



**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. 45/13**

**Date to Members: 08/11/13**

**Member's Deadline: 14/11/13 (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](mailto:MemberReferral@southglos.gov.uk) providing details of

- Application reference and site location
- Indicate whether you have discussed the application(s) with the case officer and/or area planning manager
- Indicate whether you have discussed the application(s) with ward member(s) if the site is outside of your ward
- The reason(s) for the referral

The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Development Control Committees or under delegated powers including:

- a) Any application submitted by or on behalf of the Council.
- b) Any application requiring either new or a modification to an existing planning agreement, provided that the application is not required to be determined by Committee.
- c) Any footpath diversion required to implement an approved scheme.
- d) Applications, except those where approval is deemed to be granted upon the expiry of a defined period, where a representation contrary to the Officers recommendation are received.
- e) Applications for Certificates of Appropriate Alternative Development where a representation contrary to the Officer's recommendation is received.
- f) Applications for Certificates of Lawful Use of Development

## GUIDANCE FOR 'REFERRING' APPLICATIONS

Members are entitled to refer any application for consideration by the relevant DC Committee or Sites Inspection Committee, before a decision has been made. However as call-ins will delay the decision on an application and in the interests of improving the effectiveness and efficiency of the Development Control service, this option should only be exercised after careful consideration. Members are therefore asked to take account of the following advice:

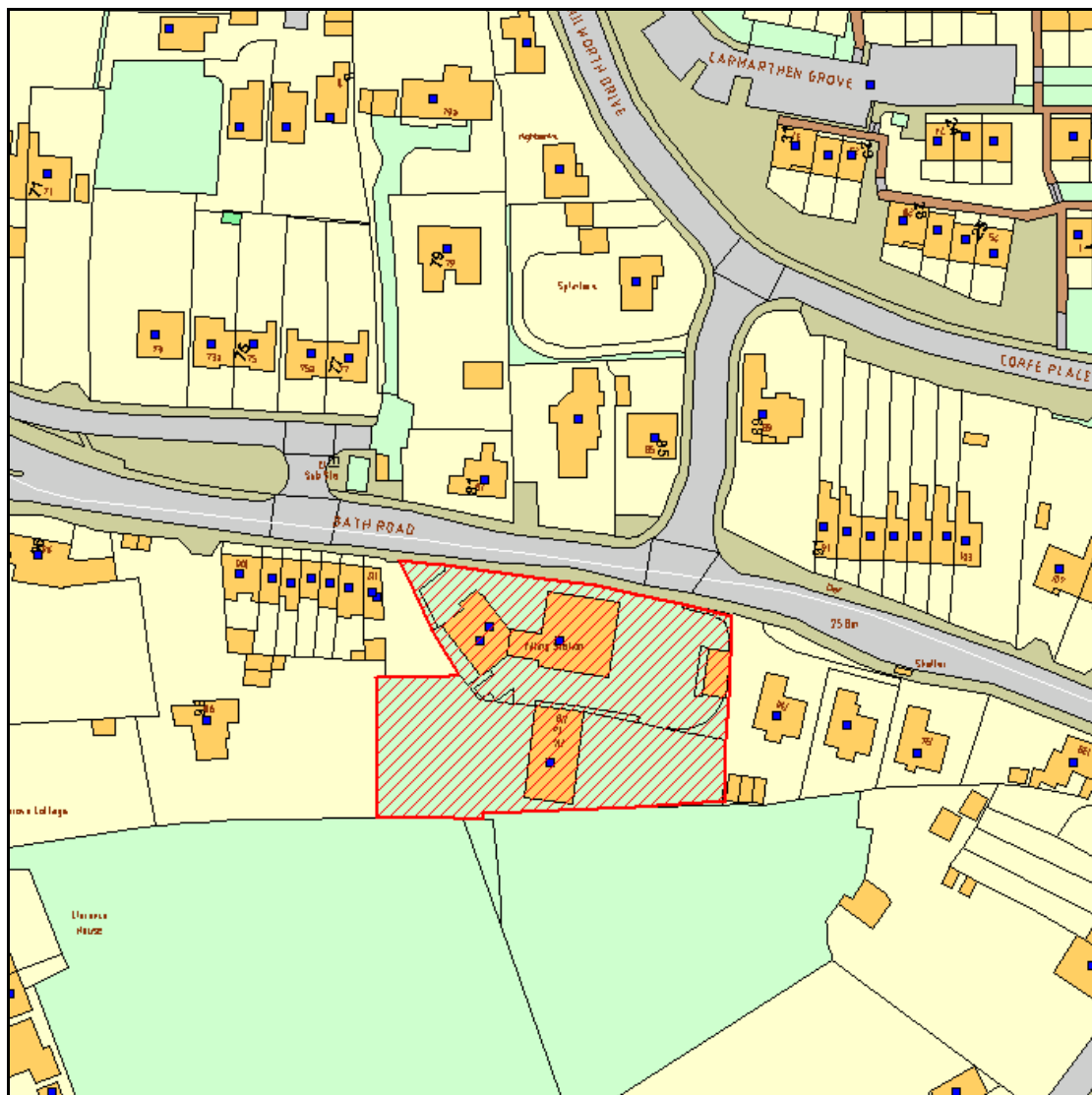
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. Please do not leave it to the last minute
- Always make your referral request by e-mail to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk), where referrals can be picked up quickly by the Development Management Technical Support Team. 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 – 8 NOVEMBER 2013

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
<b>1</b>	<b>PK13/3432/RV</b>	Approve with Conditions	Snax 24 Ltd 114 Bath Road Willsbridge South Gloucestershire BS30 6EF	Bitton	Oldland Parish Council
<b>2</b>	<b>PK13/3498/ADV</b>	Approve	Wick Wick Roundabout Downend South Gloucestershire BS36 1DP	Emersons	Mangotsfield Rural Parish Council
<b>3</b>	<b>PK13/3543/F</b>	Approve with Conditions	Collyns Mead Back Street Hawkesbury Upton Badminton South Gloucestershire GL9 1BB	Cotswold Edge	Hawkesbury Parish Council
<b>4</b>	<b>PK13/3569/LB</b>	Approve with Conditions	Collyns Mead Back Street Hawkesbury Upton Badminton South Gloucestershire GL9 1BB	Cotswold Edge	Hawkesbury Parish Council
<b>5</b>	<b>PK13/3607/F</b>	Approve with Conditions	17 Colliers Break Emersons Green South Gloucestershire BS16 7EE	Emersons	Mangotsfield Rural Parish Council
<b>6</b>	<b>PT13/3456/F</b>	Approve with Conditions	Filton Park Service Station 31 - 39 Gloucester Road North Filton South Gloucestershire BS7 0SH	Filton	Filton Town Council
<b>7</b>	<b>PT13/3526/F</b>	Approve with Conditions	Bagstone Garage Bagstone Road Rangeworthy Wotton Under Edge South Gloucestershire	Ladden Brook	Rangeworthy Parish Council
<b>8</b>	<b>PT13/3600/CLP</b>	Approve with Conditions	159 Bakers Ground Stoke Gifford Bristol South Gloucestershire BS34 8GE	Stoke Gifford	Stoke Gifford Parish Council

## CIRCULATED SCHEDULE NO. 45/13 – 8 NOVEMBER 2013

<b>App No.:</b>	PK13/3432/RVC	<b>Applicant:</b>	Rontec Watford Ltd
<b>Site:</b>	Snax 24 Ltd 114 Bath Road Willsbridge South Gloucestershire BS30 6EF	<b>Date Reg:</b>	23rd September 2013
<b>Proposal:</b>	Variation of condition 7 attached to planning permission K405/15 to extend opening hours for the petrol filling station from 7.00 am to 11.00 pm Monday to Saturday and 8.00 am to 10.00 pm on Sundays, to 6a.m. to midnight each day of the week.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	366754 170317	<b>Ward:</b>	Bitton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th November 2013



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100023410, 2008.

**N.T.S.**

**PK13/3432/RVC**

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

This application appears on the Circulated Schedule following objections received from a local resident and the Parish Council contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks consent to vary condition 7 attached to planning permission K405/15 to extend opening hours for the petrol filling station from 6a.m. to midnight daily.

Condition 7 states the following:

*The petrol filling station and car sale use hereby permitted shall not be carried out other than between the hours of 7.00am to 11.00pm Mondays to Saturdays and 8.00am to 10.00pm on Sundays.*

- 1.2 The application site is situated on the southern fringe of Willsbridge within the urban area as defined in the Adopted Local Plan but just outside the Bristol and Bath Green Belt. The site is adjacent to the Bath Road and comprises a petrol filling station, associated shop and car wash.

- 1.3 This application follows a similar application PK12/2367/RVC which sought the variation of condition 7 attached to planning permission K405/15 to extend opening hours for the petrol filling station from 7a.m. to midnight

The application was refused for the following reason:

*No information or evidence has been submitted by the applicant to demonstrate any material change in circumstance since the determination of K405/15. Furthermore, the extension of the opening hours of the filling station from 7.00a.m. to midnight everyday would have a significant and detrimental impact on the existing levels of amenity afforded to neighbouring dwellings on Bath Road through increased noise and disturbance. The application is therefore contrary to the requirements of Policies D1 and EP1 of the South Gloucestershire Local Plan (Adopted) 2006.*

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012

Circular 11 / 95 Use of Conditions in Planning Permission

#### **2.2 Development Plans**

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

EP1 Environmental Pollution

South Gloucestershire Core Strategy incorporating Post-Submission Changes  
December 2011

CS1 High Quality Design

2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist Adopted August 2007

3. **RELEVANT PLANNING HISTORY**

The site is subject to extensive planning history, the most recent of which is included in the list below. Older records can be viewed on the Council's website.

- |     |                  |  |
|-----|------------------|--|
| 3.1 | PK12/2367        | Variation of condition 7 attached to planning permission K405/15 to extend opening hours for the petrol filling station from 7a.m. to midnight.    |
|     | Refused          | 21.8.12  |
| 3.2 | PK11/3432/EXT    | Erection of single storey side extension to form additional retail and storage area. (Consent to extend time limit implementation for PK08/2852/F) |
|     | Approved         | 13.12.11   |
| 3.3 | PK08/2852/F      | Erection of single storey side extension to form additional retail and storage area.   |
|     | Approved         | 11.12.08   |
| 3.4 | PK02/1150/F      | Erection of single storey side extension to extend existing shop   |
|     | Approved         | 27.5.02  |
| 3.5 | PK01/2609/F      | Erection of extension to existing shop and relocation of existing ATM  |
|     | Refused          | 10.10.01   |
| 3.6 | P99/4724         | Erection of single storey extension to form ATM Building   |
|     | Approved         | 15.10.99   |
| 3.7 | P96/4245         | Variation of Condition 7 attached to Planning Permission K405/15 to allow operation of Petrol Filling Station from 0600 hrs to 2400 hrs            |
|     | Refused          | 31.7.96  |
|     | Appeal dismissed |  |

4. **CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
No objection

Bitton Parish Council  
Objection:

Councillors objected strongly to this application. The shop attached to the petrol filling station sells alcohol and other consumables. Many people use the shop without filling up with petrol. In the past there have been serious problems with noise and anti-social behaviour on the part of those who use the shop, particularly in the evenings. Due to the diligence of the police and others these are much reduced at present, but Councillors fear that any extension of the opening hours would risk attracting that element again. Additionally, the premises are in a residential area and the noise associated with any such business, if allowed until midnight, would detract from the rightful amenity of neighbouring properties and their occupants.

#### 4.2 Other Consultees

##### Environmental Protection

No objection subject to conditions attached to the decision notice.

##### Highway Drainage

No objection

##### Sustainable Transport

No objection

##### Crime Prevention Officer

No issues raised, but to mitigate against any increase in crime or asb due to the extended hours, we would like to see Automatic Number Plate Recognition (ANPR) and cctv (of sufficient evidential quality to satisfy a court of law) installed. The cctv equipment and installation should be compliant with BS EN 50132-7.

#### **Other Representations**

#### 4.3 Local Residents

One letter of objection has been received from a local resident:

- existing unit already affects our peace, revving engines late in evening, loud music playing from car stereos and screeching tyres and deliveries with opening of heavy doors and crates being taken out of trucks
- to extend the hours would breach our peace
- the hours Snax is currently open are ample and acceptable in this large residential area and busy through road where we are bombarded with passing buses and heavy lorries
- currently experience hassle trying to enter and vacate our property

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

#### 5.1 Principle of Development

The NPPF states that 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. Its core principles encourage the support of sustainable economic

development/growth and development that seeks to enhance the vitality and viability of sites. 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. Furthermore, the proposal should not unacceptably affect nearby residential amenities. Policy EP1 states that development will not be permitted which would unacceptably harm the environment or the health, safety and amenity of users of the site or surrounding land, as a result of pollution to water, air or soil, or through noise, vibration, light, heat or radiation.

5.2 The application relates to development that already benefits from planning consent and therefore the main issue to consider is whether the increased operating hours would result in an unacceptable level of noise and disturbance to neighbouring residences, balanced against the need for a more supportive and flexible approach to existing businesses.

5.3 Circular 11/95 states that in dealing with applications for the variation of a condition under section 73 or section 73A of the Town and Country Planning Act 1990, a condition should not be retained unless there are sound and clear-cut reasons for doing so.

5.4 In assessing this application it will also be necessary to consider whether there have been any material changes in policy or circumstances since the determination of the original application K405/15 to justify the removal of condition 7.

5.5 Assessment and Justification

The applicant seeks to vary condition 7 attached to planning permission K405/15 which states:

*'The petrol filling station and car sale use hereby permitted shall not be carried out other than between the hours of 7.00am to 11.00pm Mondays to Saturdays and 8.00am to 10.00pm on Sundays.'*

The reason for the condition was:

*'To safeguard the amenity of the adjoining residents.'*

5.6 The applicant wishes to extend the hours of operation by 1 hour in the evening, closing at midnight instead of 11.00p.m, and by 1hour in the morning, opening at 6.00am instead of 7.00am. The reason given in this case is to provide longer opening hours at night for customers and to enhance the viability and functionality of the site to the benefit of motorists and local residents.

5.7 National Planning Policy states the government is committed to securing economic growth in order to create jobs and prosperity while at the same time meeting the challenge of a global competition and a low carbon future. It states that the planning system should proactively meet the needs of business but at the same time promote and deliver sustainable development which produces positive improvements in the quality of the built environment.



- 5.8 This policy is a material planning consideration. It is recognised that the policy has a focus on supporting the economy, however, the advice is also clear in that local planning authorities must have regard to all other relevant considerations.
- 5.9 The main issue to consider in the assessment of this application is whether the longer working hours would result in an unacceptable level of noise and disturbance to surrounding residences and whether on balance this would outweigh the economic benefits of the proposal.
- 5.10 A detailed noise report has been provided, based on parameters suggested and advice given by Environmental Protection Officers within the Council. This is discussed below.
- 5.11 Environmental Protection  
Based on the information and conclusions presented in the Noise Impact Assessment dated September 2013 produced by Enzygo Ltd and submitted to support the proposed extension to operating/opening hours at the Snax Garage 114 Bath Road Willsbridge Environmental Protection Officers make the following observations:
- 5.12 The Assessment has been carried out using British Standard BS4142 :1997 and BS8233:1999 which are considered the appropriate assessment tools in this case. Officers do not have access to the software used for the modelling assessment but the assessment information regarding background noise levels and specific noise levels and the monitoring positions used is accepted. It is agreed that the rating level for the specific noise levels relating to the proposed extended hours for the site should include the +5dB acoustic feature adjustment due to the nature of activities eg car doors slamming and other individual noises that may attract attention and this has correctly been incorporated into the assessment.
- 5.13 The resulting conclusions by the Acoustic Consultants regarding the proposed extension to the opening hours of the forecourt and shop, indicate that there are no noise related issues to prevent the extension.
- 5.14 Based on the Noise Impact Assessment Officers have no objections to the application however it should be conditioned that the other activities at the Petrol filling station should continue to be restricted to the hours currently permitted. These activities are Car Sales (which currently is included in Condition 7), Car wash, Jet wash, car vacuum, tyre inflation compressor. (According to the report only the car wash and jet wash are currently conditioned in Condition 8 so the vacuum and tyre inflation compressor would also need to be conditioned).
- 5.15 The noise assessment also states that no deliveries would occur during the proposed extension to the hours that the petrol station and shop could open. If the application is permitted it is recommend that it is a condition of the consent that there would be no deliveries outside the existing hours that the site is open. i.e. opening hours pre this application.

5.16 Residential Amenity

- The site has residential properties to its east and west boundaries and also opposite to the north where the ground rises above the road level. Comments received from a local resident indicate that a degree of noise and disturbance is already experienced from the petrol filling station/shop and given the location adjacent to a busy road.
- 5.17 The impact the change in opening hours would have on local residents is an important consideration. Environmental Protection Officers have given their assessment of the potential noise resulting from the proposal by examining the submitted Noise Impact Assessment and concur with the findings that the level of noise would be acceptable.
- 5.18 One comment states concerns regarding potential accidents involving vehicles. No information with respect to the projected increase in usage by customers visiting the petrol filling station/shop facilities has been provided and so a more detailed study of the amount of increase in customers has not been possible. However, it is reasonable to assume that the number of users at these additional times would be limited. Consequently, it is considered that increasing the proposed opening times by an hour in the morning and an hour in the late evening would not greatly exacerbate the existing situation. Notwithstanding this, and along with the extensive noise assessment report, it is important to consider such applications under the direction of the NPPF (2012) which promotes economic development.
- 5.19 The Parish Council has expressed concerns regarding previous anti-social behaviour arising associated with the current opening of the premises. The Crime Prevention Design Officer has consulted the Neighbourhood Beat Officer for this area and confirmed *'at this time no issues were raised'*. It was, however, suggested that automatic number plate recognition and high quality CCTV be installed. Planning Officers do not consider this would be a reasonable request given that cameras are already in situ and given the degree of the application. If any anti-social behaviour
- 5.20 Taking the above into account, and on balance, it is considered that the increase in hours of operation from 6.00a.m. to midnight every day would not have a significant and detrimental impact on residential amenity of neighbours over and above those already existing.

6. CONCLUSION

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

## 7. RECOMMENDATION

7.1 That consent be given subject to the conditions attached to the decision notice.

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

### CONDITIONS

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

Reason

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

2. The petrol filling station use shall not be carried out other than between the hours of 06.00hrs to 24.00hrs daily.

Reason

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

3. The car sale use shall not be carried out other than between the hours of 7.00am to 11.00pm Mondays to Saturdays and 8.00am to 10.00pm on Sundays.

Reason

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

4. The existing trees and hedgerows within the site shall be retained and shall not be felled, lopped or topped within the previous written consent of the LPA. Any trees and hedgerows removed without such consent or dying or becoming damaged or diseased shall be replaced in the next planting season with trees and hedgerows of such size and species as may be agreed with the LPA.

Reason

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

5. The development hereby permitted shall not be occupied or used until the facilities for vehicle parking, loading and unloading and circulation and manoeuvring, as shown on the approved plans have been provided and completed in accordance with the approved drawings. The designated areas shall not thereafter be used for any purpose other than for the use as defined.

Reason

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

6. Noise from the premises (including the car wash and jet wash facility) assessed in accordance with BS4142 1990 shall not exceed a rating level of 50dB(a) measured at or beyond the boundary of any residential property.

Reason

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

7. The car wash and jet wash, and the car vacuum and tyre inflation compressor use hereby permitted shall not be carried out other than between the hours of 7am to 11pm Monday to Saturdays and 8am to 10pm on Sundays.

Reason

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

8. Notwithstanding the provisions of the Town and Country Planning (General Development) Order 1988, as amended, (or any Order revoking and re-enacting that Order), no plant or machinery shall be installed outside the building on the site nor shall any building be extended without the prior permission of the LPA.

Reason

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

9. The eastern access point to Bath Road shall be used for egress only and 'No Entry' signs at this access as shown on the approved plans shall be installed prior to the use or occupation of the development hereby permitted and shall be retained at all times thereafter.

Reason

To minimise disturbance to nearby occupiers and to safeguard the amenity of the area to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. The western access point to Bath Road shall be used for egress only and 'No Entry' signs at this access as shown on the approved plans shall be installed prior to the use or occupation of the development hereby permitted and shall be retained at all times thereafter.

Reason

To minimise disturbance to nearby occupiers and to safeguard the amenity of the area to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

12. The display or sale of motor vehicles shall not take place on any part of the land or within any part of the buildings except on the areas as indicated on the approved plans.

Reason

To ensure the parking spaces are retained for the prime purpose of providing parking for visitors and staff to the premises and to ensure that sufficient off street parking is retained to serve the development in the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. The illumination of the petrol filling station canopy shall only take place between 6am and 12pm daily

Reason

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

14. The development hereby permitted shall not be brought into use until an oil interceptor has been installed in accordance with the approved plans and thereafter retained.

Reason

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

15. There shall be no illumination of the canopy fascia without the prior written consent of the LPA

Reason

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

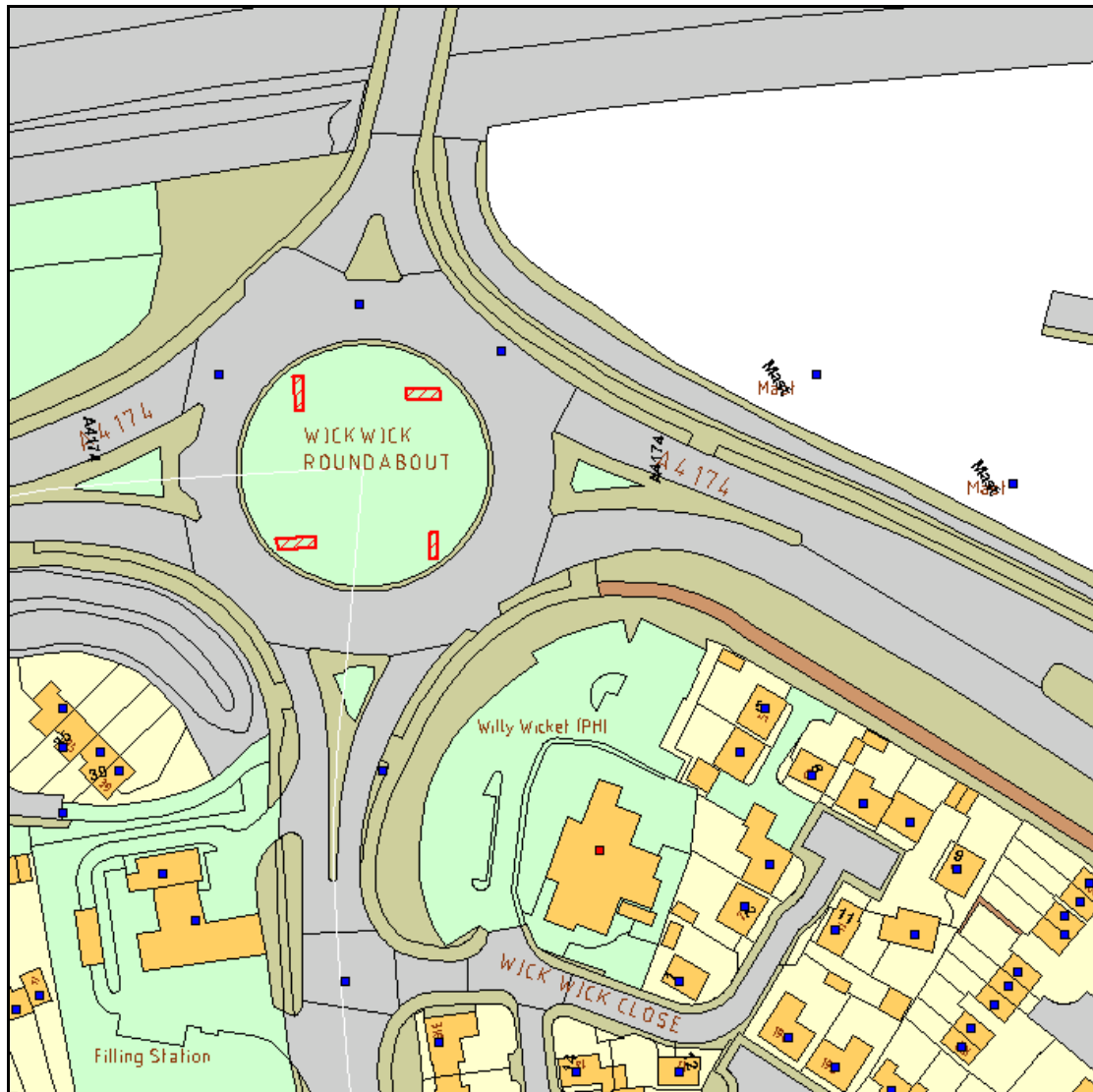
16. No deliveries shall be taken at or despatched from the site outside the hours of 7.00am to 11.00pm Mondays to Saturdays and 8.00am to 10.00pm on Sundays

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 45/13 – 8 NOVEMBER 2013

<b>App No.:</b>	PK13/3498/ADV	<b>Applicant:</b>	Bommel UK Ltd
<b>Site:</b>	Wick Wick Roundabout Downend South Gloucestershire BS36 1DP	<b>Date Reg:</b>	26th September 2013
<b>Proposal:</b>	Display of 4no. non-illuminated post mounted signs on roundabout.	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	366117 178525	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th November 2013



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

This application appears on the Circulated Schedule following a comment by the Parish Council.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks advertisement consent for the display of 4no. non-illuminated post-mounted signs to be located on the Wick Wick Roundabout.

### **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

T12 Transport Development Control

South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications

CS1 High Quality Design

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist – August 2007

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

- |     |               |   |
|-----|---------------|---|
| 3.1 | PT01/3098/ADV | Display of non-illuminated safety message signs with various company names and logos. |
|     | Refused       | 14.3.02   |
| 3.2 | PK02/3668/ADV | Erection of non-illuminated sponsored road safety signs                               |
|     | Approved      | 17.2.03   |
| 3.3 | P99/4793/A    | Display of 4 No. non-illuminated traffic safety signs                                 |
|     | Approved      | 13.12.99  |

### **4. CONSULTATION RESPONSES**

- 4.1 Mangotsfield Rural Parish Council

No objection in principle, subject to our approval of the sponsors actual design. We would like to be shown the design prior to installation.

#### 4.2 Other Consultees

##### Sustainable Transport

No objection

#### **Other Representations**

#### 4.3 Local Residents

None received

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

#### 5.1 Principle of Development

As stated in the NPPF, the government attaches great importance to the design of the built environment, citing good design as the 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. It specifically states that poorly placed advertisements can have a negative impact on the appearance of the built environment and should be subject to control in the interests of amenity and public safety, taking account of cumulative impacts. The proposal is deemed to accord with the principle of development and this is discussed in more detail below.

The site is a roundabout one of a series along the A4174 ring road. Similar signs can be seen on other roundabouts along this highway.

#### 5.2 Visual Amenity

The proposal comprises 4 no. non-illuminated signs to be positioned around the perimeter of the Wick Wick roundabout and situated 1.5 metres in from the kerb. The signs would measure 1 metre in width, 43 centimetres in height and 80 centimetres from the ground. They would have an aluminium face and steel posts. Residential properties in the immediate area are separated from the site by some distance or by mature planting.

5.3 The non-illuminated signs would have a white background with blue edging with the words '*Working with the South Gloucestershire Community*' and the South Gloucestershire Council logo positioned at the bottom of the blue border. This is considered acceptable. However, no details of the wording / sponsor have been provided. The Parish Council have requested that they be informed of the specific design of the sponsor's details prior to installation.

5.4 It is noted that this application is one of a series of applications and part of the South Gloucestershire Council's sponsorship scheme. A number of similar applications have already been approved by the Local Planning Authority, some of which have passed through the Circulated Schedule procedure following



concerns expressed by the Parish. None of these applications have conditions requiring the prior approval of the Parish.

5.5 Given the above, it is considered that to impose a condition on this application requesting that details be submitted prior to installation, would not meet the tests of the Use of Conditions as set out in Circular 11/95. This would be due to the condition being unreasonable.

5.6 Public Safety

This application is seeking permission for 4no. advertising signs on the Wick Wick roundabout. An historic planning application gave permission for similar signs, however, other than the highway signs comprising directional arrows and chevrons, no official signs are currently located on this roundabout. Nevertheless, given the size of the proposed non-illuminated signs, there are no highway objections.

The proposed signs are considered not to encroach onto the public highway nor do they obstruct a driver's view. They are considered to be of an appropriate height and size and consequently, the impact on highway safety is considered acceptable.

5.7 Cumulative Impact

The signs would relate to proposed sponsorship advertisements. They would be of a discrete size and would not dominate the roundabout which is clear of signs apart from directional arrows and chevrons. Given that other similar signs have been placed on other roundabouts along the A4174, and the 4no. proposed would be of a similar size, they are acceptable and appropriate to the immediate area. The number of signs is considered acceptable and appropriate given their position and location and not to result in any harmful cumulative impact.

6. **CONCLUSION**

6.1 In accordance with Section 220 of the Town & Country Planning Act 1990 and Regulation 3 of the Advertisement Regulations 2007, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

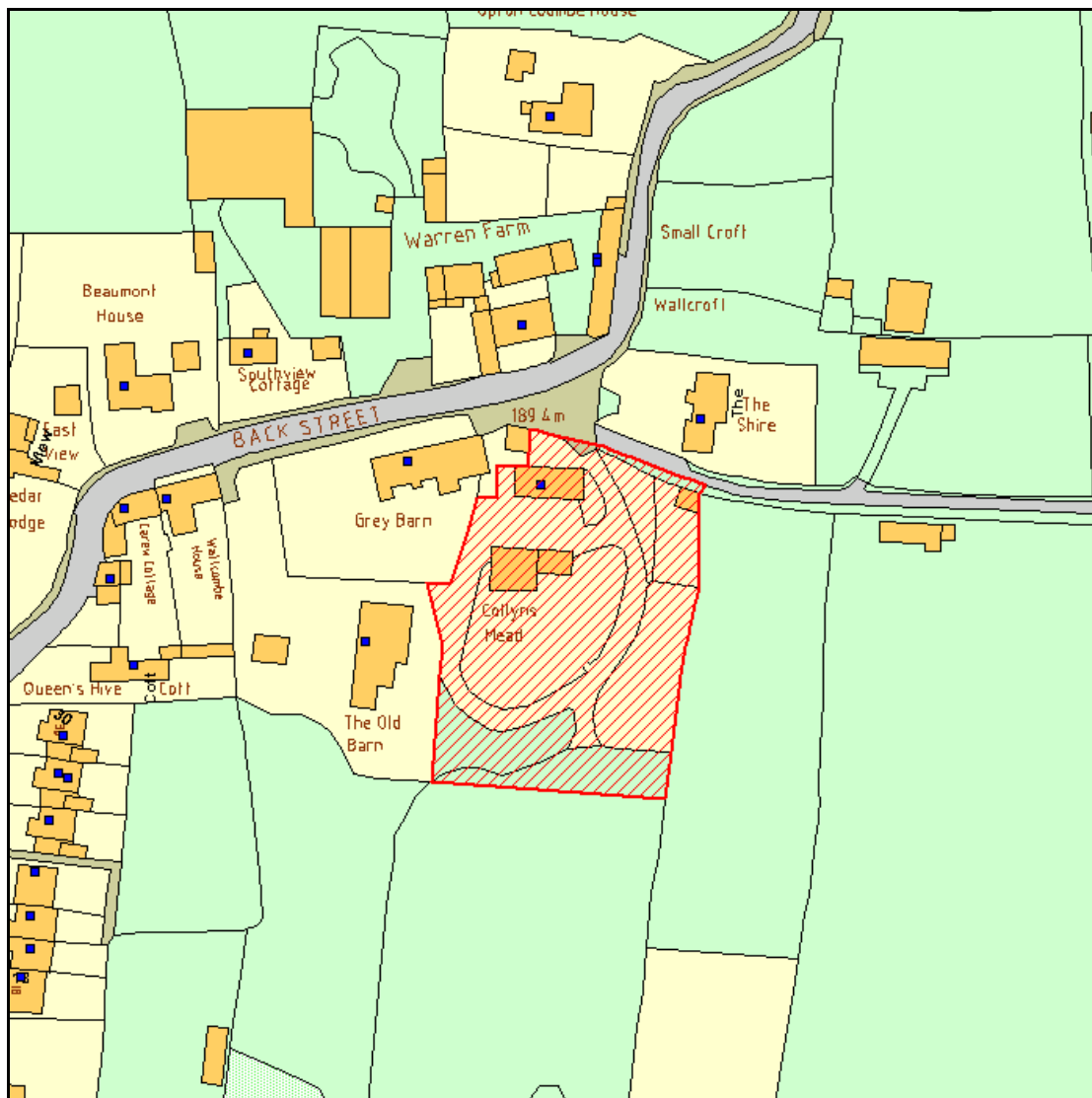
7. **RECOMMENDATION**

7.1 That advertisement consent is **GRANTED**

Contact Officer: Anne Joseph  
Tel. No. 01454 863788

## CIRCULATED SCHEDULE NO. 45/13 – 8 NOVEMBER 2013

<b>App No.:</b>	PK13/3543/F	<b>Applicant:</b>	Mr I Macfadyen
<b>Site:</b>	Collyns Mead Back Street Hawkesbury Upton Badminton South Gloucestershire GL9 1BB	<b>Date Reg:</b>	1st October 2013
<b>Proposal:</b>	Internal and external alterations to facilitate erection of first floor rear extension and single storey rear extension. Resubmission of PK13/1918/F.	<b>Parish:</b>	Hawkesbury Parish Council
<b>Map Ref:</b>	378190 187144	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Householder	<b>Target Date:</b>	21st November 2013



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**N.T.S.**

**PK13/3543/F**

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

This application has been referred to the circulated schedule due to the receipt of an objection raised by Hawkesbury Parish Council.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of first floor and ground floor extensions to the rear of Collyns Mead, Hawkesbury Upton. The first floor rear extension would measure approximately 3.5 metres in depth and would have an eaves and ridge height to match the existing rear gable. The proposed single storey extension would measure 2.8 metres in depth by 4.6 metres in width and would have a lean to roof.
- 1.2 The application property is a two storey Grade II listed building. The site is located within the Hawkesbury Upton Conservation Area, the Cotswold AONB and is situated within the settlement boundary of the village.
- 1.3 This application is a resubmission of a previously approved scheme, reference PK13/1918/F. The main difference between the current proposal and the previously approved scheme is the design of the single storey rear extension, which is proposed to have a lean to roof rather than a gable as previously approved. In addition the window detail of the first floor extension has been altered, with the omission of the west side elevation dormer and the installation of a large window on the southern elevation, designed to match the window on the existing rear gable.

### **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  
H4 Development within Existing Residential Curtilages  
L2 Cotswold Area of Outstanding Natural Beauty  
L9 Species Protection  
L12 Conservation Areas  
L13 Listed Buildings  
T12 Transportation Development Control  
  
South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) 2007  
South Gloucestershire Residential Parking Standards SPD (Adopted for Development Management Purposes) March 2013

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

- 3.1 There is a long and extensive history to the site. The most relevant applications are listed below:
- 3.2 PK13/1918/F           Erection of first floor rear and single storey rear extension to provide additional living accommodation. Approved August 2013
- 3.3 PK13/1919/LB        Internal and external alterations to facilitate erection of first floor rear extension and single storey rear extension. Approved August 2013

### **4. CONSULTATION RESPONSES**

#### **4.1 Hawkesbury Parish Council**

The Parish Council stated that there was confusion as to what the amendments are; in addition they are not happy with the bi folding doors being back in. Their comments remain the same as PK13/1918/F.

Comments for PK13/1918/F were as follows:

The Parish Council Objects to this planning application for the following reasons;

- The Parish Council does not like the proposed materials
- The design is not in keeping, nor does it enhance the existing listed building

#### **4.2 Public Rights of Way Officer** No objections

#### **4.3 Sustainable Transport** No objections

#### **4.4 Ecology Officer** No objections

#### **4.5 Conservation Officer** No objections

#### **4.6 Landscape Officer** No objections

#### **Other Representations**

#### **4.7 Local Residents** No response received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The South Gloucestershire Core Strategy was submitted for Examination in March 2011. Following several stages of examination, the Core Strategy has reached an advanced stage of preparation. There are unresolved objections to the housing requirements, therefore at this stage the Core Strategy remains unadopted. It is however expected to be adopted in the near future once housing matters are resolved. 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, carry considerable weight at this stage.

With regard to the current application, there are no significant differences between the relevant adopted Local Plan policies and the emerging Core Strategy.

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that extensions should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space. Policies L12 and L13 are also of importance as the property is a listed building and located within a conservation area.

### 5.2 Design/Visual Amenity

The historic maps appear to show that Collyns Mead was originally some form of agricultural outbuilding serving Grey Barn, a grade II listed house dating from the late seventeenth century which fronts on to Back Street, to the north west of Collyns Mead. To the south west of Collyns mead is another grade II listed building, The Old Barn, which is a former threshing barn dating from the late eighteenth/early nineteenth century. The site is located on the rural edge of Hawkesbury Upton, within the conservation area. There have clearly been a number of alterations to Collyns Mead in recent years, including extensions, new dormer windows, and a porch, all of which create a domestic appearance. It has however been altered in the character of the local vernacular, and includes stone slate roof, steeply pitched gables and timber windows.

This proposal is very similar to that previously approved. The roof form of the single storey rear extension element has been revised from a double pitch (gable facing rear) to a lean-to. A very shallow (almost flat) lean-to had previously been proposed and was felt to be too shallow and out of character with the building, hence the change to a pitched gable, however this revised lean-to is steeper. It is very similar in form and pitch to that over the existing single storey rear extension. This is considered an acceptable change.

Given that the extensions will be located on the rear of the dwelling, they will not be readily visible from the public realm, and so will not impact greatly on the street scene or character of the conservation area. The extensions would use slate roof tiles with Cotswold stone elevations and dressed stone lintols over

the windows. The proposed timber bi-fold doors would be powder coated and coloured to match the existing external woodwork. These proposed materials would match the existing dwelling as such, it is not considered that the two extensions on the rear elevation will have any detrimental impact on the setting or character of the listed building.

### 5.3 Residential Amenity

The application dwelling sits in a large garden with further paddock surrounding. Due to the scale of the proposed extensions and the distance between the extensions and the neighbouring dwellings, it is not considered that there will be any issues of overbearing or overshadowing.

The proposal would include the addition of one new first floor window which would serve a bedroom, given the location of this window it is not considered that the proposal would result in any significant increase in overlooking or loss of privacy over and above the existing situation. It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. The impact on residential amenity is subsequently deemed acceptable.

### 5.4 Parking and Highway Safety

The application is proposing to increase the number of bedrooms within the property from three to four. There is ample space within the curtilage to park several cars as such it is considered that the proposal is in accordance with the guidance set out within the South Gloucestershire Residential Parking Standards (approved for development management purposes March 2013).

### 5.5 Ecology

The site is not covered by any statutory or non-statutory nature conservation designation and the application property is residential and set within residential curtilage. The rear extension would not involve disturbance to the existing roof structure/fabric and therefore is not likely to affect bats or nesting birds. Furthermore, whilst the proposed first floor rear extension will marry in to the existing roof of the property, the likelihood of work impacting on bats is considered low given the limited nature of the scheme and structure combined with the location of the property. For the avoidance of doubt, it is however considered necessary to attach informatives relating to bats and nesting bird

### 5.6 Public Rights of Way

The proposed development is unlikely to affect the nearest public right of way public footpath LHA/74/10 that runs to the immediate north east of the site. However it is recommended that advisory notes outlining limitations during the construction phase of the development are attached as an informative.

### 5.7 Other Issues

The parish Council have raised an objection to the proposal and stated that the proposed changes were unclear. For the avoidance of doubt the changes to the proposal compared to PK13/1919/F are as follows:

- The design of the single storey rear extension, which is proposed to have a lean to roof rather than a gable as previously approved and bifolding doors.
- The window detail of the first floor extension has been altered, with the omission of the west side elevation dormer and the installation of a large window on the southern elevation, designed to match the window on the existing rear gable.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That the application be approved subject to the conditions outlined on the decision notice.

**Contact Officer: Kirstie Henshaw**  
**Tel. No. 01454 865428**

## **CONDITIONS**

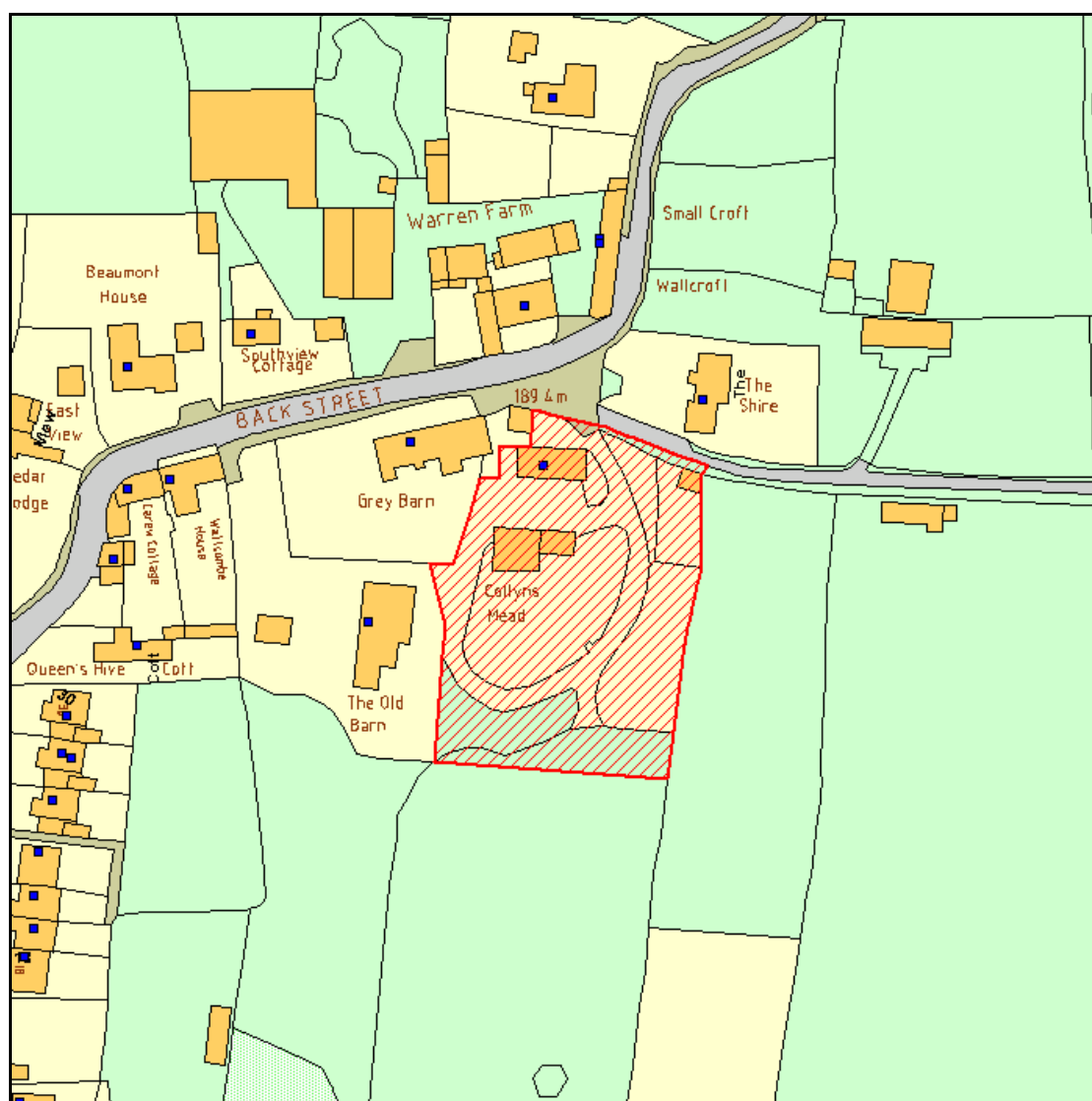
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 45/13 – 8 NOVEMBER 2013

<b>App No.:</b>	PK13/3569/LB	<b>Applicant:</b>	Mr I Macfadyen
<b>Site:</b>	Collyns Mead Back Street Hawkesbury Upton Badminton South Gloucestershire GL9 1BB	<b>Date Reg:</b>	1st October 2013
<b>Proposal:</b>	Internal and external alterations to facilitate erection of first floor rear extension and single storey rear extension. Resubmission of PK13/1919/LB	<b>Parish:</b>	Hawkesbury Parish Council
<b>Map Ref:</b>	378190 187144	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st November 2013



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**N.T.S.**

**PK13/3569/LB**



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

This application has been referred to the circulated schedule due to the objections raised by Hawkesbury Parish Council.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking listed building consent for the erection of first floor and ground floor extensions to the rear of Collyns Mead, Hawkesbury Upton. The first floor rear extension would measure approximately 3.5 metres in depth and would have an eaves and ridge height to match the existing rear gable. The proposed single storey extension would measure 2.8 metres in depth by 4.6 metres in width and would have a lean to roof.
- 1.2 The application property is a two storey Grade II listed building. The site is located within the Hawkesbury Upton Conservation Area, the Cotswold AONB and is situated within the settlement boundary of the village.
- 1.3 This application is a resubmission of a previously approved scheme, reference PK13/1919/LB. The main difference between the current proposal and the previously approved scheme is the design of the single storey rear extension, which is proposed to have a lean to roof rather than a gable as previously approved. In addition the window detail of the first floor extension has been altered, with the omission of the west side elevation dormer and the installation of a large window on the southern elevation, designed to match the window on the existing rear gable.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

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

- 3.1 There is a long and extensive history to the site. The most relevant applications are listed below:
- 3.2 PK13/1918/F           Erection of first floor rear and single storey rear extension to provide additional living accommodation. Approved August 2013
- 3.3 PK13/1919/LB        Internal and external alterations to facilitate erection of first floor rear extension and single storey rear extension. Approved August 2013

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

##### **4.1 Hawkesbury Parish Council**

The Parish Council stated that there was confusion as to what the amendments are; in addition they are not happy with the bi folding doors being back in. Their comments remain the same as PK13/1919/LB.

Comments for PK13/1919/LB were as follows:

The Parish Council Objects to this planning application for the following reasons;

- The Parish Council does not like the proposed materials
- The design is not in keeping, nor does it enhance the existing listed building

##### **4.2 Conservation Officer**

No objections

#### **Other Representations**

##### **4.3 Local Residents**

No response received

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

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

The National Planning Policy Framework seeks to ensure the desirability of sustaining and enhancing the significance of heritage assets. Section 16(2) of the Planning (Listed building and conservation area) act 1990 states that when determining a listed building application the local planning authority shall have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses.

##### **5.2 Impact on the Listed Building**

The historic maps appear to show that Collyns Mead was originally some form of agricultural outbuilding serving Grey Barn, a grade II listed house dating from the late seventeenth century which fronts on to Back Street, to the north west of Collyns Mead. To the south west of Collyns mead is another grade II listed building, The Old Barn, which is a former threshing barn dating from the late eighteenth/early nineteenth century. The site is located on the rural edge of Hawkesbury Upton, within the conservation area. There have clearly been a number of alterations to Collyns Mead in recent years, including extensions, new dormer windows, and a porch, all of which create a domestic appearance. It has however been altered in the character of the local vernacular, and includes stone slate roof, steeply pitched gables and timber windows.

This application is very similar to that previously approved. The roof form of the single storey rear extension element has been revised from a double pitch (gable facing rear) to a lean-to. A very shallow (almost flat) lean-to had previously been proposed and was felt to be too shallow and out of character with the building, hence the change to a pitched gable, however this revised lean-to is steeper. It is very similar in form and pitch to that over the existing

single storey rear extension. Therefore this is considered an acceptable change.

The extensions would use slate roof tiles with Cotswold stone elevations and dressed stone lintols over the windows. The proposed timber bi-fold doors would be powder coated and coloured to match the existing external woodwork. These proposed materials would match the existing dwelling and conditions would be attached to ensure the quality of the finish, as such it is not considered that the proposal would have any detrimental impacts on the character and appearance of the listed building.

### 5.3 Other Issues

The parish Council have raised an objection to the proposal and stated that the proposed changes were unclear. For the avoidance of doubt the changes to the proposal compared to PK13/1919/F are as follows:

- The design of the single storey rear extension, which is proposed to have a lean to roof rather than a gable as previously approved and bifolding doors.
- The window detail of the first floor extension has been altered, with the omission of the west side elevation dormer and the installation of a large window on the southern elevation, designed to match the window on the existing rear gable.

## 6. CONCLUSION

6.1 The decision to grant Listed Building consent has been taken having regard to the section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 and Government advice contained in the National Planning Policy Framework.

## 7. RECOMMENDATION

7.1 That the application be approved subject to the conditions outlined on the decision notice.

**Contact Officer: Kirstie Henshaw**  
**Tel. No. 01454 865428**

## CONDITIONS

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

Reason

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

2. Prior to the commencement of development, a representative sample panel of natural stone walling of at least one metre square showing the natural stone, coursing and mortar pointing, shall be erected on site and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed samples, which shall be retained on site until completion of the development for consistency.

Reason

In order that the development is of an appropriate quality of design that serves to preserve the architectural and historic interest of the curtilage listed building and the character and appearance of the conservation area in accordance with sections 72(1), 16(2) and 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and policies L12, L13 and D1 of the Adopted South Gloucestershire Local Plan.

3. Notwithstanding previously submitted details, and prior to the commencement of the development the detailed design of the following items, including materials and finishes, shall be submitted and approved in writing by the local planning authority. The details shall be accompanied by drawings at a minimum scale of 1:5, including sections:

- a) all new windows (including cill and head/lintol details). For the avoidance of doubt all new windows shall be timber;
- b) dormer window (including cheek and roof)
- c) all new doors (including frame and head details)
- d) eaves, verges and ridges
- e) all new vents and flues;

The works shall be completed in accordance with the agreed details.

Reason

In order that the development is of an appropriate quality of design that serves to preserve the architectural and historic interest of the curtilage listed building and the character and appearance of the conservation area in accordance with sections 72(1), 16(2) and 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and policies L12, L13 and D1 of the Adopted South Gloucestershire Local Plan.

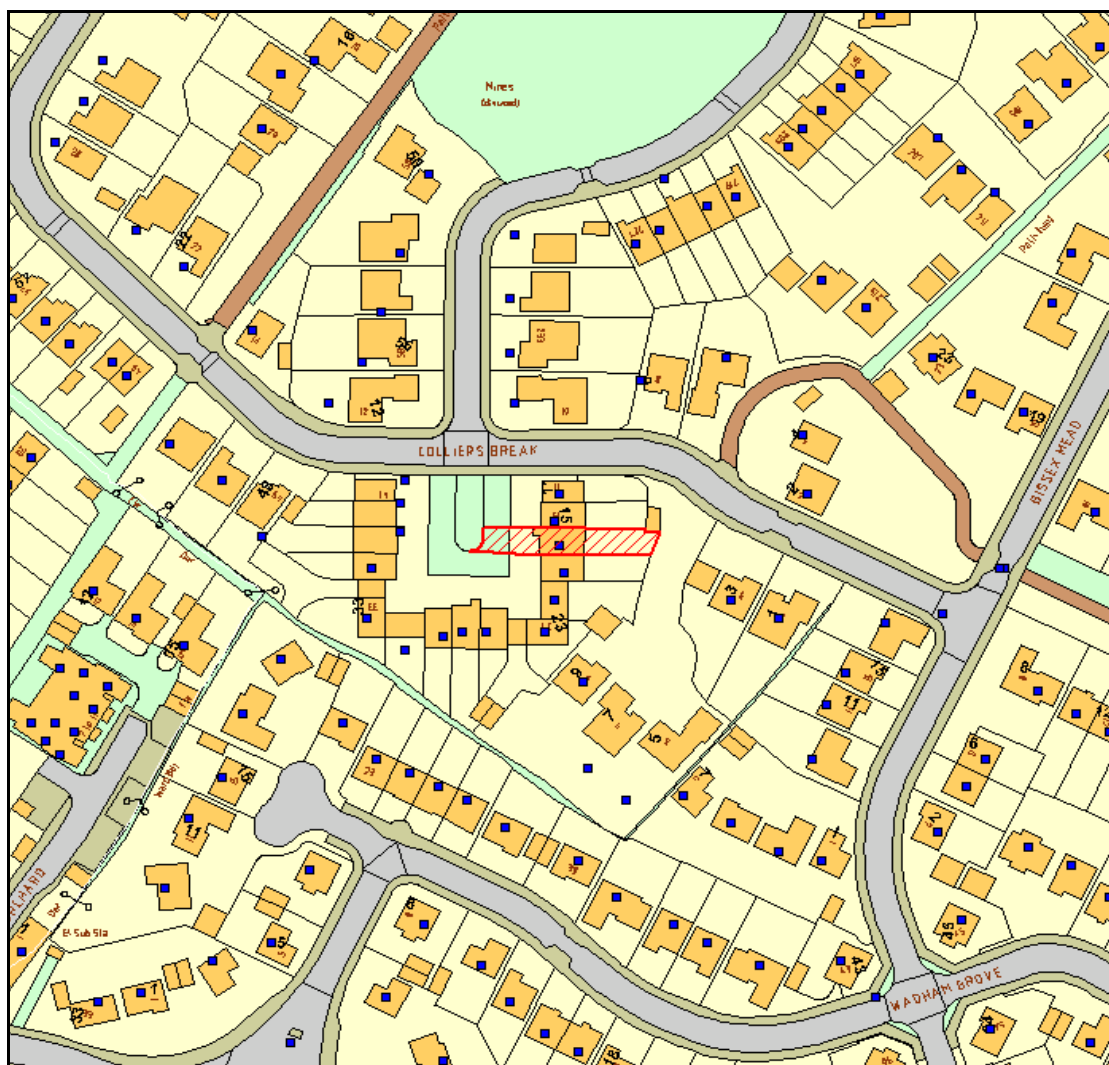
4. Notwithstanding previously submitted details, and prior to the commencement of the development representative samples of roofing slate shall be submitted and approved in writing by the local planning authority. The development shall be completed in accordance with the agreed details.

Reason

In order that the development is of an appropriate quality of design that serves to preserve the architectural and historic interest of the curtilage listed building and the character and appearance of the conservation area in accordance with sections 72(1), 16(2) and 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and policies L12, L13 and D1 of the Adopted South Gloucestershire Local Plan

## CIRCULATED SCHEDULE NO. 45/13 – 8 NOVEMBER 2013

<b>App No.:</b>	PK13/3607/F	<b>Applicant:</b>	Mr Christopher Smart
<b>Site:</b>	17 Colliers Break Emersons Green Bristol South Gloucestershire BS16 7EE	<b>Date Reg:</b>	3rd October 2013
<b>Proposal:</b>	Erection of single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	366754 176289	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	25th November 2013



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**N.T.S.**

**PK13/3607/F**

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

This report appears on the Circulated Schedule following objections expressed by three local residents.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a single storey rear extension. The application site relates to a three-storey terraced property situated within the established residential area of Emersons Green.
- 1.2 The proposed extension would measure approximately 3.3 metres deep, 5 metres wide, 2.6 metres to eaves with a maximum roof height of 3.35 metres.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 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 Inspectors Draft (October 2012) and Further (March 2013) Main Modifications  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted 2007)

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

- 3.1 K7528 Comprehensive development for residential/district centre/public house /restaurant/roads/footpaths/open space and other associated uses (outline).  
Approved 5.10.95
- 3.2 P98/4689 Erection of 86 No. dwellings (Reserved Matters)  
Approved 9.12.98

### **4. CONSULTATION RESPONSES**

- 4.1 Mangotsfield Parish Council  
No objection
- 4.2 Other Consultees  
  
Highway Drainage  
No objection subject to conditions and informatives

## **Other Representations**

### 4.3 Local Residents

Three letters have been received from local residents. The points raised are summarised as:

- plans are inaccurate, concerns re fire regulations
- will block sunlight into my property, can provide a computer generate simulation
- overbearing and overshadowing
- loss of garden land and the current open aspect of the development
- impact on visual amenity
- drainage concerns
- noise and disturbance during the works. No access will be granted via our adjoining property
- impact on marketability/resale of property
- one of the velux roof lights appears to be overlooking my living room and bedroom window – impact on privacy
- over development of the site, loss of character and open aspect of the terrace

In addition to the above, one neighbour has submitted an animated CD and subsequently a series of stills taken from this animation, to illustrate how the single storey structure would impact on their property. This is discussed in section 5.3 below.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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.

The proposal is deemed to accord with the principle of development.

### 5.2 Design and Visual Amenity

The application site is part of a terrace of modern properties in Emersons Green. The application site is a three-storey town house with those properties either side being of similar three-storey design. Access into the application site is via a set of steps leading up to a first floor front door. At ground floor level is an integral garage. Living space behind this garage has been converted from a second lounge/sitting area into a kitchen/dining room. The proposed single storey structure would extend from this area out into the garden. The garden is of modest size, being narrow and approximately 5 metres wide and at its maximum 19 metres long and slopes slightly up to the east. A very low retaining wall separating the patio area from the grassed area has recently been removed.

The proposed extension would stretch across the entire width of the property, with a hipped roof and openings located in the elevation facing the garden. 2no. rooflights, one on either side of the ridge, would bring in additional light. As a single storey extension of modest scale, which retains garden amenity space the proposal is not regarded as being over development.

No details of the external materials, other than those of the rainwater goods and fascias, have been provided so a condition will be attached to the decision notice to indicate materials must match those of the existing dwellinghouse.

The size, scale, massing and overall design of the proposed rear extension is considered to be acceptable and given the modern estate is considered to be in-keeping with both the host property and the area in general. As such it accords with Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.

### 5.3 Residential Amenity

The application site is separated from its neighbours by 1.8 metre high fencing which encloses all three side of the rear garden. The single storey extension would have a roof hipped away from its neighbours on either side at Nos. 15 and 19 Colliers Break. This is a recognised design feature which is used to lessen the impact of extensions for neighbouring properties and is encouraged by the Local Planning Authority. Officers consider there would be no issues of overbearing resulting from this single storey rear extension.

The proposal would be almost due south of adjoining neighbours at No. 15 Colliers Break. Currently these properties are separated by a 1.8 metre close boarded fence and the eaves of the proposed extension would extend 0.8 metres above the height of this fence. It is acknowledged that the proposal would create a shadow over the patio area of No. 15. This neighbour has supplied the Council with a computer animation of the impact, but as it required the purchase of specialist software (as confirmed by the Council's IT department), Officers were unable to view the details in this format. Neighbours have continued to submit information, which most recently has included a series of stills taken from the animation. The stills only show what might occur if the extension was built – by way of comparison, they do not show the degree of existing shadowing created by the 1.8 metre boundary fence and no scale has been indicated.

Notwithstanding the additional details, the application has been determined in the usual way taking into account the written submissions from neighbours and using the information obtained from the Officer's site visit. On the day of the site visit at approximately 2pm, the Officer noted that the patio area of this neighbour was already in full shade created by both the fence and the southern edge of the terrace. As such the submission of the stills would not change the Officer's professional opinion.

Given the above it is considered that due to the limited depth of the proposed extension, the hipped roof feature, the fact that existing boundary treatment already shades the neighbour's patio area with the rest of their garden



unaffected, the degree of shadow created by the new proposal would be acceptable.

Openings in the proposed structure would be to the east facing the garden where a bank of full length windows/doors would be positioned. In addition 2no. rooflights one on the north and one on the south part of the hipped room would bring light into the structure. A comment has been received that one of the proposed rooflights, to the north, would be overlooking the living room and bedroom windows of the neighbouring property. Officers consider that a rooflight in a ground floor structure would not be able to create an issue of overlooking of a first floor (living room) and second floor (bedroom) window. It is therefore considered that there are no issues of inter-visibility resulting from this proposal.

It is acknowledged that the plans are labelled 'living space' rather than specifically 'kitchen/dining area'. It is considered unnecessary to ask for the plans to be revised, as either usage would fall under the umbrella of domestic use. Neighbours have expressed concerns regarding fire regulations because the kitchen is no longer located on the first floor. Fire and buildings regulations are covered separately and do not come under the planning remit. The proposal would need to pass a building inspection where it is likely this issue would be considered. Providing this is the case, the location of a kitchen whether it be on the ground or first floor would not be relevant to a planning application for a single storey extension.

Comments have been made with regard to the loss of garden space, the impact on visual amenity and the open aspect of the development. The proposal is within the residential curtilage of the dwelling and of a design that complements the town house. It is considered that its size would not dominate the host property and sufficient garden space would remain. In conclusion, the proposal is deemed not to adversely affect the character of the area and being located in the rear residential garden does not affect the open character of the estate.

Concerns have been expressed regarding the noise such development would create for neighbours. An informative will be placed on the decision notice to limit the hours of working to mitigate the situation for neighbours.

One comment expresses concerns regarding the effect the development would have on the re-sale value of nearby property. This is not a planning matter and cannot be covered within this report.

#### 5.4 Drainage

The Council has been made aware that the soil in this area has poor ground conditions and therefore a soakaway drainage system may not be appropriate. As such a sustainable urban drainage conditions would be attached to the decision notice so that a suitable drainage method is achieved to protect the application site and its neighbours.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17/EP1 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.

## CIRCULATED SCHEDULE NO. 45/13 – 8 NOVEMBER 2013

<b>App No.:</b>	PT13/3456/F	<b>Applicant:</b>	Malthurst Petroleum Ltd
<b>Site:</b>	Filton Park Service Station 31 - 39 Gloucester Road North Filton South Gloucestershire BS7 0SH	<b>Date Reg:</b>	24th September 2013
<b>Proposal:</b>	Demolition and remediation of existing petrol station to facilitate the erection of 4 no. retail shops (use class A1) and one Cafe (use class A3) with parking and associated works (including two solar panels). Creation of new vehicular access (Resubmission of PT13/2421/F)	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	359885 178332	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th November 2013



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**PT13/3456/F**

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

The application is circulated due to the comments of two neighbours which are addressed in the report.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission to redevelop a petrol station on Gloucester Road North and erect five retail units in its place. The retail units would comprise of one larger A1 shop unit (290m<sup>2</sup>), three smaller A1 shop units (90m<sup>2</sup>) and a single A3 café unit (140m<sup>2</sup>). The proposal has vehicular access from Gloucester Road North at a single point and pedestrian access from both Gloucester Road North and Bronksea Road.
- 1.2 The proposal is anticipated to employ 14 full time and 26 part time employees. The application seeks permission for the units to open between 7am and 11pm daily.
- 1.3 The proposal is a resubmission of a previously withdrawn scheme and has been the subject of design alterations and detailing since its submission. The final revised set of plans was received 4 November and is being re-consulted on coincidentally with Circulated Schedule. Should new concerns be raised which are not already dealt with in this report then the report will be re-circulated.

### **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

RT8 Small retail uses within the Urban Area and the boundaries of settlements.

T7 Cycle parking

T8 Car parking

T12 Transport Development Control Policy for New Development.

L1 Landscape protection and enhancement.

L17& L18 The water environment

EP1 Environmental pollution

EP2 Flood Risk and development

EP6 Contaminated Land

L11 Archaeology

##### South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications

CS1 High Quality Design

CS13 Non-safeguarded economic development sites  
CS 14 Town centres and retail  
CS25 Communities of the north fringe of Bristol urban area.  
CS9 Protecting the natural environment

2.3 Supplementary Planning Guidance  
South Gloucestershire Design Guide

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

3.1 PT13/2421/F Demolition of existing petrol station to facilitate the erection of 5no retail units with parking and associated works. Creation of new vehicular access Withdrawn 28/8/2013

3.2 PT08/0407/F Demolition of existing petrol filling station to facilitate erection of retail unit at ground floor with 14 residential units above. Withdrawn 28/04/2008

3.3 PT07/0164/F Installation of new ATM and 2 bollards Approved 9/3/2007

### **4. CONSULTATION RESPONSES**

4.1 Filton Town Council  
No Objection to the plan or design but would strongly recommend the redundant tanks be completely removed as the proposed building is sited above the tanks.

4.2 Other Consultees  
Highway Drainage  
No objection subject to conditions

Transportation  
No objection subject to conditions

Landscape Team  
No objection to revised proposals and conditioning of planting methods.

Strategic Planning Policy  
No objection

### **Other Representations**

4.3 Local Residents  
Two residents wrote in about the scheme:

- no real objection but concerned about surface water collection, knowing that his own house had to have a drainage scheme designed which involved a large attenuation tank. Would like to see surface water flooding addressed.
- Assume that suitable extraction fans will be installed so cooking smells would be contained at site, not drift to neighbouring residential properties.

- Seeks a mandatory left turn only exit as is in place, but abused, at Bronksea Road. The 47 page report (Transport Assessment commissioned by the agent to support the application) does not mention the impact this would have on Bronksea Road.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved and where relevant policies are absent, silent or out-of-date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole.

- 5.2 Gloucester Road North is identified as a Local Centre in SGLP Figure 9.1 and Core Strategy Table 3. Local centres are not defined by boundaries but, officers take the view that the existing service station is located within the area which could be considered as comprising the Gloucester Road North Local Centre. The proposal, therefore, falls to be considered against SGLP Policy RT8 and Core Strategy Policies CS13 and CS14. The size of units and Use Classes proposed are not inappropriate within a local centre and the development is, consequently, consistent with criterion D of Policy RT8. The development would also be consistent with Policy CS14 which encourages convenient and accessible local shopping facilities to meet the day to day needs of residents and contribute to social inclusion.

Policy CS13 of the Draft Core Strategy seeks to safeguard economic development sites by protecting the loss of these sites to non-economic development uses. However, as the existing and proposed uses are both economic development uses, the application is considered to conform with Policy CS13.

- 5.3 The site is also located directly on a major road/ bus route, close to other shops and services. As such the location is sustainable and the presumption in favour of development stands to be tested further in relation to other policies of the local plan.

### 5.4 Design

The application is for the construction of a single 'L' shaped building comprising a larger anchor store and 4 further smaller retail units on this rectangular (north-south orientated) site currently occupied by a petrol station on the corner of Gloucester & Bronksea Roads. A four storey apt block with shops to ground floor (Cabot Court) is located to the south and residential properties to the west. This is a major planning constraint as windows in the north facing elevation overlook the site. The local area is generally residential comprised dwellings of varying ages and styles set back varying distances from the back edge of the pavement. Victorian terraces in pennant stone are evident nearby and predominantly rendered postwar detached, semi-detached houses and bungalows, although the flats at Cabot Court are finished in brick. The proposal is intended to be finished in brick and render which are to be agreed by condition. A number of stone boundary walls are also noted in the immediate

- vicinity and this is reflected in the boundary walls proposed at the site. The site is elevated adjacent Broncksea Road and separated from the closest house at Broncksea Road by a vehicular access not connected with the site. A pedestrian access runs between Cabot Court and the southern side of the site.
- 5.5 The proposal involves a large green roofed element placed adjacent the block of flats to the south which is set back from the public highway by around 2.7m and as such is located approximately akin to the front of Cabot Court to the south of the site, reflecting the sense of space locally. The rest of the shops and the café sit to the rear of the site with car parking to the front. The elevations have been amended during the application and now show more shop window space and render alongside brickwork which assists in breaking up the elevations of the building and better addresses the streetscene. The agents were invited to use more fenestration and altered elevations but for reasons of internal layout of the intended store and practicalities of services in the ceiling area, no further windows were forthcoming. On balance the changes negotiated, particularly in respect of the set back of the building away from the pathways, use of render, the inclusion of windows in units one and five and the siting of a London Plane tree to address the corner of Broncksea Road render the application acceptable.
- 5.6 Design policy D1 (G) and CS1 (8) require that proposals seek to achieve energy conservation and the protection of environmental resources. No specific information was submitted with the application but during the application additional windows were added to units one and five and two solar panels were added to the roof of unit one. This is clearly an afterthought rather than designing for the limited use of resources but is not considered sufficient, alone to refuse the scheme.
- 5.7 Overall the scheme makes good use of the land with its various levels, has provided a better and more sustainable streetscene, creates more jobs and economic development than the existing site and will contribute positively to the vibrancy of the local centre.
- 5.8 Landscaping  
The cypress leylandii are being removed and replaced with grass and a specimen tree to the south of the site, whilst two specimen trees and shrubs are proposed at the vehicular entrance to the site. Crucially a London Plane tree will create a focal point on the corner of Broncksea Road with Gloucester Road. Detail of a method of ensuring that adequate root growth will be provided under the hard surfaces surrounding the London Plane has been provided and is considered to be of an appropriate design. This design involves modular cell system to support the paving while also accommodating root growth underneath and protecting the services in the pavement outside of the site. The leylandii offer little to the street scene and their replacement with the landscaping proposed will improve this area visually from the surrounding view points. A green roof, covered in sedum is also proposed above the larger store as this roof had to be kept low to respect the residential amenity of the neighbouring flats. Policy CS25 (12) of the Core Strategy seeks net additions to tree cover and in particular street trees in the north fringe – this proposal is

considered to meet this policy and details of the method of installation of the trees can be conditioned.

5.9 The prevalent and distinctive front boundary treatment in the area is pennant stone walling. Boundary walls in the scheme, along Gloucester Road North and Bronkseas Road will be built in stone and this can be agreed alongside other boundary treatments by way of a condition which also deals with the finer detail of the landscaping.

5.10 Residential amenity

A major factor in the design of the scheme was the siting and fenestration details of Cabot Court, directly south of the site. The side of Cabot Court hosts windows to the flat directly behind the old Motorman shop – as such these are located in the rear part of the building. Then at first and second floor the flats have habitable windows right across the side elevation. The flats currently look out onto the three storey high leylandii. The trunks of the leylandii are located only a few metres from those windows, within the grounds of the petrol station but the foliage is close to touching the flats themselves. Clearly these are not worthy of tree preservation order, due to their species and location so close to built structures. They will be removed with this scheme. Replacing them will be a solid wall, largely rendered, forming the southern end of the proposed development rising to 3.6m high relative to the ground floor flat's floor level. This wall is located 6.5m to 7m away from that ground floor flat but is designed such that a greater frontage is created at Gloucester Road North at a point where the side of the flats is blank. The boundary of this site will be fenced off in accordance with detail yet to be agreed and planted with shrubs and a specimen tree, as shown on the site plan. The undulation of the south elevation is considered to offer sufficient distance so as to prevent an overbearing relationship between the shop and the ground floor flat and would certainly offer more natural light than the current situation with the conifers. The first and second floor of the flats will look down on/over the sedum roof of unit one.

5.11 Two solar panels and a plant area have been shown on the roof of unit one and details of this will be requested and agreed by condition in order to ensure that the proposal will not cause a nuisance to residential neighbours. It is anticipated that the cafe (dependant upon what it cooks) will also need some form of extraction and as such a condition will prevent such works until this has been agreed formally.

5.12 Transportation

The transport assessment accompanying the application advised that there was a slight over provision of parking spaces on the site. This was reduced by two spaces during the course of the application in order to facilitate the pedestrian space in front of unit one and to accommodate the London Plane tree. Access to the site is proven to be acceptable for deliveries and refuse will be collected from Bronkseas Road direct from the lower ground level bin store. Adequate cycle parking is available locally and as such only four additional cycle parking spaces area offered in this application which are located directly outside the larger store. These numbers of cycle and car parking spaces are considered acceptable and accord with the adopted Local Plan.



5.13 A neighbour has raised the question as to whether the site should have a left only access onto Gloucester Road North. This is because Bronksea Road has a left only junction. It is thought that the left only junction at Bronksea Road was originally put in place to manage access to the A38 and to reduce rat-running. A left only exit from the site is undesirable as anyone using the site would be required to travel to the Filton roundabout which is too far so they will end up either ignoring the left turn only signage or trying to turn around in side roads which is equally undesirable.

5.14 Archaeology

The application has been supported by an archaeological desk-based assessment (DBA) (currently in draft form only) from Avon Archaeological Unit. It is a thorough piece of work which clearly outlines the potential for different phases of archaeology from within a Study Area and demonstrates that there is limited potential for the survival of archaeology that would preclude development.

5.15 This does not of course negate the existence of archaeology entirely, particularly as the DBA has defined evidence from the surrounding area for in particular Romano-British activity. Although the current petrol forecourt and associated subterranean works in the eastern part of the site will have affected any existing archaeology, this is not necessarily the case to the west (rear of the petrol station) where a substantial part of the redevelopment will occur. There is no need for further pre-determination work. Instead further archaeological work can be covered by way of a condition for a programme of archaeological work, comprising a watching brief, which should be applied to any condition granted.

5.16 Drainage

There is no objection to the proposal subject to two conditions which the applicant have agreed to which involve a sustainable urban drainage system and a reduction in run off rates. These conditions are imposed and need to be agreed prior to commencement of development on site.

5.17 Hours of operation

The application seeks a 7am to 11 pm use of the site and this is not considered unreasonable given its siting in the Local Centre and on a main road. As such a condition is proposed for the site which limits the use by customers to these times but which would allow staff to enter and prepare for opening times.

5.18 Contamination

The use of the site as a petrol station indicates that there may be contamination of the site and this will be addressed by the submission of a report following investigation of the site by a suitably qualified person. Further reports may be necessary and mitigation measures will need to be agreed prior to development of the site commencing. The Town Council suggest that the tanks should be removed but this will depend on the outcome of the contamination report.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That planning permission is granted subject to the following conditions:

**Contact Officer: Karen Hayes**  
**Tel. No. 01454 863472**

### **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 uses hereby permitted shall not be open to customers outside the following times 07.00 to 23.00 hours.

Reason

In the interests of protecting the amenity enjoyed by those living in the locality to accord with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. A) Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.

B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model)

and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

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

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

Note: An appropriate investigation is likely to include the following:

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

#### Reason

To ensure that adequate measures have been taken to mitigate against contaminated land and to accord with Policies EP1 and EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of development samples of the roofing and external facing materials of the building 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 protect the character and appearance of the area to accord with Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 and CS25 of the South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications.

5. Prior to the commencement of development full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking

surfacing; hard surface details to other vehicle and pedestrian access and circulation areas; minor artefacts and structures (e.g. furniture, play equipment, bollards, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines indicating lines, manhole); Soft landscape works shall include planting plans and written specifications (including cultivation and other operations associated with plant and grass establishment; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

Reason

To protect the character and appearance of the area to accord with Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 and CS25 of the South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications.

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

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason: To comply with South Gloucestershire Local Plan (Adopted) January 2006 Policies L17, L18, EP1, EP2 and National Planning Policy Framework

8. Prior to commencement of development a report shall be submitted to and agreed in writing by the Local Planning Authority showing that likely run off rates of surface water from the proposed site have be compared with and reduced by 30% from existing discharge rates. The report shall also show how the volume of water has been reduced as much as is reasonably practicable.

Reason: To comply with South Gloucestershire Council's Level 2 Strategic Flood Risk Assessment December 2011.

9. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This work is to be carried out in accordance with the attached brief.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006 and polciy CS9

of the South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications

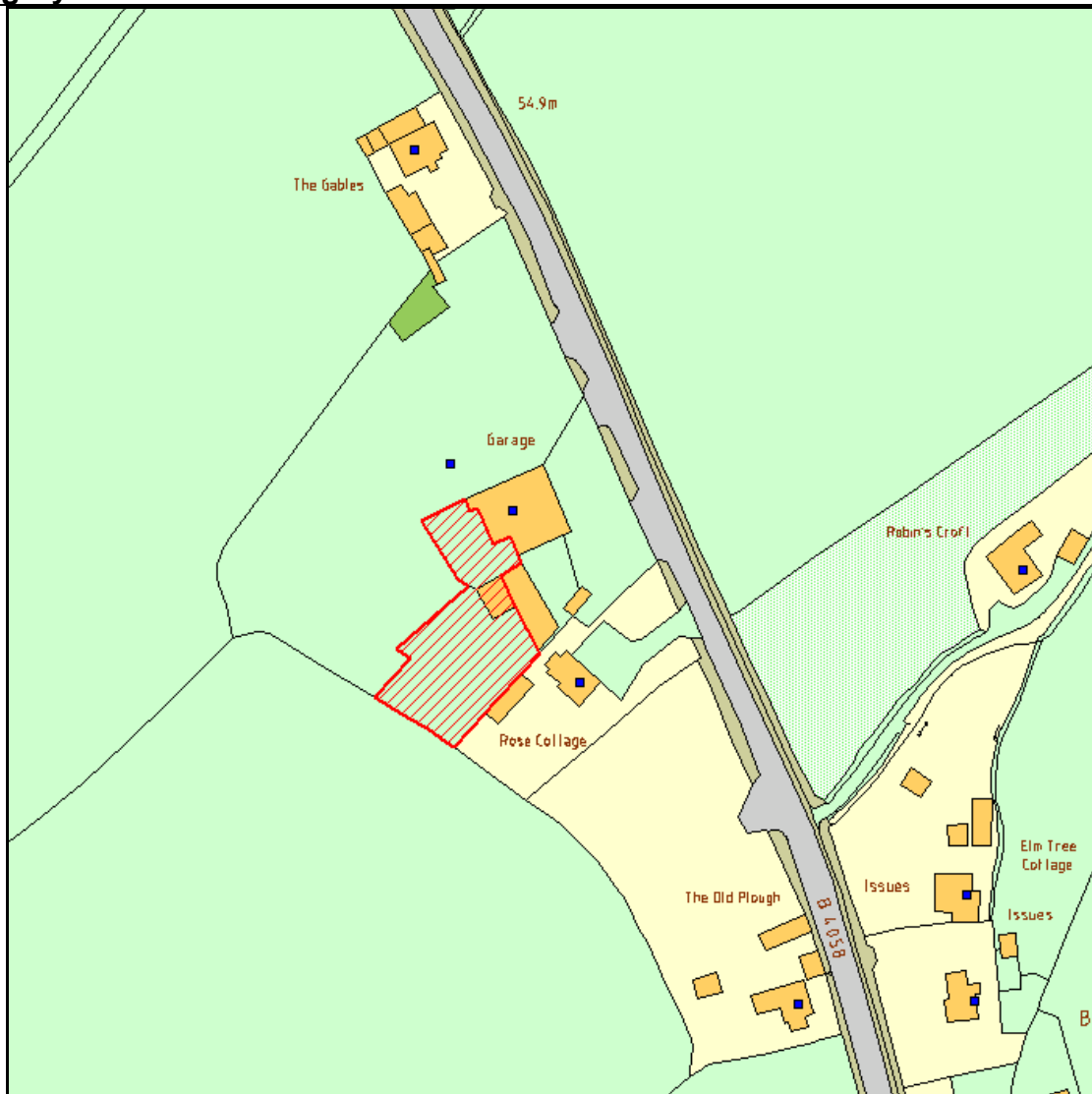
10. Prior to commencement of the development hereby approved full details of any plant or machinery, extraction or ventilation methods shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

## CIRCULATED SCHEDULE NO. 45/13 – 8 NOVEMBER 2013

<b>App No.:</b>	PT13/3526/F	<b>Applicant:</b>	Mr RJ Cottingham
<b>Site:</b>	Bagstone Garage Bagstone Road Rangeworthy Wotton Under Edge South Gloucestershire GL12 8BD	<b>Date Reg:</b>	27th September 2013
<b>Proposal:</b>	Change of use of land from a haulage yard (sui generis) to a scaffolding yard (Use Class B8) and erection of storage shelter. Erection of 2.4 metre high security fence. (Retrospective)	<b>Parish:</b>	Rangeworthy Parish Council
<b>Map Ref:</b>	368923 187264	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	20th November 2013



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**N.T.S.**

**PT13/3526/F**

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

This application appears on the Circulated Schedule because objections have been received from the Parish Council and members of the public contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the change of use of land from a haulage yard (Use Class Sui Generis) to a scaffolding yard (Use Class B8); the erection of a storage shelter; and the erection of a 2.4 metre high security fence (retrospective).
- 1.2 The application site comprises an established haulage business located on the western side of Bagstone Road outside the defined settlement boundary and within the open countryside.
- 1.3 Open fields abut the site on the northwestern and southwestern boundaries; the residential properties The Gables and Rose Cottage abut the northern and southern boundaries of the site respectively; a workshop building and car sales forecourt are located to the east with open fields beyond Bagstone Road. Access to the site is to the northeast off Bagstone Road and will utilise the existing haulage yard access.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving a Good Standard of Design in New Development  
E6 Employment Development in the Countryside  
L1 Landscape Protection and Enhancement  
T12 Transportation Development Control Policy for New Development  
  
South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications  
CS1 High Quality Design  
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)

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

- 3.1 Bagstone Garage – P90/2138, erection of extensions to garage building totalling approximately 550 square metres to provide showroom and self contained vehicle repair workshop units. Alterations to existing petrol station/workshop building, 23/08/90, refusal.

- 3.2 Bagstone Garage – PT01/2959/F, use of land for car sales (renewal of lapsed temporary consent), approval, 29/01/02.
- 3.3 Bagstone Garage – PT00/2259/F, erection of second storey portacabin, approval, 02/04/01.
- 3.4 Bagstone Garage – P99/1280, use of land for the sale of cars to a maximum of 15 and the siting of associated portacabin office; use of land for the storage of plant equipment and siting of additional portacabin related to the plant hire business (retrospective application), approval, 09/07/99.
- 3.5 PT12/0757/F, Change of use of land from a haulage yard (Use Class Sui Generis) to a scaffolding storage yard (Use Class B8 ) and the erection of a storage shelter and 2.4 metre high security fence (retrospective). Withdrawn on 17/08/12.
- 3.6 Planning Appeal – APP/P0119/C/12/22183728  
Following application PT12/0757/F being withdrawn the Council served an enforcement notice on 21<sup>st</sup> August 2012. The breach of planning control stated in the notice was the change of use of the land from haulage yard (sui generis) to storage and distribution of scaffolding (B8) and the erection of structures and fencing to facilitate the use. The applicant subsequently appealed against the enforcement notice. The appeal was considered on the basis of fact and planning law rather than planning merit. The Inspector considered that the land outside of the original compound was used for storage use for less than 10 years and therefore, failed the appeal. However, the Inspector considered that the original compound area, which is shown hatched on the plan submitted, had been used for the storage and distribution of scaffolding for more than 10 years before the enforcement notice was issued. The Inspector granted a certificate of lawful use for this area accordingly.

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

4.1 Rangeworthy Parish Council

I understand the original Planning Application description has now been amended from a “storage area” to a “scaffold store”. On this basis the Parish Council wishes to make the following objections:-

The store is too close to the adjacent residential dwelling, bearing in mind the noise generated when scaffolding is being moved.

For the same reason, the operating hours should start at 8:00 am on weekdays and 9:00 am at weekends. These times should form part of any Planning Approval.

4.2 Environmental Protection Officer

No objection

4.3 Drainage Officer

No comment



4.4 Archaeological Officer

No objection

4.5 Transportation DC Officer

No objection

**Other Representations**

4.3 Local Residents

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

- Issues relating to noise and disturbance and proximity to neighbouring property harm to residential amenity;
- The land is historically used to park HGV and is not an area where the storage of scaffolding should be permitted;
- There are many other areas more suited to this type of activity;
- At the very minimum there should be no activity on the site relating to the moving of scaffold, prior to 0800 or after 1800, with no works permitted Saturday or Sundays;
- Heading/description change is very confusing therefore, a completely new application must be submitted correctly identifying from the outset the proposed use of the land;
- The goal posts keep being moved.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The National Planning Policy Framework (NPPF) takes a positive approach to economic growth in rural areas in order to create jobs and prosperity and states that Local Authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well designed new buildings.

5.2 Within the South Gloucestershire Local Plan (adopted) January 2006 planning policy E6 does not allow for new B8 storage and distribution uses outside the existing urban area and within the open countryside. However, on sites that are not in the Green Belt it allows for the extension or intensification of existing employment generating uses.

5.3 Given that the proposal is located on an existing employment site, it is considered that the proposal can be considered to be an intensification of an existing employment generating use. When considering this considerable weight is given to the NPPF, which is more up to date than the Council's Local Plan, and which promotes the expansion and enterprise in rural areas of all types of business. The principle of the proposed development is therefore, considered to be acceptable.

5.4 Objections have been received on the basis that there are other more appropriate sites available for the proposed use. Notwithstanding this, national

- and local planning policies allow for the intensification of existing employment sites in rural areas. The policies do not require the Local Planning Authority to carry out a sequential assessment of more suitable sites. The proposal is therefore, required to be considered on its planning merits.
- 5.5 The main issues to consider are the design/form of the proposal and the impact on the character of the area (policy D1 of the Local Plan), the environmental impacts (policy L1 of the Local Plan), the impact on the residential amenity of neighbouring occupiers (policy E6 of the Local plan) and transportation impacts (policies T12 and E6 of the Local Plan).
- 5.6 Appearance/Form and Impact on the Landscape  
The proposed storage compound measures approximately 20 metres in width, 5 metres in length and 3 metres at the apex. It is located adjacent to the eastern boundary of the site and abuts an existing timber fence. The proposed structure comprises an open steel scaffold tube framework with a corrugated steel mono-pitch sheet roof, which projects forward to form a canopy. The structure comprises six storage racks for the storage of scaffolding, which are separated by 5 access bays.
- 5.7 The fence proposed is 2.4 metres in height and contains double swing gates. It is constructed of steel and is palisade style. The fence is relatively high and has a utilitarian appearance; however, it is not considered to be adversely out of keeping given the existing haulage context of the site.
- 5.8 Given the reduction in height of the storage shelter it is considered that it will be relatively well screened from views from the surrounding area and therefore, it will not have a significant adverse effect on the character of the area or surrounding landscape. In addition, it is not considered that the proposed use of the site will have a significantly more harmful effect on the visual amenity of the landscape than the existing situation given the established employment use of the site. If permission is granted, conditions are recommended to restrict outdoor storage and for a scheme of landscaping to be submitted in the interests of the character and visual amenity of the area.
- 5.9 Residential Amenity  
The application site abuts the neighbouring residential boundary of Rose Cottage to the south. The site is an established employment area with an unfettered haulage use; therefore, it is important to balance the impacts on the neighbouring occupiers against this fact.
- 5.10 In the previously withdrawn application the shelter was located adjacent to, and extended along the southern flank boundary shared with the neighbouring property. The proposal has relocated the shelter to the eastern boundary where it would have less of an impact on neighbouring occupiers. A high Conifer hedge located on the southern boundary will also help to screen the structure from neighbouring occupiers.
- 5.11 Although the proposal is still 8 metres from the main part of the neighbouring property at the closest point, the amendments made to the height and siting of the structure are considered to be more sympathetic to the residential amenity

of neighbouring occupiers, as it will be less prominent from views from the neighbouring property. Whilst it is noted that noise will likely be generated through the loading and unloading of the structure, the applicant has specified the hours 7:30am to 6:00pm on Mondays to Fridays; 7:30am to 1:00pm on Saturdays and no working on Sundays and bank holidays, which can be conditioned to ensure that they are adhered to. The hours of working proposed are considered to be a reasonable balance in terms of protecting the amenity of neighbouring occupiers and allowing the business to operate adequately.

5.12 Weight is given to the fact that part of the site already has lawful consent for the storage of scaffolding by virtue of an appeal against an enforcement notice served on the site where the Planning Inspector considered that part of the site was immune from enforcement action. The certificate of lawful use is unfettered and has no limiting conditions or restrictions. This fact holds material weight; and the proposal represents an opportunity for the Local Planning Authority to regularise and control the use of the site to reduce the impacts on the neighbouring occupiers. It is considered on balance, taking into account the existing unfettered lawful haulage use of the site, and the existing unfettered scaffold storage use of part of the site that subject to conditions to restrict working hours, the proposal will not have a significantly adversely more harmful effect on the residential amenity of neighbouring occupiers.

5.13 Transportation

It is noted that the intensification of the existing use will generate additional vehicular trips. However, given that the site comprises an established employment use, it is considered that the additional traffic created will not have a significantly greater impact on the local highway network than the existing situation. Weight is given to the fact that the Council's transportation officer has raised no objection to the proposal.

5.14 Environmental Effects

It is not considered that the proposal will have a significant adverse effect on any trees or vegetation that make a significant contribution to the character of the area. It is not considered that the proposal will adversely affect any protected species.

5.15 Further Matters

Concerns have been raised regarding the changes that have been made to the description of the application. Rather than intending to confuse residents the changes were made in the interests of clarity so that the description more accurately reflected the development proposed. Neighbouring occupiers were re-consulted on the changes and were given a full 21 days to comment. It is not considered to be positive, proactive, or in the public interest to request a new application to be submitted when the changes and re-consultations can be carried out under the current application.

## 6. CONCLUSION

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

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

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

## **7. RECOMMENDATION**

- 7.1 Planning permission is GRANTED subject to the following conditions.

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

### **CONDITIONS**

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

Reason

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

2. No working shall take place at the site outside of the following times:

Mondays to Fridays - 7:30am to 6:00pm

Saturdays - 7:30am to 1:00pm

and no working shall take place at any time on Sundays, Bank or Public Holidays.

The term 'working' shall, for the purpose of clarification of this condition, include: the loading or unloading of scaffolding materials, deliveries of scaffolding materials, and the movement of scaffolding materials around the site.

Reason

In the interests of the residential amenity of neighbouring occupiers and to accord with policy E6 of the South Gloucestershire Local Plan (adopted) January 2006.

3. No outside storage of scaffolding materials shall take place at the site.

Reason

In the interests of the character and visual amenity of the area and to accord with policies D1 and L1 of the South Gloucestershire Local Plan (adopted) January 2006.

4. The height of the scaffolding storage shelter hereby approved shall not exceed 3 metres.

Reason

In the interests of the amenities of the area and to accord with policies D1 and E6 of the South Gloucestershire Local Plan (adopted) January 2006.

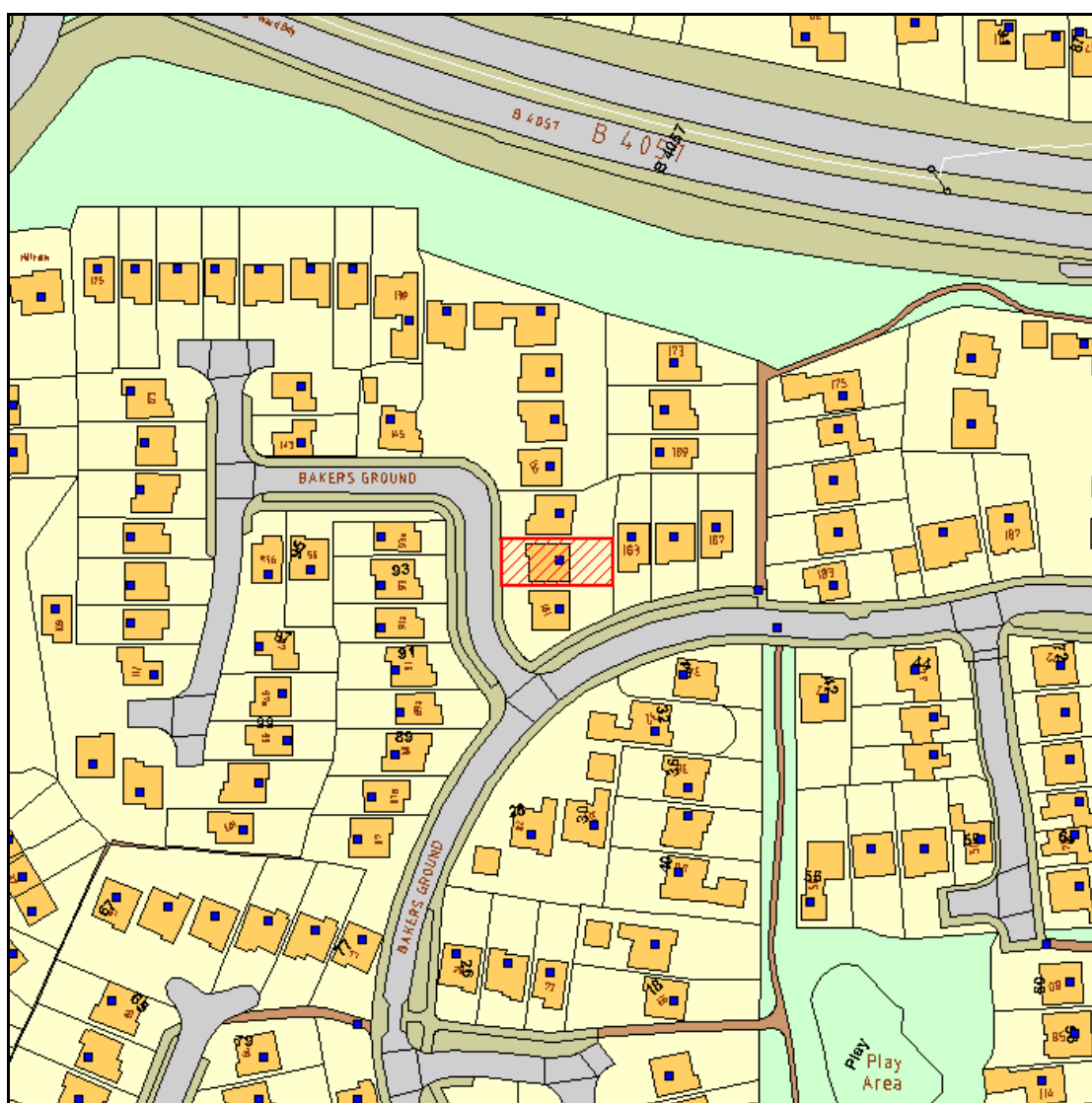
5. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting);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

Reason

In the interests of the character of the area and to accord with policies D1 and L1 of the South Gloucestershire Local Plan (adopted) January 2006.

## CIRCULATED SCHEDULE NO. 45/13 – 8 NOVEMBER 2013

<b>App No.:</b>	PT13/3600/CLP	<b>Applicant:</b>	Mr And Mrs Smith-Ferrier
<b>Site:</b>	159 Bakers Ground Stoke Gifford South Gloucestershire BS34 8GE	<b>Date Reg:</b>	7th October 2013
<b>Proposal:</b>	Application for certificate of lawfulness for the proposed conversion of existing garage to form additional living accommodation.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362997 180345	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Minor	<b>Target Date:</b>	27th November 2013



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100023410, 2008.

**N.T.S.**

**PT13/3600/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, is required to be taken forward under the Circulated Schedule procedure.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed conversion of the integral garage to form additional living accommodation would be lawful.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.
- 1.3 During the course of the application the applicant has been informed that the permitted development rights (Part 1 (Classes A, D, E and G) and Part 2 (Class A) for the property have been removed. The installation of windows would therefore require a full planning application. In light of this the plans have been amended to retain the garage door. The Agent has indicated that the installation of the window and infilling of the garage door will be subject to a future householder application. The only issue to consider within this application is the use of the garage as additional living accommodation.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning (General Procedures) Order 1995 Article 24 Town and Country Planning (General Permitted Development) Order (As Amended) 1995

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

- 3.1 P96/1741 - Erection of 50 dwellings (replan of part of previously approved site) and associated works. Approved 30<sup>th</sup> September 1996
- 3.2 P94/2527 - Residential development on 10 acres of land to include the erection of 102 houses and associated works. Construction of roads. Approved 5<sup>th</sup> June 1995

### **4. CONSULTATION RESPONSES**

- 4.1 Mangotsfield Rural Parish Council  
No objection
- 4.2 Highway Drainage  
No comment

## **Other Representations**

- 4.3 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for Planning Consent. Accordingly there is no consideration of planning merit, the planning application 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.

- 5.2 It is noted that the permitted development rights for the property were removed under condition 5 of the original reserved matters application for the dwelling – ref. P94/2527 and P96/1741 (revised application). This reads as follows:

*Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule of the Town and Country Planning General Permitted Development Order 1988 (or any Order revoking and re-enacting that order) no development as specified in Part 1 (Classes A, D, E and G), or any minor development as specified in Part (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without prior permission in writing of the Council.*

- 5.3 The proposed development consists of a garage conversion. There is no condition restricting the use of the garage and the revised plans do not show the addition of any windows or infilling. There are therefore no additions or alterations to the dwelling that would normally fall within Part 1 Class A (the enlargement, improvement or other alteration of a dwellinghouse). As no operational development is proposed, the conversion of the garage to be used as additional living accommodation is not considered to fall within the category of 'development'. As such planning permission is not required and accordingly there are no objections to this application for a certificate of lawful development.

## **7. RECOMMENDATION**

- 7.1 That a certificate of Lawfulness for Proposed Development is granted.

**Contact Officer: Sarah Fordham**  
**Tel. No. 01454 8652**