landing. The bathroom window would be of obscure glazing. Given the function of a landing window where occupiers would be moving from one space to another it is not considered necessary to condition this to be of obscure glazing. In addition it must be taken into consideration that the proposed dwelling would not impact on the residential amenity of No. 8 Tyndale Road over and above that created by its existing neighbours.

It is acknowledged that this proposal would reduce the distance between it and neighbours to the south on the other side of Barrington Court. Nevertheless given the very small amount of increase of 1.2 metres at ground floor level officers consider this would have very little impact on residential amenity and sufficient space would remain to serve the proposed dwellinghouses.

5.10 Sustainable Transport

Council Highway Engineers have assessed the application. Vehicular access and parking would be the same as the previously permitted proposal with hardstanding provision for vehicle parking and separate cycle/garden storage facilities for each dwelling. Parking provision would comprise a tandem arrangement for one of the dwellings and side-by-side design for the other. This level of parking is within the standards set out in Policy T8 of the South Gloucestershire Local Plan (Adopted) 2006 and is therefore considered acceptable.

Policy T12 sets out general highway matters which development proposal must meet. This includes the provision of safe and convenient access, the avoidance of traffic congestion and hazards to road users. Highway Officers consider the proposal acceptable and not in conflict with the principles of highway safety.

Concern has been expressed regarding the bike sheds being separate from the main dwellings. One bike shed would be approximately 2.2 metres away from its associated dwellinghouse and the other approximately 3.8 metres away. The entry points into both cycle stores would be from within the gardens of the respective dwellinghouses which would be enclosed within fencing of 2 metres in height. It is considered that opportunities for anti-social behaviour as cited in the comments received, would reduce, rather than increase, following the development of the currently empty piece of land.

A comment has been received with regard to an accident having taken place in the vicinity in recent months. Having checked the Council's records which are updated on a monthly basis using police details there are no details of any major incidents on this stretch of road.

In light of the above, there is no transportation objection to this proposal and it is considered that the proposal meets Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) 2006.

5.11 Other Planning Matters

5.12 Affordable Housing/Education/Community Service

The proposal for 2no. dwellinghouse falls below the Council's threshold for affordable housing, education and community service provision.

5.13 Noise, dust, smell and pollution

The site itself is not currently subject to excessive levels of noise, pollution, smell, dust or contamination. An informative relating to hours and methods of work will apply during the period of construction to protect the amenity of local residents.

5.14 Community Facilities and Sustainability

The proposed dwellinghouses would be close to education, leisure and recreation facilities. They would also be close to public transport links and cycle routes. Considering these issues it is judged that the proposal would constitute a sustainable form of development.

5.15 Drainage Engineer

Drainage engineers have no objection to the proposal providing appropriate permeable paving/tarmac and adequate provision for water run-off is made. This will be covered by an informative on the decision notice. Concern has been expressed that under the previous application Wessex Water was not consulted. The Council's drainage engineer noted in his previous comments the presence of the public sewer and an informative was attached to the decision notice advising the applicant to contact Wessex Water for advice. In

this way officers were satisfied that this aspect of the application had been covered satisfactorily.

5.16 Wessex Water

A public sewer and public surface water sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals may affect existing public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter. Building over or within 3 metres of existing public sewers will not be permitted (without agreement) from Wessex Water under Building Regulations. With regard to the diversion of water mains and sewers: where development proposals affect a public water main or sewer, it may be possible to divert by agreement with Wessex Water. Diverting a water main/public sewer will be subject to satisfactory engineering proposals and a legal agreement subject to the provisions of S185 Water Industry Act 1991.

5.17 Coal Authority

Assessors have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area. The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which should be considered as part of development proposals. However, it is noted that The Coal Authority has been consulted on the previously approved planning application (PK12/1134/F) for the proposed development of 2 no. dwellings and 2 no. garages on this site. As part of this previous process the applicant provided sufficient evidence to disprove the presence of the shallow mine workings. Although this information has not been resubmitted as part of the supporting evidence for this planning application, the previous information has been taken into account. Therefore The Coal Authority does not object to 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 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) Consideration has been given to the impact of the proposed development on the character of the surrounding area, which would in this case not be affected, in accordance with Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) 2006.
 - (b) The proposal would not prejudice the amenities of neighbouring properties in accordance with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
 - (c) An acceptable level of off-street parking would be provided in accordance with Policies H2, H4 and T8 and highway safety is unaffected in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006.

- (d) Adequate amenity space would be provided to serve the development in accordance with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- (e) The design of the scheme would be in accordance with Policy D1 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 written on the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. Prior to the use or occupation of the dwellings hereby permitted, and at all times thereafter, the proposed first floor windows serving bathrooms on the respective east and west elevations shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To 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 H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan Proposed Site Plan Revisions A - Garages Omitted and Cycles Stores Added May '12 - 3B 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.

4. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. The subsequent work is to be implemented in accordance with the submitted and approved plans.

To comply with South Gloucestershire Local Plan (Adopted) January 2006 Policies L17, L18, EP1, EP2.

ITEM 7

CIRCULATED SCHEDULE NO. 09/13 – 1 MARCH 2013

| | | | |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-------------------|
| App No.: | PK13/0191/F | Applicant: | Mr Adam Kulbacki |
| Site: | 9 Kingsleigh Park Kingswood South Gloucestershire BS15 9PJ | Date Reg: | 28th January 2013 |
| Proposal: | Erection of two storey side extension to form 1no. attached dwelling with parking and associated works (Resubmission of PK12/4210/F). | Parish: | None |
| Map Ref: | 365814 173212 | Ward: | Woodstock |
| Application Category: | Minor | Target Date: | 21st March 2013 |



© South Gloucestershire Council 2007. all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright
and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PK13/0191/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the circulated schedule as a representation has been made, which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the demolition of the existing attached garages to facilitate the erection of a two-storey side extension to form 1 no. attached residential dwelling.
- 1.2 The application site consists of a two-storey end of terrace residential dwelling located at the end of a hammerhead, within an established residential cul de sac of Kingswood.
- 1.3 The application is a re-submission of a previously withdrawn application – ref: PK12/4210/F. The application was withdrawn following comments made by the Council's Transport Officer. Design amendments have been made in response to these comments and are incorporated into this submission.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Achieving Good Quality Design
- H2 Proposals for Residential Development within Existing Urban Areas and Defined Settlement Boundaries
- H4 Development within Existing Residential Curtilages
- EP1 Environmental Pollution
- L1 Landscape Protection and Enhancement
- T8 Parking Standards
- T12 Transportation Development Control Policy

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.

- CS1 High Quality Design
- CS8 Improving Accessibility
- CS9 Location of Development
- CS16 Housing Density
- CS17 Housing Diversity

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2006

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/4210/F - Erection of two storey side extension to form 1no. attached dwelling with parking and associated works – **Withdrawn 21st January 2013**

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
N/A
- 4.2 Transportation DC
No objection in principle subject to conditions relating to parking and turning area.
- 4.3 Drainage
Informative recommended relating to public sewer
- 4.4 Wessex Water
Informatives recommended relating to public sewer
- 4.5 The Coal Authority
No objection, informative recommended

Other Representations

- 4.6 Local Residents
One letter of objection has been received from a local resident. The concerns are summarised as follows:
- Parking in the close is already an issue. A large proportion of the properties are rented and there are at least 2 vehicles per household, in some cases three or four are parked in and around people's homes. Removing the garage and adding another property will exacerbate this issue.
 - The proposal would result in the loss of parking and addition of a property, in which at least 2 cars will need to be located. This doesn't add up in such a small space.
 - The ability to turn a car at the end of the close is impossible as it is. A new property with additional cars is dangerous to those using the road to reach the pedestrianised Woodstock Road, and children playing in the street.
 - No mention is made of the loss of parking space and garage to no.10 Kingsleigh Park – where is it envisaged that these vehicles are parked as they currently reside within the garage/ drive, which is to be demolished.
 - The additional parking space outside no.9 is noted but this makes no difference to the fact that occupant's cars are parked outside the property in any case. I am sceptical if there is room for vehicles to be completely off the footpath.
 - Construction traffic during the build itself – reversing delivery lorries into the close will be difficult and dangerous for pedestrians and other vehicles.

- Why did the original developer not obtain planning permission for the fifth property in circa 1980? If there was enough space a property would have been built. More cars are prevalent in the street scene in the present day.
- Reference is made to application PK08/1367/F – this was located on a main road not at the end of a cul de sac.
- Most houses within the close are tenanted – consultation expiry date should be extended to allow tenants to pass the planning notice to their landlords.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of a two-storey side extension to form 1no. attached dwelling. Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) permit this type of development in principle subject to criteria relating to residential amenity, highways and design.

5.2 Residential Amenity

The site comprises an end of terrace two-storey residential dwelling situated within an established residential cul de sac in Kingswood. The application proposes the demolition of the attached 2no. garages to facilitate the erection of a two-storey side extension to form 1no. attached dwelling. The site does not have any direct neighbours to the east and neighbours to the rear are located perpendicular to the site. The height of the proposal matched that of the existing dwelling, and is set back from the existing front elevation by 1.95 metres. The rear elevation of the proposal meets the rear elevation of the site's existing rear conservatory, which protrudes 2.75 metres back from the building line of the original terrace.

5.3 Given the location of the proposal within an established residential cul de sac it is considered that the proposal would not significantly overlook surrounding dwellings to the detriment of their privacy. It is considered that the double storey side extension may result in some loss of light to the existing dwelling on the site, in particular the rear conservatory, but this is not considered significant enough to have a detrimental impact on the residential amenity. In order to ensure the proposal will not impact residential amenity in the future it is considered necessary to remove the permitted development rights for the proposed dwelling. Due to the location of the proposal on the end of the terrace, with no direct neighbours to the east it is considered that the proposal would not have an overbearing impact on neighbouring dwellings.

5.4 The rear garden for the existing site is larger than that found within the immediate locality, and is generous for the existing site as a two bedroom dwelling. The proposal would halve the existing rear garden to create two garden spaces of equal size to serve the relevant dwelling. The proposal would represent an “effective use of the land by re-using land that has been previously developed”, and is therefore in accordance with guidance contained within the National Planning Policy Framework (2012). Whilst the proposed arrangement is acceptable in terms of amenity space it is considered that a further reduction would be unacceptable. Accordingly it is considered that the

restrictions of the site display the special circumstances necessary to remove the permitted development rights for the proposal.

5.5 Highways

The application site is located at the end of a cul de sac with a public right of way along the east of the site. Access to this public right of way runs along the front of the site with vehicles crossing this to access the existing parking provision, which currently consists of two attached garages and a hardstanding area. The proposed access arrangements to the site would remain as existing with additional provision for manoeuvring vehicles within the site's curtilage. Therefore, whilst there is some concern for conflict between pedestrians, cyclists, and vehicles, this cannot be used as a refusal reason as the arrangement would not change in terms of highway safety.

5.6 Parking provision for the site would, however, change. The existing site, which consists of a two-bedroom residential dwelling, currently has provision for two parking spaces within the attached garages plus a hardstanding area in front of these garages for two cars. The proposal would result in the loss of these two garages, which would be replaced by 1no. attached two-bedroom dwelling. Following comments made by the Transport Officer on the previous (withdrawn) application the applicant has made design changes to the proposed parking provision. The revised application has provision for one parking space per dwelling. Parking for the proposed attached dwelling would be located within the proposed integral garage, whereas the parking for the existing dwelling would be a parallel parking space directly in front of the existing dwelling. The area in front of the proposed attached dwelling would be hard surfaced providing a turning area, which would be communal for the two dwellings on the site.

5.7 Whilst the loss of parking provision in this area is undesirable the provision of one parking space per two bedroom dwellings is acceptable in terms of the current Local Plan (Adopted) under policy T8, which stipulates maximum parking standards. It is acknowledged that the design of the proposed parking layout on the site is unconventional, with a parallel parking space to the front of the existing dwelling and a shared turning area. This would not, however, warrant a refusal on the application. It is considered that the parking layout will only be possible if the proposed hardstanding manoeuvring space remains communal between both properties and remains unobstructed at all times. This will be conditioned accordingly to ensure the parking arrangement is maintained as proposed. Subject to these conditions it is considered that the proposal is adequate in terms of parking and highway safety and is therefore acceptable in terms of policies D1, H4, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 2006.

5.8 Design

The proposed attached 1no. dwelling has been designed in order to respect the character of the existing site and the locality. The height and width of the proposal matches the existing dwelling on the site and the terraced dwellings on the street scene. This is with the exception of the wider ground floor level with additional side lean-to, which has incorporated an additional 1.2 metres width in order to accommodate the integral garage. It is considered that the

overall massing and proportions of the proposal is acceptable and remains in keeping with the local area. The proposed attached dwelling is set back from the terrace by 1.95 metres and therefore does not appear imposing or incongruous on the street scene. The detailing of the proposal has been designed in order to fit into its surroundings. The proposed materials, the roof pitch, and the front canopy porch match the existing site. As a result of the integral garage the integral living accommodation has been restricted and is considered small in size. This would not, however, warrant a refusal of the application. Accordingly the proposal is considered acceptable in terms of policies H4 and D1 of the adopted Local Plan.

5.9 Landscape

The proposal is located within an established residential area of Kingswood, and would re-use previously developed land. As the proposal would replace two existing garages the application would not result in the loss of open space or significant landscape features. Accordingly the proposal is considered acceptable in terms of policies D1 and L1 of the adopted Local Plan.

5.10 Coal Referral Area

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. The proposal would replace the existing garages and as such would use the existing foundations. As such a Coal Mining Risk Assessment has not been required as part of the application. The Coal Authority raise no objection to the works but recommend that an informative is attached to the decision notice to ensure that care and mitigation methods are undertaken during the building process.

5.11 Other Matters

During the consultation period a local resident raised a number of concerns in relation to the proposal. Concerns regarding parking provision and access have been considered and addressed in this report.

In response to concerns relating to construction vehicles entering and delivering to the site it is highlighted that this has not carried significant weight in this decision. An informative will be added to the decision notice regarding construction times, as recommended by Environmental Protection.

In relation to responses concerning previous applications (including the original application for this locality) it is highlighted that the application has been assessed on its own merits against the relevant adopted Local Plan policies. Weight has not given to the precedence of previous applications.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in

accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

- 6.2 It is considered that the proposal, by virtue of its scale, location, and design, would not have a detrimental impact on the residential or private amenity of surrounding dwellings. Subject to a condition restricting permitted development rights it is considered that the site is capable of accommodating the proposal with adequate private amenity space to serve the existing and proposed dwellings. The design of the proposal has been informed by and respects the character of the site and the locality, and does not have a detrimental impact on landscape character. Accordingly the proposal is considered acceptable in terms of policies D1, H2, H4, and L1 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The access arrangement on site would not change as a result of the proposal. Whilst the design of the proposed parking layout and parking provision is unconventional and undesirable it is considered acceptable in terms of current adopted Local Plan policy. Subject to conditions restricting the use of the proposed garage and turning area the proposed parking arrangement is considered adequate in terms of parking provision and highway safety, and is therefore in accordance with policies H4, T8, and T12 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.4 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 is **APPROVED** subject to the conditions on the decision notice.

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The 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.

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

Reason

To protect the residential amenity of the neighbouring occupiers, and to ensure an adequate provision of private amenity space, to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The integral garage hereby permitted shall be used for no purpose other than the garaging of private motor vehicles without prior written consent from the Local Planning Authority

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The off-street parking facilities (for all vehicles, including cycles) and manoeuvring area shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose. All parking and manoeuvring spaces shall be constructed with permeable bound-surfaced material (i.e. no loose stone or gravel) and maintained as such thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The manoeuvring area at the front of the dwelling hereby approved shall remain free from obstruction and kept clear at all times for use by the occupiers of no.9 Kingsleigh Park and the occupiers of the approved attached dwelling.

Reason

In the interests of highway safety and to ensure satisfactory parking provision for both dwellings, and to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 8

CIRCULATED SCHEDULE NO. 09/13 – 1 MARCH 2013

| | | | |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-------------------------|----------------------------|
| App No.: | PT12/3318/CLE | Applicant: | Mr J Harding |
| Site: | Ingst Hill Farm Ingst Hill Olveston South Gloucestershire BS35 4AP | Date Reg: | 17th October 2012 |
| Proposal: | Application for Certificate of Lawfulness for existing use of land and buildings for Class B8 (storage and distribution) | Parish: | Olveston Parish Council |
| Map Ref: | 358243 187794 | Ward: | Severn |
| Application Category: | Minor | Target Date: | 11th December 2012 |



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright
and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PT12/3318/CLE**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule because it forms a Certificate of Lawfulness application.

1. THE PROPOSAL

- 1.1 The application submitted forms a Certificate of Lawfulness in respect of the use of land and a building for class B8 (storage and distribution).
- 1.2 The application relates to land on the south side of Ingst Hill, Olveston. The site is beyond any settlement boundary and within the open Green Belt.
- 1.3 The agent has sought to address concerns raised both as a result of the consultation process and by Officers as part of this application. This additional information has included five photographs showing lorries at the rear of the site (understood to be dated 2002) and a new site location plan slightly reducing the extent of the red edge at the rear of the site.

2. POLICY CONTEXT

- 2.1 Because the application is a Certificate of Lawfulness the policy context is not directly relevant and therefore the planning merits are not under consideration. The applicant need only prove that on the balance of probabilities the use has taken place for a continuous period of 10 years up to the date of this application.

3. RELEVANT PLANNING HISTORY

- 3.1 N1234: Installation of slurry store for agricultural purposes. Permitted: 11 September 1975
- 3.2 P93/1268: Erection of cattle building to replace existing. Permitted: 1 April 1992
- 3.3 PT11/4050/F: Change of use of land and buildings from agricultural to mixed use of agricultural and land for the keeping of horses. Use of farm building as stables; construction of ménage. Permitted: 10 February 2012
- 3.4 PT12/3317/CLE: Certificate of lawfulness for existing use of land and buildings for Class C3 (residential). Withdrawn: 28 November 2012
- 3.5 PT12/4131/CLE: Certificate of Lawfulness for existing use of land and buildings for Class C3 (Residential) (Re submission of PT12/3317/CLE). Decision Pending.

4. ENFORCEMENT HISTORY

- 4.1 COW/04/0594: Complaints regarding creation of access.

- 4.2 CAW/07/0016: Unauthorised stationing of a mobile home.
- 4.3 COW/08/0419: Change of use to distribution yard (case closed due as an anonymous complaint but complainant claimed farm yard being used as distribution yard involving lorry movements day and night)/

5. CONSULTATION RESPONSES

5.1 Olveston Parish Council

'The site is in open Countryside and within the Green Belt. Access is via a narrow winding lane. The applicant was granted permission in February 2012 for use of land and buildings for agriculture and land for keeping of horses, use of farm building and stables and construction of a manege. A further certificate of lawfulness for class B8 storage and distribution is over development and completely inappropriate for this rural hamlet.'

5.2 Other Consultees

Highways DC: no comments

Other Representations

5.3 Local Residents

Two statutory declarations (summary):

- The writers has lived in the village for 52 years with 31 of these years at Valley Farm directly opposite the application site/ for 20 years at Valley Farm and her husband for 48 years at Valley Farm;
- The evidence in support of the application to suggest that building A and the yard have been continually used for storage and distribution for the last 10 years is refuted/ disputed;
- Building A and the yard has been used for various agricultural enterprises as set out in the writers separate letter (covered below);
- The applicant has been running an agricultural business firstly milking several hundred cows with associated followers followed by sheep when the cows were sold with the cows and sheep kept in building A;
- The surrounding sheds and flat area were used for storing large hay and silage bales, muck storage and silage clamps;
- A few lorries have visited but all related to the agricultural business- i.e. milk tankers, feed wagons, animal haulage lorries and tractors;
- At no time has there been any noticeable movement of lorries on this site for the ten year period until the latter months of 2012;
- An examination of DEFRA records and stock movement records will confirm the writers belief that only an agricultural business has been operating from this site during this period;
- Only in the last few months has there been a significant increase in the number and type of vehicles entering the site including a large white coach on a daily basis, large lorries and vans;
- The increase in vehicles was reported to the Council in November.

5.4 10 letters (8 households) expressing the following concerns (summary):

Agricultural Use:

- This is primarily an agricultural business able to offer surplus space to alternative users- 'There have always been one or two trucks and trailers parked outside at the back of the site, occasionally a few more, reflecting casual use of surplus space';
- Shed A has been visited on many occasions and has always been full of sheep (other sheds used for the storage of fodder and bedding and for housing cattle and dairy heifers);
- The applicant milked about 400 cows in shed A after which came the sheep until quite recently;
- The Council could gain cattle numbers from DEFRA;
- There have been large numbers of sheep on site over the last 5 years;
- The applicant sold his dairy herd in 2001 and since this time has kept between 700 –1000 ewes; during the spring there would be up to 2400 sheep;
- Some vehicles on site were flatbeds converted to farm use, some were used for storage and a few belonged to other people;
- There has been no significant increase in traffic over the last 10 years;
- The main farm shed has rarely been used for storage/ parking and instead, has for the most part, been used for rearing sheep.

Storage/ Distribution Use:

- Concern expressed that a Class B8 use allows considerably greater activity than currently takes place;
- It is only within the last 6 months that a car repair business has started;
- One letter cites that having lived next door for 12 years, they were unaware of the property being used as an industrial site;
- Over the last few months there has been a noticeable increase in the number of heavy vehicles using Bilsham Lane focused on Hill Farm in an apparent attempt to show regular use for vehicle storage;
- Grass verges along the road have recently been destroyed by the increase in traffic (by large vehicles);
- Formal storage of vehicles has not been the regular activity at this farm in the previous 8 years.

Highway Safety:

- The one-track lane through Ingst is incapable of supporting this level of activity (the proposal will result in a significant rise in traffic);
- Ingst Road is part of the national cycle network.

Further Comments:

- If formalizing the historic level of site use one letter writes in support;
- Some of the supporting documents are not accurate;
- There are lots of available units within industrial areas;

- If the business had been running as claimed, the Council would have received many complaints from residents of this small hamlet;
 - It would be in conflict with the recent permission for stabling/ ménage;
 - If approved, there should be a restriction on the number of vehicular movements and with these to take place only in daylight hours;
 - Neighbours are unwilling to pay for repairs required when entrances are used as passing places;
 - It is inappropriate development in the Green Belt;
 - If approved, it should be subject to retrospective business rates.
- 5.5 Five letters have been received from the 'Northwick Residents', 'Bilsham Lane Residents' a 'Resident of Northwick' an 'Ingst Road Resident' and 'Residents from Ingst and Olveston District'. These letters provide no name or address thus these comments cannot be taken into account in the assessment of this application.

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application seeks a Certificate of Lawfulness in respect of the use of land and a building for a Class B8 (storage and distribution) use. The building comprises a large agricultural building at the front of the site (identified as building A) whilst the area of land comprises an area of hardstanding at the rear of the farmyard.

- 6.2 The issue for consideration is whether the evidence submitted proves that on the balance of probability, this building and land has been utilised for a B8 use for a continuous period of 10 years (given that it comprises a change of use) immediately prior to the date of this application. The application is purely an evidential test that is irrespective of planning merit.

6.3 Evidence submitted in Support of Application

A Planning Statement prepared by the agent supports the application. 2 site location plans, 4 aerial photographs and 4 sworn statutory declarations in turn support this planning statement.

- 6.4 The supporting planning statement advises that the site has been used for a variety of purposes and principally for agriculture and the keeping of horses. Building A was previously used as a grain store but following the sale of a large number of cows in 2001, has been used by various companies to store and distribute commercial vehicles and general machinery from the site. The outside area to the rear (as included as part of the application) has been used continually for over 10 years for outside storage associated with various businesses.

- 6.5 The planning statement provides the following chronology of events:

- Following the sale of a large number of cows in 2001, the store has been used by various companies to store and distribute commercial vehicles and general machinery from the site;

- Mr Pook confirms personal knowledge of the site having regularly used building A for storage of commercial vehicles associated with his business and the area to the south as open storage;
 - Mr Gribben again with personal knowledge of the site for 10 years has stored commercial vehicles within the barn (building A) and the area of open land to the south for his business trailers;
 - The neighbour Mr Hemming who has knowledge of the site over the past 15 years and has used the rear of the site for open storage and building A for the storage and distribution of some larger vehicles;
 - It is confirmed that there has been no interruption of use during the past 10 years with the land and building used for B8 purposes.
- 6.6 The aerial photographs are dated 1999, 2005, 2006 and 2008. These show the building to the front of the site with the main site access having been realigned to this building after 1999. The open area to the rear is partly covered by the adjoining field up until 2005 with it noted that all photos show this area to be largely empty with the exception of a small number of lorry bodies (a maximum of 4 appear apparent) generally adjacent to the west boundary.
- 6.7 The sworn affidavits are as follows:
- The first is from Mr Gribben (of CVR Trailers Ltd) confirming that trailers were stored in the building marked A and on the land to the rear of the site for a continuous period in excess of 10 years to the current date;
 - The second is from Mr Harding (of Ingst Hill Farm) and confirms that following the sale of cows in 2001, building A has been used as a facility for various companies to store and distribute commercial vehicles and general machinery from the site whilst land to the south has been used for the outside storage of commercial vehicles for a continuous period of 10 years up to the date of the application;
 - The third is from Mr Pook (of Vine House, Northwick Road, Pilning) and confirms personal knowledge of the site for 15 years with building A having been used as a storage facility for his commercial vehicles and the land to the rear for the storage and distribution of commercial vehicles and general machinery;
 - The fourth is from Mr Hemming (of Podgers Patch, Ingst Hill) and confirms personal knowledge of the site and business operation for a period of 15 years to the current date with some of the site used for storage and building A used for the storage and distribution of some larger commercial vehicles.

These statements are accompanied by a site location plan identifying the site area as shown by the original site location plan submitted.

6.8 Conflicting Evidence

The evidence submitted is accepted as true unless any contrary evidence is received; in this instance, a number of representations have been submitted; these take the form of two sworn affidavits and letters. The sworn statements are considered to carry slightly more weight than the letters.

- 6.9 A number of the comments relate to the planning merits of the proposal and thus are not considered to be directly applicable. However, further comments relate to the use of the site with it advised that building A has been used for the

rearing of sheep and only very recently (within the last 6 months) has a car repair business begun to operate. Further, it is advised that there has been no increase in traffic on this single width road until very recently with heavy goods vehicles having comprised agricultural vehicles. It is understood that the recent increase in highway movements has caused damage to the highway verge (with Bilsham Lane generally narrow and not well suited to larger vehicles). It is understood that the intensification of site use (as a whole) has increased recently.

6.10 Analysis

The statutory declarations submitted in support of the application (with the planning statement) are considered to be vague and ambiguous. To this extent, whilst each identifies that the site has been used for commercial vehicles for the requisite period, they do not provide any information in respect of the number of vehicles (and general machinery) that have occupied the site, how often they have occupied/ used the site and for what purpose. Therefore, despite the nature of these documents (sworn statements), they are considered to carry more limited weight in the assessment of this application.

6.11 It is noted, that 2 letters have subsequently been received from the writers of 2 of these documents advising that *'although you will appreciate it is hard to record the exact number of vehicles used and stored on-site, I would estimate at any given time I would have up to 20-25 vehicles stored in the rear area and between 10- 12 in Building A'*. The second letter advises that *'I have stored many vehicles, trailers, stages and general equipment associated with my business in Building A and the outside area'*. It is noted that the comments of the first letter are not borne out by the aerial photographs (as discussed below) whilst the second letter adds little to the affidavit.

6.12 In respect of the open area of land at the rear of the farmyard, the aerial photographs submitted by the agent provide contemporaneous evidence that show this area to be empty with the exception of a very small number of lorry bodies dotted around the site perimeter. Moreover, part of that land outlined in red by the original site plan received is still shown to form part of the adjoining field in 2005 with this area of hardstanding seemingly having gradually extended. These documents are considered to carry significant weight in the assessment of this application.

6.13 This very low level of activity is reflected within the aerial photographs held by the Council dated 1991, 1999, 2005, 2006 and 2008-2009 which again show this area of hardstanding to be empty albeit for a very small number of lorry bodies (1 in 2005, 2 in 2006 and with 6 seemingly shown by the 2008- 2009 aerial photograph). These photographs also provide contemporaneous evidence and are therefore considered to carry significant weight on the assessment of this application.

6.14 Notwithstanding the weight attached to these documents, it is understood that these photos show one point in time; however, given that each show an absence of activity and given that these appear to reflect comments received by the neighbouring residents, it is considered that this raises significant questions regarding use of this part of the site for a continuous period of 10

- years up to and including the date of this application for a 10 year period. In this regard, given the ambiguity of the sworn statements, it is not considered that these concerns are adequately addressed by these documents.
- 6.15 These photos also show how the size of this yard has increased over time with the 1991 photo (acknowledged to date to well before the requisite 10 year period) showing this area to predominately form part of the adjoining field. Accordingly, the agent has submitted a revised red edge site plan that better reflects the extent of this yard shown by the 2005 photograph. This helps to address some concerns although there are still underlying doubts as to whether this land has been used for a continuous period of 10 years for a B8 purposes.
- 6.16 Notwithstanding the above, it is acknowledged that the evidence does perhaps suggest that there might have been a low level of activity (that might reasonably be considered as ancillary to the farmyard); this was apparent at the time of the Officer site visit when a number of lorry bodies were stood adjacent to the east site boundary (with the remainder of the site empty). Further, this number might have temporarily increased as shown by the 5 photographs submitted that appear to show a far greater number of lorries parked on this site (albeit with only the mobile phone mast appearing to provide clear reference as to the site location). Nevertheless, such an intensive use of the site would appear temporary whilst on this matter; the agent has made it clear that the applicant is unwilling to accept any restriction on vehicle number (i.e. to reflect the low level of site usage which the evidence perhaps better demonstrates).
- 6.17 In respect of the building at the front of the site, aerial photographs are less helpful although they are noted to show a lack of vehicle movements to the front of the building. Again, evidence (in the form of affidavits and letters) has been submitted (as part of the application and by the third party comments received) to reason that the building has/ has not been used for B8 purposes for a continuous period of 10 years up to the date of this application. At the time of the Officer site visit, the building was in the main empty albeit with a number of lorries, two coaches, caravans and Land Rovers parked either side. At the time of a subsequent site visit by a Planning Enforcement Officer, the number of vehicles appeared to have increased.
- 6.18 As noted, the comments received suggest that use of the site for non-agricultural purposes has intensified significantly recently and this has resulted in damage to the road. Given the nature of Bilsham Lane, it would not be unreasonable to expect complaints to the Council regarding any significant increase in the number of heavy goods vehicles using this road given the problems that this is now understood to be causing. Having spoken with the Councils Enforcement Team, it is understood that there have been no related complaints until those recently received with the exception of one isolated complaint in 2008.
- 6.19 For the above reasons, whilst it is considered that the evidence submitted does suggest that a low level B8 use might have occurred, on the balance of probability it would appear that this would be no more than that which might be associated with a large farmyard. Further, whilst there is evidence to suggest that this use might have been more intensive at times (i.e. as per the 5

photographs of the lorries), on the balance of probability it would not appear that this more intensive use has occurred for only limited periods on a short term basis, i.e. not for a continuous period of 10 years up to and including the date of this application. For these reasons, there is an objection to this application.

7. RECOMMENDATION

7.1 A Certificate of Lawfulness is **REFUSED** for the following reason:

Contact Officer: Peter Burridge
Tel. No. 01454 865262

REASONS FOR REFUSAL

1. The application fails to demonstrate, on the balance of probabilities, that the site has been used for Class B8 (Storage and Distribution) at a level that would constitute a change of use and also fails to demonstrate that this intensified use has taken place for a continuous period of 10 years up to and including the date of this application.

CIRCULATED SCHEDULE NO. 09/13 – 1 MARCH 2013

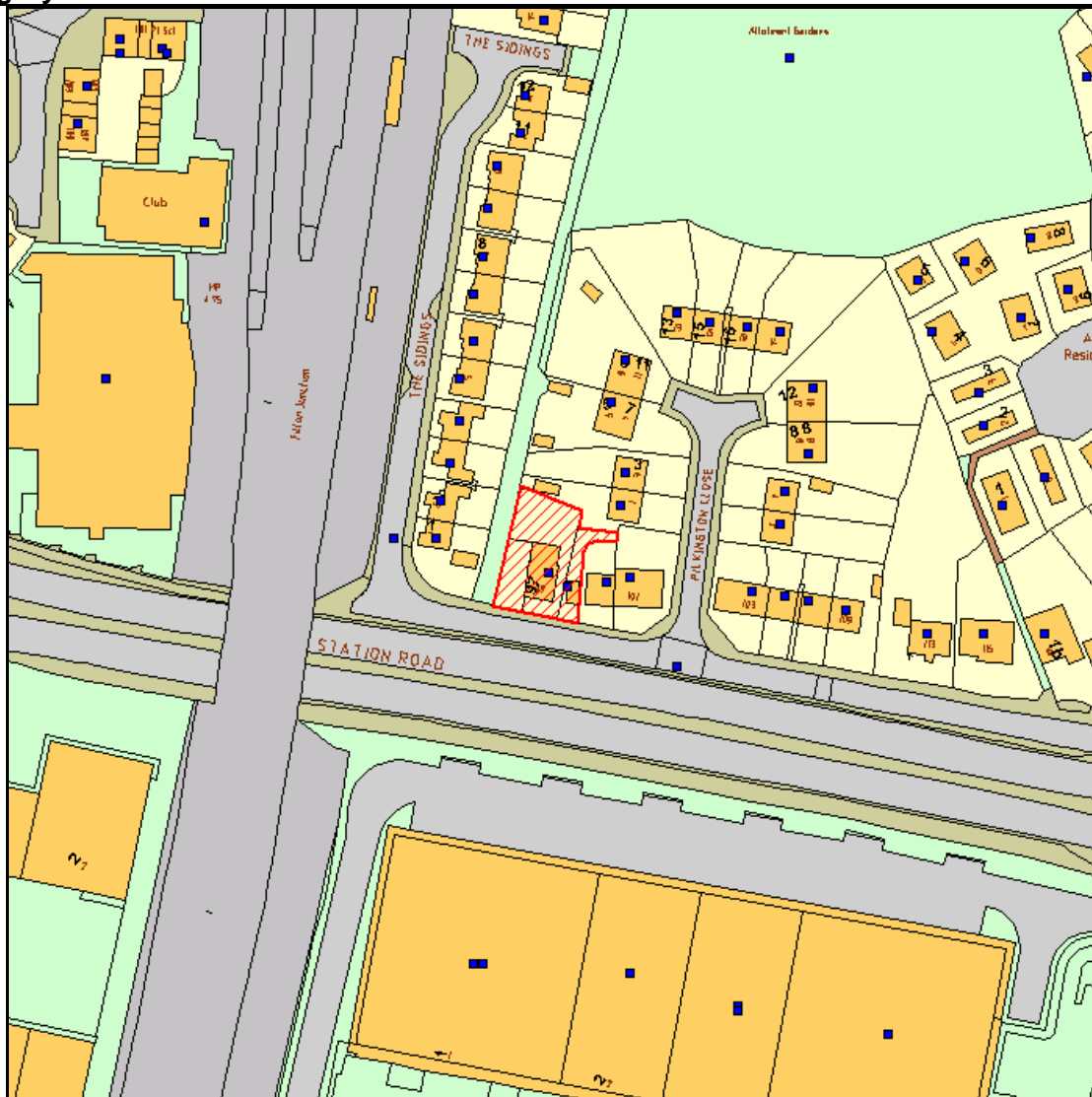
App No.: PT12/4017/F
Site: 97 Station Road Filton Bristol South Gloucestershire BS34 7JT
Proposal: Change of use of land from residential (Class C3) to day nursery (Class D1) as defined in the Town and Country Planning (Use Classes) Order 1987 to facilitate the erection of side conservatory. Alterations to vehicular access.

Applicant: Abbeywood Tots Ltd
Date Reg: 23rd January 2013

Parish: Filton Town Council

Map Ref: 361196 178903
Application Category: Minor

Ward: Filton
Target Date: 18th March 2013



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PT12/4017/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been referred to the Circulated Schedule in accordance with procedure given that two objections have been received which are contrary to the Officer Recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the change of use of an area of land to the side of 97 Station Road from its current residential use to use as a day nursery (to form an addition to the Abbeywood Tots Nursery at No.97). The land under consideration was formerly part of the adjoining property No.99.
- 1.2 The proposal will involve the demolition a detached garage to facilitate the erection of a revised Conservatory (there is currently a conservatory along the side elevation of the property). The conservatory would have a depth of 4.8 metres, width of 4.4 metres and height to the apex of the roof of 3.2 metres. It is proposed to provide two additional disabled parking spaces to the front of the building. All other parking arrangements remain the same with an open sided parking area accessed from a side lane located on the opposite side of the building to the development area being unaffected. The structure would provide additional space for the nursery and a disabled w.c.
- 1.3 The number of children attending the nursery at anyone time will remain at 29 as permitted by P00/1542/F (see Section 3 below). Submitted details indicate that there will be 3 extra staff at the site.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.

CS1: High Quality Design

CS23: Community Buildings and Cultural Activity

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

LC4: Educational and Community Facilities

T8: Parking Standards

T12: Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

P96/2615 Change of use from residential to day nursery. Erection of single storey rear extension. (Approved with conditions)

PT00/1542/F Retrospective application for side extension. Variation of Condition 4 on planning permission P96/2615 to alter the number of children at anyone time to 29. Alterations to parking arrangements (Approved with conditions)

4. CONSULTATION RESPONSES

4.1 Filton Town Council
No response received

4.2 Other Consultees

Sustainable Transport

Following a thorough analysis of the planning history relating to the site, it is apparent that the existing building has been subject to repetitive extensions although the accommodation has been restricted by planning condition to 29 children; it is requested that this restriction is retained. Whilst this application does not appear to place a case for further child accommodation, it is suggested in the application form that there may be an increase in staff numbers; full time equivalents are not however given. In this regard, the applicant is requested to confirm the necessity of the extra staff and how they will be accommodated in terms of their transportation needs; i.e. parking accommodation. To address this request, any recommendation for approval shall be subject to planning conditions securing the submission and implementation of a parking strategy to accommodate both parents and staff and further details of covered and secure bicycle parking to be provided on site (FC03).

Finally, it is acknowledged that the development will provide for 2 further parking bays and whilst these are to be dedicated to disabled users, the nursery is advised that these should be allocated on demand and will need to be subject to the implementation of the parking strategy requested above. The implementation of these bays shall also be conditioned (FC04), with the adjacent boundary treatment secured as hoop topped railings as proposed, but with restrictions upon any landscaping or solid replacement; reason, to ensure that adequate pedestrian/driver visibility is retained.

With regards to informatives, the proposed disabled bays will require an extended dropped kerb to be accessed and this will require works within the highway. In this regard, the following text should be included in any recommendation for approval. Highway Agreement - The applicant is advised that the proposals represent the potential for works within the highway which will thus require formal approval before commencing. The applicant is therefore advised to contact South Gloucestershire Council Transportation Services prior to commencing works on site

A further comment has been received in response to the Consultation responses and at the request of the Case Officer.

The proposed nursery extension is recommended to be subject to a condition limiting the number of children cared for on-site. Whilst this limit may be regarded as a means to ameliorate the impact of the extension upon available on-street parking, the nursery also proposes to extend their off-road parking provision by two further spaces; this extended off-street parking provision thus represents a planned reduction in the demand generated by the nursery for on-street parking. However, it is also acknowledged that the development represents a loss of off-street parking to no. 99 Station Road and therefore the increase in 2 off-street spaces is balanced by the loss of parking to the adjacent dwelling and thus the development presents a *status quo*.

Whilst the existing parking on-street may be considered a concern for the convenient use of the street, there does not appear to be any recent accident data and thus a safety concern cannot be easily established. However, we do acknowledge that the track of large vehicles, particularly emergency vehicles, may be conflicted as a result of the existing parking on-street, although the proposed development may be shown not to intensify this situation and remains inert in its impact.

In conclusion, whilst Transport Development Control recognises the difficulties experienced by residents residing along this stretch of Station Road, the nursery application may be shown to have a nil impact upon on-street parking, through its increased off-street provision and child number limit. Therefore, I have no other recourse than to recommend approval subject to conditions limiting the number of children and to secure a 'parking strategy' that will aim to coordinate and control the parking demands of staff and parents alike.

4.3 Environmental Protection
No objection

4.4 Wessex Water
No objection, however the applicant is recommended to contact Wessex water given the close proximity of a public sewer. Building over a public sewer will not be permitted without agreement under Building Regulations. In addition building within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water would not be permitted.

4.5 Drainage
No objection

Other Representations

4.6 Summary of Local Residents Comments
There have been two letters of objection received. The grounds of objection can be summarised as follows:

- There are existing parking and highway problems
- The proposal (building work) would affect sunlight in the neighbouring garden
- The proposal will result in more children dropping off and collecting and additional noise and disturbance and litter
- The proposal will affect the ability of people to park using the site and using allotments to the rear

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy LC4 of the South Gloucestershire Local Plan cites that proposals for the expansion of community facilities within the existing urban areas and the settlement boundaries will be permitted provided that:

- o Proposals are located on sites that are highly accessible by foot/ bike;
- o It would not unacceptably impact upon residential amenity;
- o It would be unacceptable in environmental/ transportation terms;
- o It would not give rise to unacceptable levels of on street parking to the detriment of the amenities of the area and highway safety.

5.2 Further, policy T12 advises that development will be permitted provided that, in terms of transportation, (considered relevant to this case) it:

- o Provides adequate, safe, convenient and attractive access;
- o Provides safe access capable of accommodating the traffic generated;
- o Would not create, or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety.

5.3 Policy D1 seeks to ensure that proposals achieve a high standard of design.

Subject to consideration of these issues the proposed development is considered acceptable in principle.

5.4 Design

The proposed conservatory building to the side of the property is larger than many such structures and would be visible from the public realm to the front of the building. It should be noted that the building would replace an existing albeit small conservatory and detached garage and the footprint of these structures would exceed the structure proposed. In addition the structure is largely of glass.

It is considered that the design of the proposal is acceptable.

5.5 Residential Amenity

Concern has been raised that the proposed conservatory will result in the loss of light to a property in "The Sidings". It should be noted however that the

Conservatory would be constructed on the opposite side of the property to “The Sidings” to the east such that the only property with the potential to be affected or from which the structure would be visible from would be No.99 Station Road. There would be no impact of the new built form to properties in The Sidings.

With respect to the impact upon No99, it should be noted that the conservatory would be located largely alongside the flank wall of that property projecting marginally out from the rear elevation, by 0.6m but behind a 1.8 metre boundary fence. Given this relationship it is not considered that any significant detrimental impact detriment to the residential impact of those occupiers would occur either by reason of loss of light, outlook, physical impact or loss of privacy.

5.6 Transportation/Highway Safety Issues

Policy LC4 states that new community facilities should not have an adverse impact upon the highway environment with Policy T12 stating that new development should make adequate safe and appropriate provision for the transportation demands that it will create.

Concern has been raised that the proposal will result in additional parking and transportation problems where these already exist.

The application proposes the provision of two additional parking spaces (indicated for disabled use) and the existing parking accessed from the side lane would remain unaffected by the proposal. It should be noted that the proposal will in contrast result in the loss of available parking provision for No.99 Station Road.

Detailed consideration of the proposal has been made by officers (see 4.2 above). It is noted that there is no proposal to increase the number of children who are at the site at anyone time, the number being controlled by a condition. The applicant has indicated an increase of 3 in staff numbers. While the comments of the neighbouring occupier are noted it is not considered on balanced that the proposal would result in any significant additional highway impacts over and above the existing situation. Although two parking spaces are lost it should be noted that two are being provided so the scheme is neutral in this respect.

Subject to conditions to secure a Travel Plan (reflecting the increase in staff numbers), to secure cycle parking and the proposed additional spaces prior to first use of the new conservatory, to secure the boundary treatment along the boundary with No.99 (to ensure visibility into and out of the site) and the condition to secure the number of children at the site at anyone time, the proposed development is considered acceptable in transportation terms. In addition an informative will be attached to the decision notice to advise the applicant to contact the Council with respect to the dropping of the kerb to ensure that the works are completed to the full satisfaction of the Council.

5.7 Drainage

There is no objection raised to the proposed development. An informative will be added to the decision notice to remind the applicant of the close proximity of a public sewer.

5.8 Other Issues

A concern has been raised that the proposed development would result in additional noise and disturbance to neighbouring occupiers as well as an increase in litter.

The site has a lawful planning use as a nursery and as such some resulting noise may result, albeit limited to the times that the nursery is operating. Any significant noise would be controlled through other environmental legislation however it should be noted that there is no proposed increase in the number of children at the site at any time (and this will be a condition attached to the decision notice as has been discussed earlier in this report). With respect to litter it is not considered that this would be significant given that there is no increase in those at the site and it would be hard to prove that any litter outside of the premises boundary was as a result of this site or others using the adjoining street.

On the most recent application PT00/1542/F a condition to restrict the hours of operation to 0730 hours to 1800 hours Monday to Fridays with no operations on Saturdays, Sundays or Bank Holidays was attached. It is appropriate to attach this condition to this application in order to continue to protect the amenity of neighbouring occupiers.

6. CONCLUSION

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

6.2 The recommendation to 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 alterations to the existing building are considered to be acceptable and compliant with the provisions of Planning Policy D1 (Achieving Good Quality Design in New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposal would not cause any significant adverse impact upon residential amenity would accord with Planning Policy LC4 (Educational and Community Facilities) of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The proposal is considered to be acceptable having regard to issues of highway safety and sustainable transport and would accord with Planning Policy T12 and LC4 (Educational and Community Facilities) of the South Gloucestershire Local Plan (Adopted) January 2006.
4. The proposal is considered to be acceptable in terms of the impact upon drainage and the water environment to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted)

7. **RECOMMENDATION**

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

Contact Officer: David Stockdale
Tel. No. 01454 866622

CONDITIONS

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

Reason

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

2. The hours of operation shall be between 0730 hours and 1800 hours Mondays to Fridays, with no operation on Saturdays, Sundays and Bank Holidays.

Reason:

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

3. Prior to the first use of the new building hereby approved a travel plan for staff and parents shall be submitted to and approved in writing by the Local Planning Authority. The use shall then take place in accordance with the approved details.

Reason:

In the interests of Highway Safety and to accord with Policy T12 and LC4 of the South Gloucestershire Local Plan (Adopted)

4. The two new parking spaces as shown on Drawing No.3 and No.4 (received 21st January) shall be provided prior to the first use of the Conservatory building hereby approved and retained as such thereafter.

Reason:

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

5. Prior to the erection of the Conservatory hereby approved details of undercover cycle parking (for 2 cycle stands) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full within 3 months of the first use of the building and retained as such thereafter.

Reason:

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

6. Full details of the proposed boundary treatment around the new parking area shall be submitted to and approved in writing by the Council. The scheme shall be implemented in accordance with the approved details and retained as such thereafter.

Reason:

To ensure that visibility into and out of the site is adequate in the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted)

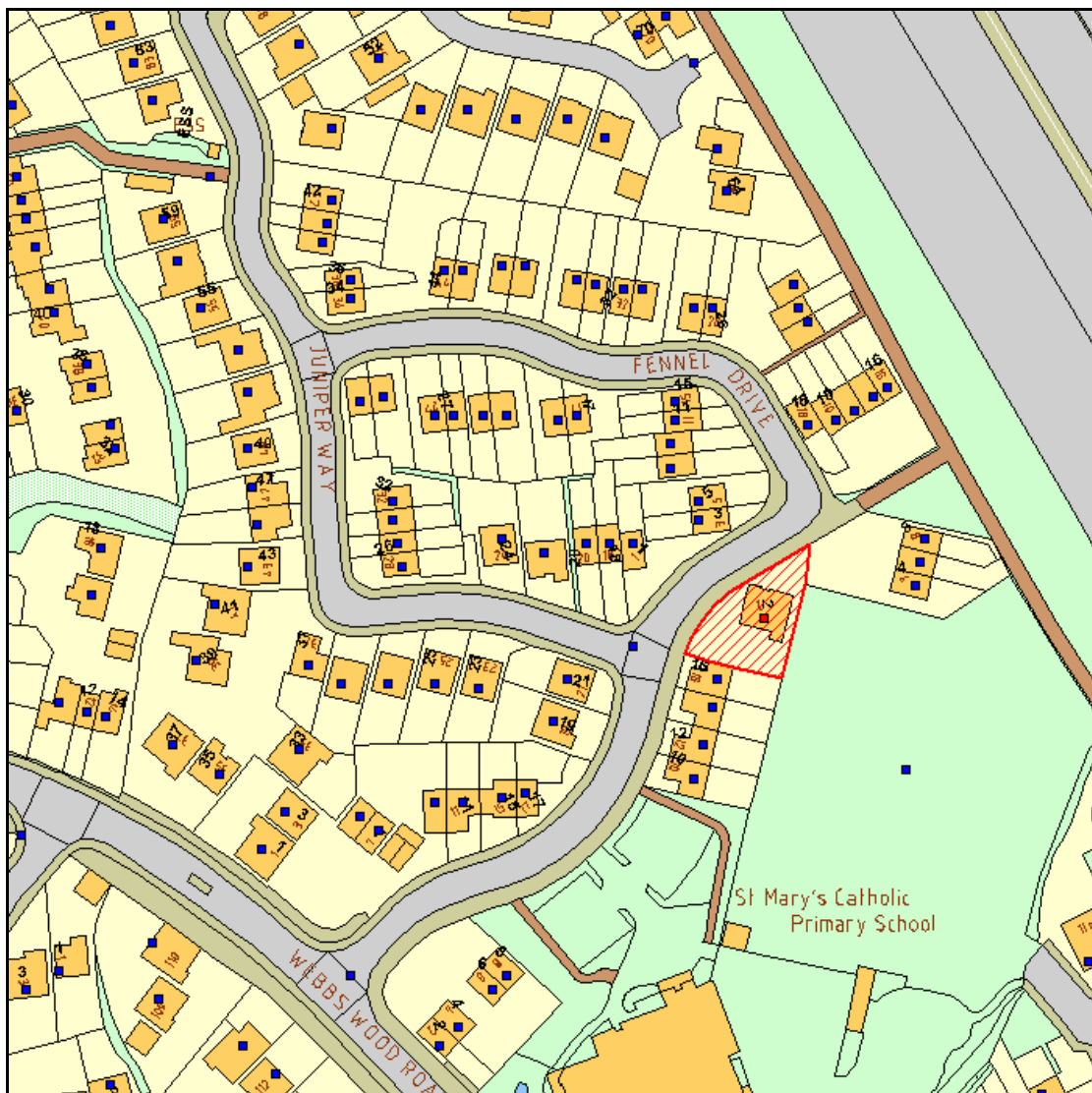
7. The number of children at the site at any one time shall be limited to 29.

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

ITEM 10

CIRCULATED SCHEDULE NO. 09/13- 1 MARCH 2013

| | | | |
|------------------------------|--------------------------------------------------------------------------------------------------------------------|---------------------|----------------------------|
| App No.: | PT12/4124/F | Applicant: | Mr Wing Hang Lau |
| Site: | 2 Fennel Drive Bradley Stoke South Gloucestershire BS32 0BX | Date Reg: | 16th January 2013 |
| Proposal: | Erection of 1.84 metre high boundary fence adjacent to highway. (Retrospective). (Resubmission of PT12/1083/F). | Parish: | Bradley Stoke Town Council |
| Map Ref: | 363148 181236 | Ward: | Bradley Stoke South |
| Application Category: | Householder | Target Date: | 12th March 2013 |



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PT12/4124/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because objections have been received from Bradley Stoke Town Council and members of the public contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a 1.8 metre high boundary fence adjacent to the highway. The fence is already in situ, therefore, the application will be assessed retrospectively. The application is a resubmission of application PT12/1083/F, which was refused for the following reason:

The proposed height and position of the fence at the south-western edge of the site would have an unacceptable impact upon the safety of pedestrians due to the reduction in visibility to the adjacent parking space. It was noted that this space requires the vehicle to reverse in order to exit the space and that this is in close proximity to a primary school, which makes it likely that there will be higher number of child pedestrians. The proposal is contrary to policy T12 of the South Gloucestershire Local Plan (adopted) January 2012.

- 1.2 The reason for refusal was upheld by a Planning Inspector at appeal.
- 1.3 The application site comprises a two storey detached corner property situated on the eastern side of Fennel Drive within the established residential area of Bradley Stoke.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework 27th March 2012

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
L5 Open Areas within the Existing Urban Areas and Defined Settlements
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design

2.3 Supplementary Planning Guidance

The South Gloucestershire design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P97/1483, erection of 172 dwellings and associated works, approval, 18/09/97.

- 3.2 PT12/1083/F, erection of 1.83 metre high boundary fence adjacent to highway (retrospective), refusal, 23/07/12. This decision was upheld by an Inspector at appeal.
- 3.3 P96/2724, erection of 87 dwellings and associated works, construction of vehicular and pedestrian access, approval, 09/04/97.

4. CONSULTATION RESPONSES

4.1 Bradley Stoke Town Council

Bradley Stoke Town Council objects to this planning application on the following grounds:

1. The proposed application does not demonstrate a significant road safety improvement.
2. The proposals are out of keeping with the street scene.

In addition, contrary to the statement by the applicant, councillors feel that planning permission would be required for the 1 metre high fence as Permitted Development Rights have been removed from the majority of Bradley Stoke.

4.2 Transportation DC Officer

No objection to the main 1.8 metre high fence, however, there are concerns that the 1 metre high splayed section of fencing will provide an obstruction to visibility. If this section requires planning permission then it should be lowered or removed from the scheme.

4.3 Tree Officer

No objection

Other Representations

4.4 Local Residents

Two letters of objection have been received from neighbouring occupiers. The following is a summary of the reasons given for objecting:

- The fence was erected without planning permission;
- Visibility issues cause a threat to pedestrians and school children crossing driveway;
- The amendments do not address the previous refusal reason;
- The fence is out of keeping with the area;
- The fence should be replaced with either a brick wall; a hedgerow or white picket fencing;
- The 1 metre section of fence will result in a small section of fence that will be inaccessible to the land owner and will only serve as a space for rubbish to be dumped and will create an eyesore;

The applicant has provided a petition, which has been signed by 17 residences of Juniper Way and Fennel Drive in support of the proposal.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy H4 of the South Gloucestershire Local Plan (adopted) January 2006 allows for the principle of the proposed development. The main issues to consider are the form and appearance of the proposal and the impact on the character of the area (policies D1 and H4 of the Local Plan), the impact on the residential amenity of neighbouring occupiers (policy H4 of the Local Plan) and the effect on highway safety (policies T12 and H4 of the Local Plan). When considering the proposal it is necessary to consider whether to adequately overcome the previous reason for refusal, which was upheld at appeal.

5.2 Appearance/Form and Impact on the Character of the Area

The Local Planning Authority had no objections to the appearance or siting of the fence proposed in the previously refused application. A condition was recommended, if permission was granted, for a colour finish to be agreed with the Local Planning Authority.

5.3 The main difference between the previously refused application and the current proposal is that a 45-degree visibility splay is proposed at the southwestern corner of the fence to aid visibility from the neighbouring driveway. A 1 metre high fence is proposed in front of the visibility splay.

5.4 Given that the Local Planning Authority had no objections to the siting or appearance of the fence in the previous application (PT12/1083/F), on balance, it is not considered that the inclusion of the visibility splay proposed will result in the fence appearing adversely out of keeping with the character of the area to warrant a refusal on the basis of appearance/form. However, there are concerns that the proposed 1 metre high fence in front of the visibility splay will appear incongruous within the streetscene and out of keeping with the character of the surrounding built form.

5.5 Notwithstanding this, it is not considered that it is appropriate to refuse this part of the proposal, as the applicant has stated that the 1 metre high fence could be erected under permitted development without the need for planning permission. Although the Planning Inspector has stated in the previous application that the planning permission for the estate withdraws permitted development rights for the erection of walls and fences, it is considered that the permitted development rights for no.2 Fennel Drive are still intact by virtue of condition 7 of application P96/2724. Accordingly, subject to a condition to ensure an acceptable finish to be agreed with the Local Planning Authority, there are no objections to the proposal on the basis of appearance/form.

5.6 Residential Amenity

The proposal abuts a neighbouring driveway and encloses this area somewhat. However, no neighbouring windows directly face the fence and the proposal does not extend significantly beyond the front and rear elevations of the neighbouring property. As such, it is considered that the proposal will not have

a significant adverse impact on the residential amenity of neighbouring occupiers through loss of natural light or outlook. All other neighbouring properties are situated at a sufficient distance from the site to not be significantly adversely effected.

5.7 Transportation

The previous refusal on highway safety grounds was upheld by a Planning Inspector at appeal. In the appeal decision the Planning Inspector states the following:

However it is usual to provide clear visibility at the point where an access passes on to the highway – which includes a pedestrian footway. This is typically achieved by 45-degree splays to each side, not less than 2m back from the edge of a footway. The fence, as erected, completely obstructs visibility to the right of the neighbour's access. In which case, whether a car exits from the driveway forwards or in reverse, before a driver would be able to see any approaching pedestrians it will have emerged at least 2.4m onto the footway; that is, across the path of pedestrians.

- 5.8 The proposed 45 degree 2 metre splay will provide a greater degree of visibility than the previously refused scheme from the driveway of the neighbouring property. Accordingly, it is considered that the proposal overcomes the previous reason for refusal and is in accordance with the Planning Inspectors comments. The Council's Transportation Officer raises no objections to the main fence, but has objected to the 1 metre high fence proposed in front of the visibility splay as it will unacceptably obscure visibility. However, this part of the proposal does not require planning permission as it is permitted development by virtue of Schedule 2 Part 2 (Minor Operations), Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Accordingly, there are no objections in terms of transportation.

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 concerns of the neighbouring occupiers are noted, however, on balance, it is concluded that the loss of the open space to the side of the property and the siting and appearance of the proposed fence is not adversely out of keeping with the character of the area. The proposal therefore, accords with policies D1, H4 and L5 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposed visibility splay in the southwestern corner of the fence will provide an acceptable degree of visibility from the neighbouring driveway. The proposal will not have significant adverse affect on highway safety and sufficiently overcomes the previous reason for refusal under application PT12/1083/F and addresses the comments made by the Planning Inspector. The proposal therefore, accords with policies T12 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not have a significant adverse impact on the residential amenity of neighbouring occupiers through loss of natural light or outlook. The proposal therefore, accords with policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

7.1 Planning permission is GRANTED subject to the conditions in the decision notice.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

1. The 45 degree 2 metre visibility splay shown on the block and elevation plans received on 15th January 2013 hereby approved shall be completed within 1 month of the date of this permission.

Reason

In the interests of highway safety and to accord with policies T12 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

2. Within 1 month of the date of this permission, a proposed colour finish for the fence shall be submitted to and agreed in writing with the Local Planning Authority. Within 3 months of a colour finish being approved the fence shall be finished in accordance with the agreed details.

Reason

In the interests of the visual amenity of the area and to accord with policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 09/13 – 1 MARCH 2013

| | | | |
|----------------------------------|----------------------------------------------------------------------------------------------------------------|-------------------------|-----------------------------|
| App No.: | PT12/4282/F | Applicant: | Punch Taverns |
| Site: | Railway Tavern 56 Wotton Road Charfield South Gloucestershire | Date Reg: | 14th January 2013 |
| Proposal: | Demolition of existing outbuilding and reconfiguration of existing car park and ancillary outdoor space. | Parish: | Charfield Parish Council |
| Map Ref: | 372470 192337 | Ward: | Charfield |
| Application Category: | Minor | Target Date: | 11th March 2013 |



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008.

N.T.S.

PT12/4282/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the circulated schedule as representations have been made, which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the demolition of the existing outbuilding, and reconfiguration of the existing car park and ancillary outdoor space associated with the use of the site as a public house. The application relates to the western half of the site only. Matters associated with the adjoining eastern site are considered separately under reference number PT12/4284/F (erection of 4no. detached dwellings).
- 1.2 The application relates to an existing detached public house located within the settlement boundary of Charfield. The site has an existing large grass area and car park for 32 cars. The site is bordered to the east and south by residential development with a classified road to the front.
- 1.3 A revised layout plan and auto-tracking plan was submitted on 21st February 2013. The revised plans incorporate an increased landscape buffer at the south of the site.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Achieving Good Quality Design
- EP1 Environmental Pollution
- L1 Landscape Protection and Enhancement
- L5 Open Areas within Existing Urban Areas and Settlement Boundaries
- L9 Species Protection
- T8 Parking Standards
- T12 Transportation Development Control Policy

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.

- CS1 High Quality Design
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS34 Rural Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2006

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT12/4284/F - Demolition of existing outbuildings to facilitate the erection of 4no. detached dwellings and 1no. detached garage with associated works - **Pending**
- 3.2 PT07/2268/F - Erection of smoking shelter (retrospective) – **Approved 31st August 2007**
- 3.3 P99/1141 - Change of use of vacant retail premises to class A3 (public house) **Allowed at Appeal 8th October 1999**
- 3.4 P98/2188 - Alterations to existing premises – **Refused 24th August 1998**
- 3.5 P98/1821 - Installation of play equipment and safe surface. – **Refused 21st August 1998**
- 3.6 Further (advertisement) history is available for the site but is not relevant to this application.

4. **CONSULTATION RESPONSES**

- 4.1 Charfield Parish Council
No comment received.
- 4.2 Transportation DC
No objection following revised auto tracking plan. Condition recommended concerning front porch.
- 4.3 Environmental Protection
No objection, informatives recommended.
- 4.4 Archaeology Officer
No comment.
- 4.5 Tree Officer
No objection, condition relating to landscape buffer recommended.
- 4.6 Drainage
No objection, SuDs condition recommended.
- 4.7 Ecology
No ecological constraints, conditions relating to bird nest boxes and landscape planting strategy recommended.

Other Representations

- 4.8 Local Residents

Five letters have been received from local residents with general observations and objections. These are summarised below:

- The application is separate from the adjacent application (PT12/4284/F). This is potentially 'creeping urbanisation'.
- No objection to use of building if it is only to be used as a smoking shelter. Request for time restrictions on use of outbuilding. Do not want lots of people gathering in this area late at night.
- Extent of acoustic fencing is not clear from the drawing. The fencing should enclose the full slabbed area and proposed raised deck area.
- Further details required for how noise will be contained at the access between the disabled parking spaces.
- Long running problem of noise from the car park, abusive language and car engines. This has frequently been as late as 1.30am. The proposed car parking will now be much closer to some of the existing properties and the effects of the noise will be more evident/ intrusive. What noise/ containment measures are planned for the car park?
- Conditions are needed to mitigate noise and disturbance.
- The new builds adjacent to the Railway Tavern will be separated by a substantial 2 metre stonewall whilst this plan only has a 1 metre 'landscape buffer'.
- Too little information provided regarding the landscape buffer between the car park and fence.
- Currently the area at the rear of the fence is a 'garden' for children to play in.
- Boxes have been incinerated in a tin furnace causing damage to fence and trees. No confidence that the barrier will be respected.
- Potential damage to fence from car impacts, vandalism, defacement, malicious damage, urination or any other damage from patrons.
- Trees on the southern boundary overhang pub grounds – access is needed to trim and maintain the trees.
- The barrier edge requires impact posts at the 2-metre point to prevent cars driving over the edge and parking right up against the fence.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the demolition of the existing outbuilding and re-configuration of the car park and outdoor ancillary space associated with the use of the site as a public house. The site is an established A4 use (public house). The application is considered against policy T12, which permits new development provided that in terms of transport the proposal provides safe access, would not unacceptably exacerbate congestion, and would not unacceptably affect residential amenity. Weight is also given to the affect of the proposal on the landscape (L1, L5, L9) and the environment (T12, EP1).

5.2 Transport

The application proposes the reconfiguration of the car park associated with the public house. The pub has an existing large car park with provision for 32 parking spaces. The car park is located at the front of the original site and extends the width of it. A large area of grass is located behind the car park and

- pub at the south of the original site. The existing land associated with the pub has been divided into two sites. This application relates to the western site, which currently has one access point and a limited hardstanding area, with the rest laid to grass. The area directly to the rear of the pub has a smoking shelter, a paved area, and children's play area.
- 5.3 The proposal is to reconfigure the application site, incorporating the existing grass area, to create provision for 31 parking spaces, 4 of which will be designated as disabled spaces. In comparison to the previous arrangement the proposal would result in the loss of one parking space, which is considered acceptable in this context. The proposed access to the site remains as existing with vehicles entering an exiting the site through the entrance adjacent to the pub. The Council's Transport Officer has considered the proposal and has confirmed that the existing access is capable of accommodating two-way traffic. Visibility splays onto Wotton Road would remain as existing as the outside wall of the existing outbuilding would be retained. In order to aid visibility the Transport Officer has requested a condition to ensure that the existing front porch is left open (i.e. the side not filled in), as is the current arrangement.
- 5.4 Following comments from the Council's Transport Officer concerning deliveries and refuse collection to the site the applicant was asked to submit evidence in the form of an auto tracking plan to demonstrate that lorries can enter, turn, and exit the site safely. The revised auto-tracking plan received on 21st February satisfactorily demonstrates this. The proposal is considered acceptable in terms of highway safety and therefore accords with policy T12 of the South Gloucestershire Local Plan (Adopted) 2006.
- 5.5 Residential Amenity
The application relates to an existing established A4 use, which is located within the settlement boundary of Charfield. The application site is bordered to the east and south by residential development. The site has an existing slabbed area to the rear of the site and an existing smoking shelter (ref: PT07/2268/F). The current arrangement on site means that a large area of grass is present between the pub's outdoor ancillary space and the residential dwelling at the rear of the site. Significant trees and hedgerow are located at the rear of the site on the border to number 1 The Sidings. As this application relates only to the western half of the site consideration is given to the impact of the proposal on the residential amenity of the nearest dwellings at the north of the site, which are numbers 1 – 3 The Sidings.
- 5.6 The proposed reconfiguration of the car park and outdoor ancillary space incorporates a raised deck area with a shelter and slabbed area directly to the rear of the pub. The existing children's play area and grass area would be removed and replaced with the new proposed car park. The proposed raises deck and slabbed area is in the same location as the existing smoking shelter and outdoor ancillary space. A 3-metre acoustic fence would be located on the east and north sides of the proposed slabbed area. The proposal would result in a slight increase in width and height when compared to the existing smoking shelter. Local residents have raised some concern regarding the extent of the proposed acoustic fencing, and how noise will be contained within the outdoor

ancillary areas. It is highlighted here that the site has existing outdoor ancillary space, which does not have any noise mitigation measures. It is considered that the outdoor ancillary space as proposed would not significantly increase the level of noise in this area, and remains a significant distance from the nearest neighbouring dwellings. A local resident has requested a condition to restrict the use of the outdoor ancillary shelter. It is considered that a condition to restrict the use of the outdoor ancillary space would not be reasonable or enforceable. It is, however considered reasonable to condition the times that this outdoor area is used to ensure that it remains within the opening hours of the pub. These have been confirmed as Monday – Saturday 11am-2.30pm, 6pm-11pm, and Sunday 12pm-2.30pm, 6pm-10.30pm.

- 5.7 In terms of the creation of a new car park it is acknowledged that there is likely to be some increase in noise from car engines for the residents of the nearby dwellings. It is, however, considered that this would not be significant enough to have a detrimental impact on the residential amenity of the nearby neighbouring dwellings and would therefore not warrant a refusal. The proposed 2-metre 'landscape buffer' at the rear of the site would ensure that cars are not parked directly against the boundary fences of the neighbouring dwellings. It is considered that the existing significant trees at the rear of the site and the indicative landscaping proposed would mask some of the noise from the car park. In order to preserve residential amenity the proposed car park will be subject to a condition, to ensure that it is not open to customers outside the hours of 10:00 to 00:00 hours.

5.8 Landscape

The application seeks permission the demolition of the existing outbuilding at the north of the site, and the reconfiguration of the outdoor ancillary space and car park. The proposal would result in the loss of the existing open space located at the rear of the site, which is currently laid to grass. The application site is located within a built up area with residential development to the east and south. A classified road is located to the front of the site. The site is located at a lower gradient than the road, and views into it are restricted by the existing outbuilding and boundary treatments. It is considered that the existing grass area does not make a significant positive contribution to the character and distinctiveness of the locality, as it is not highly visible from the surrounding area. The indicative landscaping at the front boundary of the proposal would improve the visual amenity of the site from the road. It is therefore considered that the proposal is in accordance with policies L1 and L5 of the adopted local plan.

5.9 Trees

The application site does not have any significant trees that would be affected as a result of the proposal. There are, however, a number of small and medium trees forming a hedge line growing at the rear of the gardens of the properties on the southern boundary. The Council's Tree Officer has inspected the site and has suggested that a 2-metre wide buffer would provide adequate protection to the rooting area of these existing trees and hedges on the rear boundary. The original application included a 1-metre landscape buffer between the proposed hardstanding for the car park and the boundary fence of the neighbouring properties. In response to the Tree Officer's comments this

buffer was increased to 2-metres. Provided this buffer is maintained at this width it is considered that the proposal would not significantly impact the existing landscape features at the rear of the site.

5.10 Ecology

The application has not been supported by any supporting ecological information. Notwithstanding this, the site consists of a mixture of hardstanding and amenity (mown) grassland of negligible nature conservation interest. The site is not covered by any statutory or non-statutory nature conservation designations. The adjacent site (PT12/4284/F) has been subject to an ecological review and has recorded no signs of bats in the existing outbuilding, which will be demolished as a result of the application. It is considered that the site is generally unsuitable for use by reptiles (slowworms). The re-configuration of the car park would provide an opportunity to create new areas of semi-natural habitat (hedges) for local wildlife, and would provide an opportunity to create new nesting sites for local birds, as per application PT12/4282/F. There are no objections to the proposal in ecology terms but conditions are recommended relating to bird nest boxes and a landscape planting strategy.

5.11 Drainage

The application would result in the loss of an area of grassland, which would be replaced with hardstanding materials to form the proposed car park. The Council's Drainage Engineer has considered the proposal and has no objection in principle. However, a condition has been recommended to ensure that surface water drainage details including SUDS are submitted and approved in writing prior to the commencement of works. This is to ensure flood prevention, pollution control and environmental protection.

5.12 Other Matters

Local residents have raised a number of concerns during the consultation period for this application.

Concerns relating to noise have been addressed in this report however it is highlighted here that the site is an established A4 use with existing outdoor ancillary space. The proposed reconfiguration of the outdoor ancillary space directly to the rear of the pub is unlikely to significantly increase noise levels.

Concerns relating to damage to boundary fences, vandalism and access for tree works are a civil matter and have therefore not carried any weight in determining this planning application. In terms of 'creeping urbanisation' this application is explicit in terms of future development on the adjacent site. The application has been determined based on the proposed use of the site. Matters relating to the adjacent site are considered separately under PT12/4284/F.

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 provide adequate parking provision to serve the use of the site as a public house. The existing access into the site would be retained, which, subject to a condition relating to the front porch of the pub, is considered acceptable in terms of highway safety. The application has provided evidence to confirm that deliveries and refuse collection can take place safely with space to turn within the site boundary. As such the proposal is considered acceptable in terms of policies D1, T8, and T12 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 Whilst it is acknowledged that the proposal would result in some increase in noise from the proposed car park however it is considered that this would not be detrimental to the residential amenity of the nearby dwellings. Neighbouring dwellings remain an adequate distance from the application site and existing and proposed landscape features would provide some masking in terms of noise. The proposal is therefore considered acceptable in terms of policies T12 and EP1 of the South Gloucestershire Local Plan (Adopted).
- 6.4 It is considered that the proposal, by virtue of the limited views into the site, would not have a detrimental impact on the visual amenity, character or distinctiveness of the local landscape. Subject to conditions the proposal would provide adequate protection to the existing trees on site, and would provide an opportunity for enhanced semi-natural habitats. The proposal is therefore considered acceptable in terms of policies D1, L1, L5, L9 and EP1 of the adopted local plan.
- 6.5 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 is **APPROVED** subject to the conditions on the decision notice.

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

2. The sides of the existing porch at the front of the pub will remain open (sides not filled in) as is the current arrangement, and maintained as such thereafter.

Reason

To aid visibility onto Wotton Road, and to accord with policies D1 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. A landscape buffer of at least 2 metres wide will be retained between the car park and the rear (southern) boundary of the site, and maintained as such thereafter.

Reason

To provide adequate protection to the rooting area of the existing trees and hedges on the southern boundary of the site, and to accord with policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. 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 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, and the technical guidance to the National Planning Policy Framework.

5. Prior to the commencement of development a landscape planting strategy (native tree/shrub mix) and a scheme for new bird boxes (for robin, house sparrow, blue tit) will be drawn up and agreed in writing by the Local Planning Authority. Works will be carried out and maintained in accordance with the approved strategy.

Reason

To ensure the landscaping is implemented in an appropriate manner, in order to provide appropriate semi-natural habitats for local wildlife, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

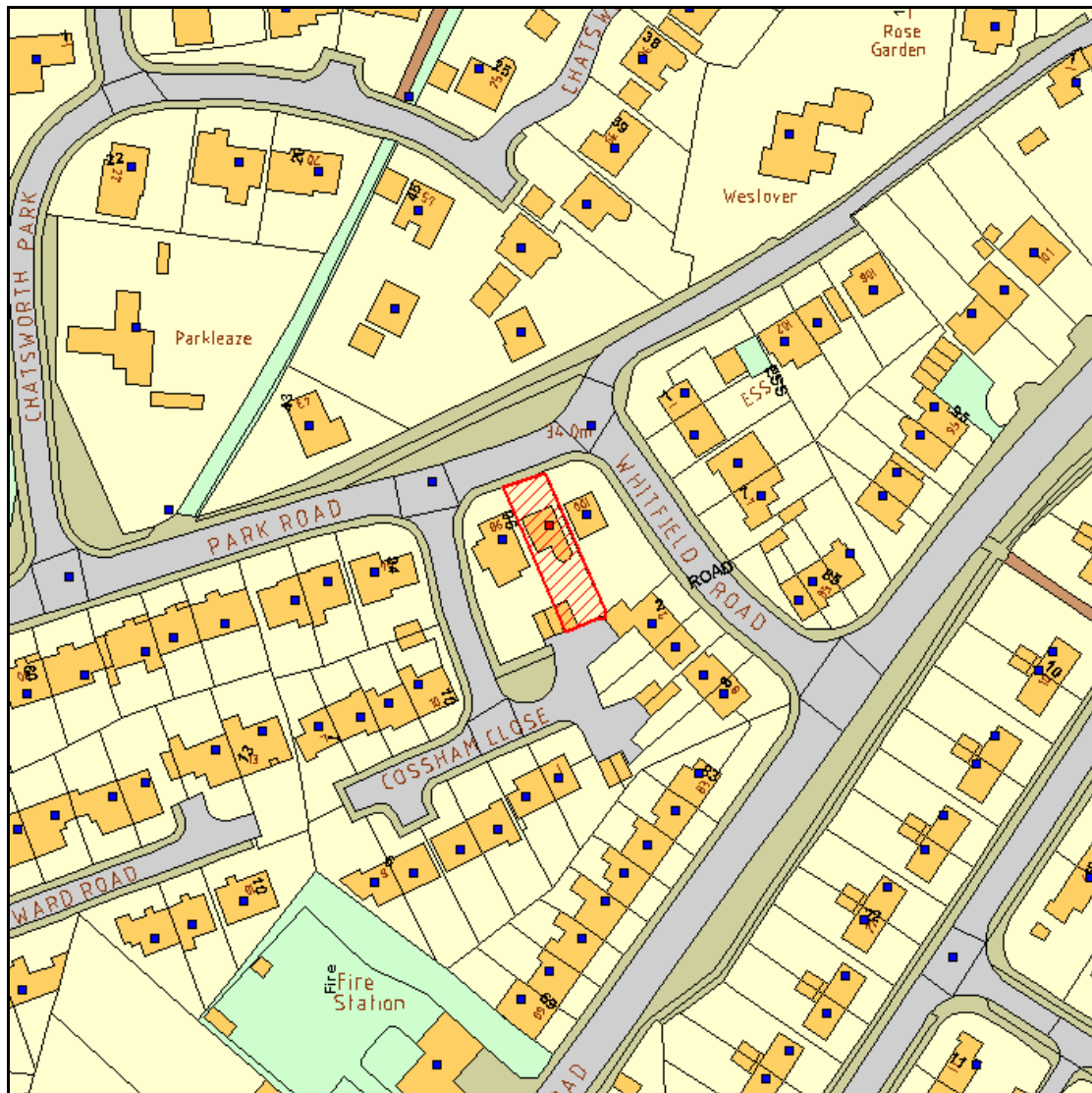
6. The outdoor ancillary space hereby permitted shall not be open to customers outside the following times: 10:00 hours to 23:00 hours Monday to Sunday inclusive. The car park hereby permitted shall not be open to customers outside the following times 10:00 hours to 00:00 hours Monday to Sunday inclusive.

Reason

To protect the residential amenity of the occupiers of nearby dwelling houses, and to accord with Policies EP1 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 09/13 – 1 MARCH 2013

| | | | |
|----------------------------------|----------------------------------------------------------------------------------------|-------------------------|---------------------------|
| App No.: | PT13/0070/F | Applicant: | Mr Richard Hooper |
| Site: | 98 Park Road Thornbury South Gloucestershire BS35 1JW | Date Reg: | 15th January 2013 |
| Proposal: | Erection of two storey rear extension to provide additional living accommodation | Parish: | Thornbury Town Council |
| Map Ref: | 364226 190909 | Ward: | Thornbury North |
| Application Category: | Householder | Target Date: | 8th March 2013 |



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008.

N.T.S.

PT13/0070/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

One objection has been received from a local resident, which is contrary to officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks consent to erect a two storey rear extension on a detached dwellinghouse. This will be facilitated by the removal of a single storey rear conservatory which extends approximately 4m from the rear of the original house.
- 1.2 The property is a detached house situated within the Thornbury defined settlement boundary, on a residential road in the Morton area.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within Existing Residential Curtilages, including extensions and new dwellings

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection

Other Representations

- 4.2 Local Residents
One objection received regarding volume of extension and subsequent impact on residential amenity.

5. ANALYSIS OF PROPOSAL

5.1 The Site

The property consists of a detached 2 storey dwelling house with a pitched roof running north-to-south, with gables at each end. The property sits approximately in the centre of the long plot, and enjoys a generous amount of space in the rear garden and has a semi-detached single garage at the end of the garden.

5.2 Principle of Development

Development within the curtilage of existing dwellings (including extensions) is assessed through policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. The policy is largely supportive of residential extensions subject to tests of design and character and effect on public and residential amenity.

Overall design standards for the district are set out in policy D1. This development will need to meet the criteria set out in both policies in order to be deemed acceptable.

5.3 Design

Standards of design set out in policy D1 are particularly important where development is prominent in public views. As the rear elevation of the house is visible from Whitfield Road, Cossham Close, and B4061 Gloucester Road, good design will be of particular importance when determining the application.

The proposal seeks to extend the property on the rear south facing elevation to two stories, by a depth of 3.3m and across the full width of the house (approximately 6.5m). The extension will continue the pitch of the existing roof and retain the gable, thus creating an identical cross-section of the property following implementation. The positioning of windows on the new south elevation will mirror those at present with patio doors in the position of the existing uPVC conservatory. New windows are proposed in the existing side elevations at first floor level to serve rooms that will have their south-facing aspect removed by the extension. The existing conservatory to the rear of the house will be removed as part of the development.

The extension will be constructed of brickwork with painted render and concrete double Roman tiles which will match the appearance of the existing property. Similarly the window and door materials will match the existing features on the property and will thus adhere to the existing finish of this building, which is considered in keeping with the character of the local area.

Due to the dimensions of the proposal it will not be visually apparent where the building has been extended, however it is considered that the extension will not dominate the existing house to an unacceptable extent. Similarly the scale of the finished house is comfortable within the size of the plot in which it sits, and is in proportion to the buildings in the surrounding area.

Taking the above aspects of the development into account it is considered the design of the proposal meets the criteria set out in policy D1.

5.4 Public and visual amenity

As discussed in section 5.3 the extension is on an elevation prominent from surrounding streets, and its visibility will be further increased following development. The property and its neighbours on each side sit in a long plot with generous garden space stretching away from the rear of the house. The dimensions of these plots create an effect of 'openness' across the rear gardens in the locality. The views across the gardens afford a wide view of the skyline and, although the extension will build into this space, this will not be overly prominent and thus not detrimental to visual amenity.

The property and neighbouring houses at no's. 96 and 100 Park Road form a three-house set between the junctions with Whitfield Road and Cossham Close. They are sited in a way that originally created a 'stepped' appearance from both the front and rear, with the gable elevations positioned slightly ahead of the neighbouring house. However previous side and rear extensions at no. 96 as well as the existing conservatory at no. 98 have nullified this feature in views of the rear elevations. As such it is felt the proposal will not have a detrimental effect on local character as the street scene on Park Road will not be affected.

5.5 Residential amenity

During a site visit the officer was unable to gain access to the rear of the application site but viewed the site from the rear garden of the neighbouring property at 96 Park Road. This allowed an assessment to be made of the impact from the perspective of a neighbouring property.

Concern has been raised regarding the volume of the extension and extent of block work impacting on the neighbouring property at 96 Park Road. In considering these aspects, it is necessary to achieve a balance between the extent of solid walling in side elevations, and reducing potential instances of overlooking to provide an acceptable level of privacy.

A new obscure-glass window is proposed in the west elevation of the existing house to serve the first floor bathroom, this is considered acceptable as it will be obscure glazed, will not directly overlook any facing windows. This will be subject to a condition. A window is also proposed for the first floor east elevation to serve one of the existing south-facing bedrooms. As there are no opposing windows on the facing elevation of no.100 this is also considered to be acceptable in terms of mutual privacy subject to a condition restricting installation of further side windows on the extension. Finally the dwellings on Whitfield Road beyond the south boundary will remain a significant distance away, and windows in these properties do not face the proposed extension.

Concern was also raised that due to the way the properties are positioned on their plots, no. 98 is stepped forward of no. 96 when viewed from the south, therefore the overall impact of the extension becomes greater and more overbearing. It is acknowledged that the massing of a 2-storey extension is high and this will be strongest closest to the neighbouring houses. However having viewed the perspective from no. 96 it is felt the outdoor space available to this property and no. 100, and existing aspects available from the rear extension of

no. 96 will reduce the effect of the addition to an acceptable level. Furthermore, due to the orientation of the properties the effect of loss of light will be restricted to limited parts of the day, and will not be to an extent that would warrant refusal of permission.

From the perspective from the other neighbouring property at no. 100, the south elevation stands ahead of the development property, which will limit the effect of the additional mass of the extension. As no. 100 has no neighbouring property to the east it benefits from extra light, and as such it is considered that the loss of light arising from the proposal would not affect the amenity of no. 100 to a degree that would justify refusal.

Having assessed the effect on residential amenity it is considered that although the impact of the proposal is acceptable, it is considered to be the limit of what could be supported in terms of the bulk and massing impact upon the neighbouring properties on Park Road. In conclusion to sections 5.4 and 5.5, the proposal is considered acceptable in terms of policy H4.

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 Given the nature of the existing site it is considered that the proposal would not have a detrimental impact on the residential or private amenity of neighbouring properties. The design of the proposal is informed by and respects the character of the site and locality. The scale, materials and detailing proposed are considered acceptable in the context of the site. Accordingly the proposal is considered acceptable in terms of 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 permission is **GRANTED** subject to the conditions on the decision notice.

Contact Officer: Christopher Roe
Tel. No. 01454 863427

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.

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in either of the side (east and west) elevations of the property.

Reason

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

4. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the west elevation shall be glazed with obscure glass to level 3 standard or above.

Reason

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

CIRCULATED SCHEDULE NO. 09/13 – 1 MARCH 2013

| | | | |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------------------|
| App No.: | PT13/0139/F | Applicant: | Mr Davidge |
| Site: | 36 Frampton End Road Frampton Cotterell South Gloucestershire BS36 2JZ | Date Reg: | 17th January 2013 |
| Proposal: | Erection of one and a half storey side extension with front dormer and extended rear dormer windows and single storey rear extension to provide additional living accommodation. | Parish: | Frampton Cotterell Parish Council |
| Map Ref: | 367392 181819 | Ward: | Frampton Cotterell |
| Application Category: | Householder | Target Date: | 14th March 2013 |



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PT13/0139/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule as the Parish Council has raised an objection of overdevelopment in the green belt.

1. THE PROPOSAL

- 1.1 This application seeks planning consent to make alterations to and extend a bungalow in Frampton Cotterell.
- 1.2 The proposed development consists of the erection of a side extension with front dormer window, extension to the existing rear dormer into new extension, raising of the ridge line, and a single storey rear extension. It is also proposed to demolish the existing detached garage although that in itself does not need planning permission.
- 1.3 A number of constraints restrict development on the site. The property is located on Frampton End Road which is not included within the settlement boundary and therefore in the green belt.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

L1 Landscape

GB1 Development in the Green Belt

T12 Transportation

H4 Development within Existing Residential Curtilages

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012

CS1 High Quality Design

2.3 Supplementary Planning Guidance

(a) South Gloucestershire Design Checklist (Adopted) August 2007

(b) Development in the Green Belt (Adopted) June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history on this site.

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council

Objection: Overdevelopment in the green belt.

4.2 Landscape
No objection

4.3 Public Rights of Way
No objection

Other Representations

4.4 Local Residents
None received

5. ANALYSIS OF PROPOSAL

5.1 This application seeks consent to extend a detached bungalow in Frampton Cotterell. The site is located in the green belt, outside of the settlement boundary.

5.2 Principle of Development
Development at existing residential curtilages is generally supported by policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 subject to an assessment of design, amenity, and transport. However, any development must comply with the green belt policy (GB1). Under this policy, development is restricted to limited extensions to existing properties. Therefore, the development is acceptable in principal subject to the analysis set out below.

5.3 Green Belt
Policy GB1 restricts development in the green belt to limited extensions provided that it does not result in a disproportionate addition over the size of the original dwelling.

5.4 To measure whether an extension would result in a disproportionate addition, a volume increase calculation is required. The applicant has submitted volume calculations showing an increase of 35.4%. The extension needs to be carefully considered to gauge the acceptability, as the proposed increase is over thirty percent.

5.5 During discussions with the Agent, it was proposed that the existing detached garage would be demolished as part of the development. By demolishing the detached structure, the dwelling becomes much more compact. This has a beneficial impact on preserving the openness of the green belt and increases the acceptability of the proposed development.

5.6 The proposed development does not constitute 'overdevelopment' in the green belt and is compatible with policy GB1 of the Local Plan; the demolition of the garage will be secured by condition.

5.7 Design
To meet the Council's design standard, the development must comply with policies D1 and H4 of the Local Plan. This requires development to be informed by, respect and enhance the character of the site and locality, and

- respect the massing, scale, proportions, overall design and character of the property, street scene and surrounding area.
- 5.8 Frampton End Road is rural in nature with low-density housing. The existing bungalow is characterised by its gable roof and bow window. To the rear, the character has been eroded by a number of inappropriate previous alterations.
- 5.9 The proposed extension retains the character of the existing property. No changes are made to the architectural features of the property. Although the height of the ridge is increased, it does not have a detrimental impact on the appearance of the property which is already characterised by its visible roof. A flat roof rear dormer is proposed and the existing dormer extended. As a flat roof dormer already exists, the dormer windows are acceptable. The proposed materials match those of the existing dwelling.
- 5.10 The proposed development is not out of character with the existing property, street scene or mixed architectural style of the locality. The proposed development therefore complies with the design criteria of policies D1 and H4.
- 5.11 Amenity
Development that has an impact on residential amenity will not be permitted. The site is of a sufficient size to be able to accommodate the proposed extensions and provide an adequate amount of private amenity space. To the rear are open fields. The adjacent property to the north is set behind the building line of the application site and separated by a public right of way. As a result of these factors, the first-floor dormer windows will not create a situation which will lead to overlooking and the residential amenity of the area is preserved.
- 5.12 There is no objection to the proposed development on grounds of residential amenity.
- 5.13 Transport
There is no material change to the level of on-site parking provision. Therefore there is no transport objection to the development.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development of a side extension, rear extension, and raising of the ridge has been assessed against policies D1, GB1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006. The proposed extension is not disproportionate to the original dwellinghouse and therefore constitutes a limited extension in accordance with policy GB1. In terms of design, the proposed development is in keeping with the character and appearance of the existing property, the street scene and surrounding area through the use of appropriate materials, as well as the scale, massing, and proportions of

development. The design complies with policy D1 and H4. There will be no impact on residential amenity and as a result the development accords with policy H4.

- 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 It is recommended that consent be **GRANTED** subject to the conditions listed below.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. The 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.

3. Prior to the first occupation of the extension hereby permitted, the existing detached garage building will be demolished and the ground made good.

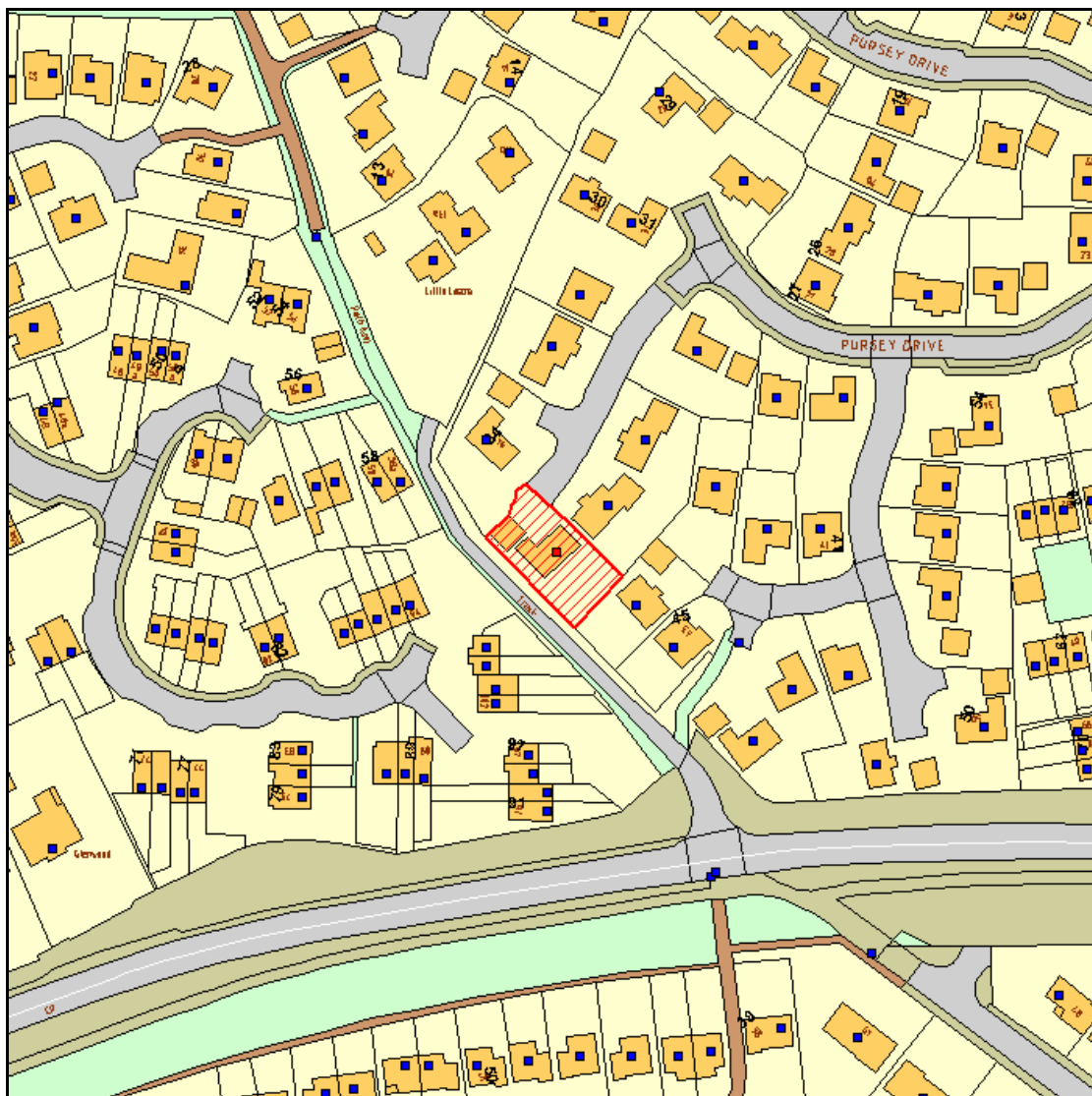
Reason

To protect the character and appearance of the area, the openness of the green belt and to accord with Policy D1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 14

CIRCULATED SCHEDULE NO. 09/13 – 1 MARCH 2013

| | | | |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------|---------------------|------------------------------|
| App No.: | PT13/0142/CLP | Applicant: | Mr And Mrs Chamberlain |
| Site: | 35 Pursey Drive Bradley Stoke South Gloucestershire BS32 8DJ | Date Reg: | 22nd January 2013 |
| Proposal: | Certificate of lawfulness for the proposed erection of single storey rear extension to provide additional living accommodation | Parish: | Stoke Gifford Parish Council |
| Map Ref: | 362384 180668 | Ward: | Stoke Gifford |
| Application Category: | Minor | Target Date: | 15th March 2013 |



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PT13/0142/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 The application is seeking a formal decision as to whether the erection of a single storey rear extension to provide additional living accommodation would be lawful. This based on the assertion that the proposal falls within permitted development rights normally offered to householders under the Town and Country Planning (General Permitted development) (Amendment) (No. 2) (England) Order 2008.

2. POLICY CONTEXT

2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24
Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class A.

3. RELEVANT PLANNING HISTORY

3.1 None relevant

4. CONSULTATION RESPONSES

4.1 Bradley Stoke Town Council
Objection This application is an attempt to circumvent the correct planning process.

4.2 Other Consultees [including internal consultees of the Council]
No response

Other Representations

4.3 Local Residents
No response

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Location plan, Existing ground floor plans and partial first floor plans, site plan and elevations 1, Proposed ground and partial first floor plans, site plan and elevations 2, all received on 18th January 2013.

6. Evaluation

The application for Certificate of Lawfulness is purely an evidential test and is a formal way to establishing whether or not the proposed development can be

implemented lawfully without the need for planning consent. Accordingly there is no consideration of planning merit, the decision is based on the facts presented. The submission is not a planning application and thus the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the General Permitted Development Order 2008. The site is in use as a dwellinghouse, and there is no evidence to indicate that the permitted development rights have been removed. Schedule 2, Part 1, Class A, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 allows for the enlargement, improvement or other alterations of a dwellinghouse.

A1 Development is not permitted by class A if –

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

The submitted site location plan shows that the host property benefits from a large curtilage and the proposed development, together with the existing dwelling would not exceed 50% of the total area of the curtilage

- (b) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse.**

The submitted plans demonstrate that the rear extension would not exceed the height of the roof apex of the existing dwellinghouse.

- (c) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse.**

The submitted plan demonstrated that the eaves heights of the extension would not exceed that of the existing dwellinghouse.

- (d) the enlarged part of the dwellinghouse would extend beyond a wall which-**
(i) fronts a highway, and
(ii) froms either the principle elevation or a side elevation of the original dwellinghouse;

The proposed extension would not extend beyond a wall, which fronts a highway, forms the principal elevation or a side elevation of the original dwellinghouse.

- (e) the enlarged part of the dwellinghouse would have a single storey and-**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
 - (ii) exceed 4 metres in height ;**

The enlarged part of the dwellinghouse would have a single storey. The property is detached and the proposed extension will not extend beyond the rear wall by more than 4 metres.

- (f) the enlarged part of the dwellinghouse would have more than one storey and-**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
 - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;**

The extension would not have more than one storey.

- (h) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would-**
- (i) exceed 4 metres in height**
 - (ii) have more than one storey, or**
 - (iii) have a width greater than half the width of the original dwellinghouse.**

The submitted plans show the proposal does not extend beyond the side elevation.

1`

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

The extension would not comprise any of the above

Conditions

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

(b)

The materials to be used in the development will match those of the existing dwellinghouse.

Other Matters

One letter of objection has been received from the Town Council for the above reason, only objections regarding the validity of the application in relation to the legislation (Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008) can be taken in to account for this type of application.

7. RECOMMENDATION

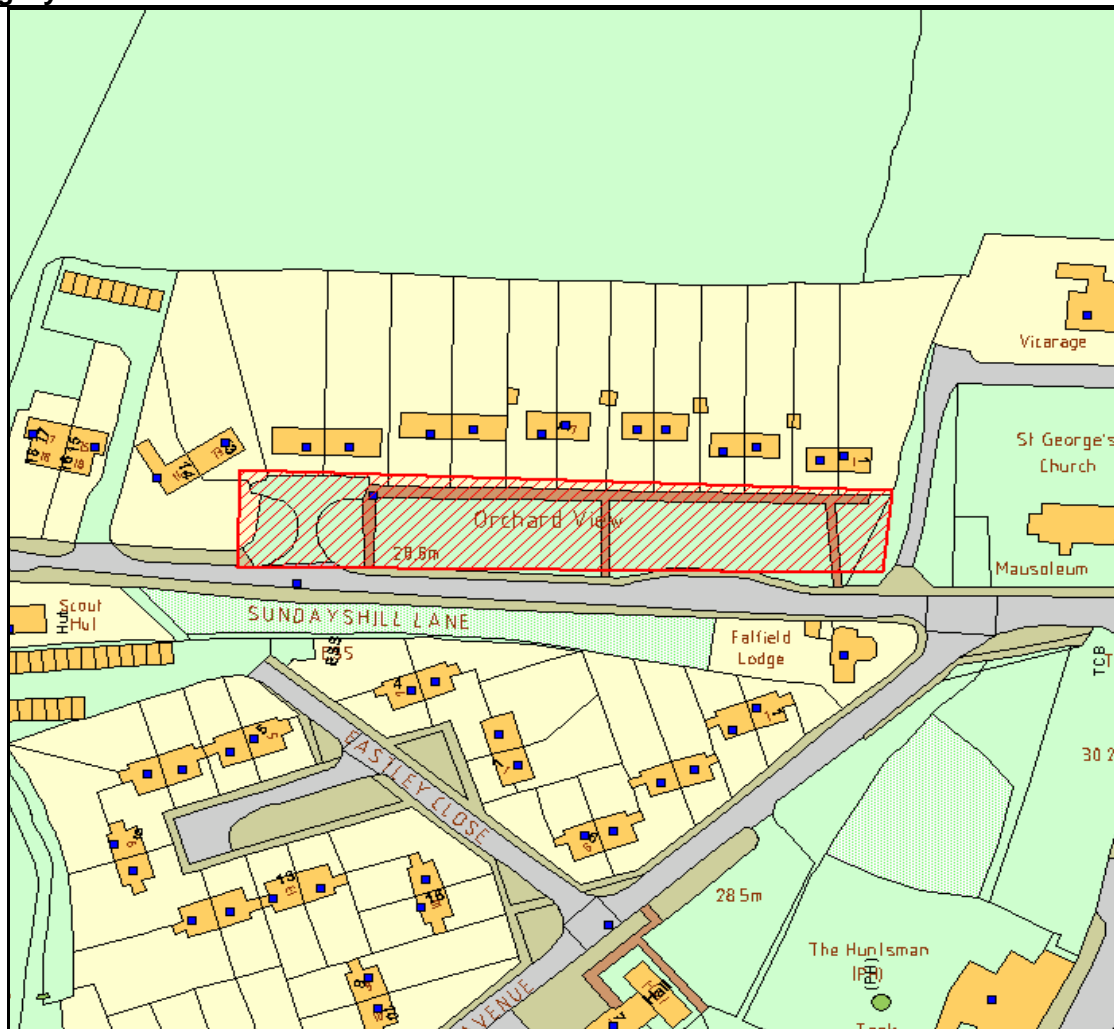
7.1 That a Certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probability the development meets the criteria set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and is therefore permitted development

Contact Officer: Melissa Hayesman
Tel. No. 01454 864769

CIRCULATED SCHEDULE NO. 09/13 – 1 MARCH 2013

| | | | |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-------------------------------|
| App No.: | PT13/0160/R3F | Applicant: | South Gloucestershire Council |
| Site: | Land In Front Of 1 To 14 Orchard View Falfield Wotton Under Edge South Gloucestershire GL12 8DG | Date Reg: | 22nd January 2013 |
| Proposal: | Construction of 5 no.parking bays, tarmac spur road, granular access track and upgrade of existing footway and ancillary works. (Amendment to previously approved planning permission PT12/3310/R3F) | Parish: | Falfield Parish Council |
| Map Ref: | 368235 193274 | Ward: | Charfield |
| Application Category: | Minor | Target Date: | 15th March 2013 |



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PT13/0160/R3F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule given the letter of objection that has been received and because it has been submitted by the Council.

1. THE PROPOSAL

- 1.1 The application seeks permission for the construction of five parking bays, a spur road, a granular access track and upgrades to an existing footway.
- 1.2 The application site relates to an area of open space and a small parking area, which is situated to the front of a rank of semi-detached dwellings (Orchard View). The site is unusual due to fact the open space prevents any vehicular access to the dwellings. This arrangement has led to the degradation of the quality of the open space as vehicles drive across the land to access the dwellings. Cars park on this area of grass.
- 1.3 This application seeks an amendment to PT12/3310/R3F that was approved earlier this year. In so doing, it would allow retention of a footpath in front of the dwellings that was incorrectly omitted from the approved plans. This would require the new access track to be positioned slightly further away from the dwellings towards the centre of the green.
- 1.4 At the time of the Officer site visit, it was noted that works on the parking spaces had commenced (as approved by the previous application).

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (March 2012)
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
L1: Landscape Protection and Enhancement
T8: Parking Standards
T12: Transportation Development Control Policy for New Development
LC9: Protection of Open Space and Playing Fields
L13: Listed Buildings
- 2.3 Emerging Development Plans

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1: High Quality Design
CS9: Environmental Resources and Built Heritage
CS34: Rural Areas
- 2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT12/3310/R3F: Construction of 5 parking bays, tarmac spur road, granular access track and upgrade of existing footway (amendment to previously approved planning permission PT10/2962/F). Permitted: 30 November 2012
- 3.2 PT10/2962/F: Construction of 5 parking bays, tarmac spur road and stone access track. Permitted: 6 January 2011
- 3.3 The further is noted:

PT10/2962/F was linked to PT10/2883/F that involves the redevelopment of a nearby garage site to provide two affordable homes (that generates the need for 5 new off street parking spaces). The following applications are relevant to this:

PT10/2883/F: Erection of 2 semi-detached dwellings with associated works. Permitted: 6 January 2011

PT12/3513/RVC: Variation of condition 2 attached to planning permission PT10/2883/F to read, No development to commence until the highway works to form 5 parking bays permitted by PT12/3310/R3F have been substantially completed. Decision Pending

4. **CONSULTATION RESPONSES**

- 4.1 Falfield Parish Council
No comments received

4.2 Other Consultees

- a. Highways DC: no objection
- b. Tree Officer: no objection subject to condition
- c. Conservation Officer: no objections
- d. Affordable Housing Officer:

The proposal is a joint venture with the South Gloucestershire Street Care Team aimed at addressing the problem of cars driving over the open space in order to gain access to their front gardens. The proposal would provide direct access to residents' gardens that would meet the original objective of the access track whilst provision of 5 parking spaces would allow the rural housing scheme to proceed. Delivery of rural affordable homes is key priority for the Council, as opportunities are limited.

4.3 Summary of Local Residents Comments:

One letter received raising the following concerns:

- o Application has been handled very poorly from the outset and there are a number of unresolved issues;
- o Very few residents have altered their gardens in anticipation of this well known proposal- the plans hasn't inspired them to do this;

- o Residents will continue to park on the roadside and walk across the green- the proposal will only remove green space from the village;
 - o The proposed surface is unsuitable and will ice over, and will result in high maintenance costs;
 - o The local councillor surveyed residents and is fully aware that the vast majority are against the proposal given that it is vastly inferior to a previous plan - this information has not been passed on;
 - o Taxpayers' money is being spent on this unwanted proposal.
- 4.4 In response to some of these issues, at the time of the last application it was noted that:
- o The use of unbound granular material was determined by the Councils Street Care Team to be the most suitable design as result of the surface water drainage requirements;
 - o PT10/2962/F allows a stone track.
 - o The Councils Housing Enabling Team consulted with residents as 1-14 Orchard View seeking views in terms of what scheme they wanted to proceed; i.e. approved scheme, revised scheme or no scheme at all and a mixed response was received.

5. ANALYSIS OF PROPOSAL

- 5.1 The principle of development has been established by PT10/2962/F and PT12/3310/R3F. These applications were primarily assessed against policy LC9 that advises that proposals for the development of existing or proposed formal or informal open space (or of land last used for playing fields) will only be permitted where:
- o The development would not result in, or add to, a deficiency of public open space, or the loss of space performing a significant recreational function, or the of space likely to meet projected recreational demand in the plan period; or
 - o The proposal includes provision of a replacement facility of at least the equivalent benefit to existing users, at an alternative site which is accessible by public transport, on foot and by bicycle; or
 - o An overriding community need, other than for housing, employment or shopping facilities, which cannot be met on any other site is demonstrated; or
 - o A limited development would result in enhanced outdoor sport and recreation facilities at the site; and
 - o In all the above circumstances the development would not have unacceptable environmental effects and would not prejudice residential amenity.
- 5.2 In this instance, the proposal remains broadly similar to both applications in that it would provide a new vehicular access track to the front of nos. 1- 14 Orchard View set back towards the rear boundary of the area of grassed open space in front (and adjoining the front boundaries of these dwellings). As envisaged at

the time of PT12/3310/R3F, this proposal would retain the footpath with this alongside the new access track (which was incorrectly omitted from the previously approved plans).

5.3 Design/ Visual Amenity

The application site relates to an area of open space that is situated to the front of a rank of semi-detached dwellings. This area comprises of grass and a number of trees and bushes the green nature of which, makes a significant contribution to the character and appearance of area and the street scene. However, presently there is no vehicular access across the open space and vehicles often drive over this grassed area to reach their properties; this damages this area of grass, particularly during winter months, and has reduced the quality of the open space and increased maintenance costs.

5.4 The proposal would provide a purpose built spur road that would enable the properties to be accessed from Sundayshill Lane without driving over the area of open space. As at the time of the previous applications, it is considered that this would enhance the quality, amenity and the function of the existing open space because vehicles would no longer damage the green. Therefore, as before, it is considered that the proposal would provide clear benefits to the local community that could not be met in any other location. On this basis, it is considered that the loss of open space would be outweighed by the benefits of the proposal thus the principle of development is considered to accord with policy LC9 with the long-term benefits of the proposal outweighing the more limited area of green space that would be lost.

5.5 Residential Amenity

As before, it is not considered that the proposal would cause any significant adverse impact in residential amenity and there is no associated objection to the proposal.

5.6 Highway Safety

Comments from the Councils Highway Officer advise that there is no transportation objection to this proposal with the modifications to comply with what was envisaged at the time of the previous application.

5.7 Trees

The Councils Tree Officer has raised no objection advising that the tree survey, arboricultural method statement and tree protection plan provided should ensure the safe retention of the existing trees and minimize any potential impact the works may have on the tree roots. A condition is requested to ensure that all works are undertaken in accordance with the arboricultural method statement and tree protection plan.

5.8 Drainage

Previously, the Council Drainage Engineer confirmed that the proposal would not have an adverse drainage impact; subsequently, it has been confirmed that a drainage design has been agreed through a consultation process. As such, it is not considered necessary to attach the drainage condition that formed part of the previous planning permission.

5.9 Listed Building Considerations

The application site lies immediately to the west of St George' Church, a grade II listed building, and Falfield Lodge, the former lodge building to Eastwood Park that is also grade II listed. In respect of the first application, the Councils Conservation Officer advised that the proposal would formalise the rather ad-hoc access/ parking arrangements that currently exist and would not be considered to have a detrimental impact on the setting or significance of the two grade II listed buildings. In this instance, no objections have again been raised to the proposal.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 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 development would provide an enhancement to the open space and would not undermine the function of the land. It is therefore concluded that the principle of the proposal would be acceptable and would accord with Policy LC9 (Protection of Open Space and Playing Fields) of the South Gloucestershire Local Plan (Adopted) January 2006.
 2. The proposed development would not materially harm the character and appearance of the application site and its surrounds. The proposed development would therefore accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and L1 (Landscape Protection and Enhancement) of the South Gloucestershire Local Plan (Adopted) January 2006.
 3. The proposed development would not cause any significant adverse impact in residential amenity and would accord with Planning Policy LC9 (Protection of Open Space and Playing Fields) of the South Gloucestershire Local Plan (Adopted) January 2006.
 4. The proposed development would not give rise to unacceptable transportation effects and thus would accord with Planning Policy LC9 (Protection of Open Space and Playing Fields) 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: Peter Burridge
Tel. No. 01454 865262

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. All works shall be undertaken in accordance with the arboricultural method statement and tree protection plan submitted to and approved as part of this planning application.

Reason:

In the interests of the health of the existing trees and to accord with Planning Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The replacement tree planting proposed shall be carried out in the first planting season following completion of the development or otherwise in accordance with a programme agreed in writing with the Local Planning Authority.

Reason

In the interests of visual amenity and to accord with Planning Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.