

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

**CIRCULATED SCHEDULE NO. 06/13**

**Date to Members: 08/02/13**

**Member's Deadline: 14/02/13 (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 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 you request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

# CIRCULATED SCHEDULE – 08 FEBRUARY 2013

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	<b>PK12/1827/F</b>	Approve with Conditions	Aldermoor Way Longwell Green South Gloucestershire BS30 7DA	Longwell Green	Oldland Parish Council
2	<b>PK12/3951/F</b>	Approve with Conditions	Land Off Sandringham Park Downend Bristol South Gloucestershire BS16 6NZ	Downend	Downend And Bromley Heath Parish Council
3	<b>PK12/4057/F</b>	Approve with Conditions	54 High Street Wickwar Wotton Under Edge South Gloucestershire GL12 8NP	Ladden Brook	Wickwar Parish Council
4	<b>PK12/4209/F</b>	Approve with Conditions	Old Oast House 134A Abbots Road Hanham Bristol South Gloucestershire BS15 3NS	Longwell Green	Hanham Abbots Parish Council
5	<b>PK12/4239/F</b>	Refusal	Meadow Barn Siston Hill Siston Bristol South Gloucestershire BS30 5LU	Siston	Siston Parish Council
6	<b>PK13/0017/TCA</b>	No Objection	131 High Street Bitton Bristol South Gloucestershire BS30 6HQ	Bitton	Bitton Parish Council
7	<b>PT12/1916/CLE</b>	Refusal	Caravan At Bridge View Travellers Site Sandy Lane Aust South Gloucestershire BS35 4BH	Severn	Aust Parish Council
8	<b>PT12/3235/F</b>	Approve with Conditions	Unit 6B Bristol Distribution Park Hawkley Drive Bradley Stoke South Gloucestershire BS32 0BF	Bradley Stoke North	Bradley Stoke Town Council
9	<b>PT12/3395/F</b>	Approve with Conditions	Land At Stumps Wood Gloucester Road Whitfield Wotton Under Edge South Gloucestershire	Charfield	Falfield Parish Council
10	<b>PT12/4195/F</b>	Refusal	Land Adjacent To Quarry House Village Road Littleton Upon Severn Bristol South Gloucestershire BS35 1NR	Severn	Aust Parish Council
11	<b>PT12/4258/RVC</b>	Approve with Conditions	Applegarth Village Road Littleton Upon Severn South Gloucestershire BS35 1NR	Severn	Aust Parish Council
12	<b>PT12/4294/F</b>	Approve with Conditions	59 Watleys End Road Winterbourne Bristol South Gloucestershire BS36 1PH	Winterbourne	Winterbourne Parish Council

**CIRCULATED SCHEDULE NO. 06/13 – 8 FEBRUARY 2013**

<b>App No.:</b>	PK12/1827/F	<b>Applicant:</b>	Ropemaker Properties
<b>Site:</b>	Alder Moor Way Longwell Green South Gloucestershire BS30 7DA	<b>Date Reg:</b>	31st May 2012
<b>Proposal:</b>	Erection of Class A3 restaurant pod unit and associated works (Resubmission of PK12/0798/F)	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	365481 171879	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th July 2012



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 100023410, 2008. **N.T.S.** **PK12/1827/F**

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

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

### **1. THE PROPOSAL**

1.1 The application site forms part of Gallagher's Retail Park, which is situated in Longwell Green on to the south side of the A4174 Ring Road. The site forms part of the existing car park and a landscaped border in the south west corner of the retail park. The site is bounded by Aldermoor Way to the south, the main access into the retail park to the east, steps and ramp providing pedestrian access from Aldermoor Way and the retail park car park to the north.

The application site is situated within the urban area and within a retail park categorised as out of centre as defined in the adopted Local Plan.

1.2 The application proposes erection of Class A3 (Restaurant) pod unit and associated works. This application is a resubmission of PK12/0798/F.

The application has been amended and the originally proposed additional uses within Classes A1 (Retail) and A5 (Hot Food Takeaway) have been removed from this application.

### **2. POLICY CONTEXT**

2.1 National Guidance  
National Planning Policy Framework March 2012

2.2 Development Plans

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

D1	Design
L1	Landscape Protection and Enhancement
L17 & L18	The Water Environment
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development
RT5	Proposals for Out of Centre and Edge of Centre Retail Development
RT6	Proposals for Retail Development at Cribbs Causeway, Longwell Green and Filton Abbey Wood Retail Parks
EP1	Environmental Pollution
EP2	Flood Risk and Development

#### South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept 2012

CS1	High Quality Design
CS12	Safeguarded Areas for Economic Development

CS14 Town Centres and Retail  
CS29 Communities of the East Fringe of Bristol Urban Area

2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Check List (Adopted) Aug. 2007

### 3. RELEVANT PLANNING HISTORY

- 3.1 PK06/0854/F Demolition of all existing retail buildings on site and engineering works to produce a level site. Erection of 8no. new retail units and construction of new central car park, associated servicing areas and landscaping. (Amendment to previously approved scheme PK04/2530/F).  
Approved 07.07.2006
- 3.2 PK12/0798/F Erection of Class A1, A3, A5 retail unit and associated works  
Withdrawn
- 3.3 PK12/1382/F Erection of single storey building to form restaurant/cafe units (Class A3). External alterations to include re-cladding of existing retail units and creation of new pedestrian access and reconfiguration of car park. (Amendment to previously approved scheme PK11/4001/F).  
Approved 16.07.2012

### 4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council  
No objection
- 4.2 Other Consultees [including internal consultees of the Council]  
**The Coal Authority** – Originally objected on the basis of a lack of information. This objection has now been withdrawn and no objection is raised on the basis that the subsequently submitted Report of Ground Investigation has adequately demonstrated that there are no coal mining significant issues in the locality.  
**Archaeological Officer** - The site lies close to a Roman Settlement site of significance but ground disturbance associated with the development of the estate was considerable and significant archaeological structures and deposits are unlikely to survive. No objection.  
**Public Rights of Way Officer** – No objection. Standard informative should be attached to the decision.  
**Drainage Engineer** – No objection, subject to a conditions requiring a sustainable drainage system to be installed.  
**Environmental Protection** – No objection. Standard informative related to construction is required.  
**Sustainable Transport** – No objection. The parking spaces to be lost would be replaced through a revised parking payout. The existing cycle facilities would be relocated to within the site. Vehicular and pedestrian access to the retail park would remain unchanged. The traffic intensive A1 and A5 uses have

been removed from the application and the proposed SA3 use would not generate significant traffic. No objection.

**Tree Officer** – No objection, subject to a condition requiring tree protection during construction.

## **Other Representations**

### 4.3 **Local Residents**

One letter of objection received from the occupiers of 3 Stourton Drive raising the following concerns:

- Over-development
- Local roads cannot cope with current traffic. The proposal would generate more traffic.
- There are currently insufficient parking spaces on site and this proposal would make this situation worse. Nothing has been suggested to overcome this
- A5 Use is not appropriate and there is already a café in M&S, near B&Q, near Asda as well as multiple restaurants in Aspects Leisure Park nearby

## **5. ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

#### **National Guidance:**

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

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

At par.211 the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

Par.214 of the NPPF makes it clear that for 12 months from the day of publication, decision takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the NPPF.

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

The NPPF carries a general presumption in favour of sustainable economic development. One of the core planning principles listed in the NPPF states that planning should,

*'proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs....'*

However, the application site is situated within an out of town Retail Park, which is recognised as an out of centre location in the Development Plan and the NPPF. The NPPF recognises a clear and important requirement to protect the vitality and viability of town centres. The proposed Class A3 Use is recognised as a town centre use. In Par.24 the NPPF provides a sequential approach for determining town centre uses indicating that LPA's,

*'...should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.'*

The NPPF then states,

*'When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.'*

#### **The adopted Development Plan:**

Policy RT5 of the adopted Local Plan seeks to control key retail uses appropriate to a town centre, outside recognised retail centres defined as out of centre and edge of centre development. Proposals for retail development in these locations must demonstrate that the development cannot be reasonably accommodated within the town centre and that the development is no greater in scale than is required to meet the need identified; the development must be proportionate to the role and function of the proposed location and there are no more central and sequentially preferential sites available and would not impact on the vitality and viability of the existing centre (town or local). The development must also be accessible to public transport users, pedestrians and cyclists.

Policy RT6 relates more specifically to development proposals within Longwell Green retail park and accepts development subject to the 4 criteria below,

- a) It would meet needs which cannot be met in sequentially preferable locations; and
- b) It would make a positive contribution towards improving non-car circulation within the retail park; and
- c) it would make a positive contribution towards improving the physical and visual integration of the retail park; and
- d) It would be accessible to public transport users, pedestrians, cyclists and those with special mobility needs

Policy RT8 relates to small-scale retail uses within the urban area and as the proposal is for Class A3 restaurant, this Policy will carry less weight than more directly relevant Policies RT5 and 6 above.

Transportation issues related to parking (Policy T8) and highway safety/access/vehicle movements (T12) are also material to consideration of



this application. The NPPF provides a new consideration in relation to transportation matters. Par.32 of the NPPF is most relevant to consideration of this application in transportation and public safety terms. Par.32 reads,

*'..... decisions should take account of whether:*

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- safe and suitable access to the site can be achieved for all people; and*
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'*

The test in determining whether this application is acceptable in transportation and public safety terms is now, whether the impact of the development in transportation terms would be severe.

#### **Emerging Policy Framework:**

The South Gloucestershire Core Strategy Development Plan Document was considered by the Inspector appointed to hold the Core Strategy Examination in Public and a refreshed Core Strategy that incorporates Post-Submission Changes was considered by the Council in mid December. Following this decision, the South Gloucestershire Core Strategy (incorporating Post-Submission Changes) December 2011 was taken forward to Examination in Public. The Inspector concluded that the Submission Core Strategy is capable of being made sound provided a number of modifications are made. Following a further period of consultation on the Inspector led changes and passed back to the Inspector. The Inspector issued an interim report in September 2012 of draft modifications and a further day of Examination is scheduled for March 2013. At this stage the Core Strategy therefore remains unadopted. This document is therefore a material consideration in the determination of planning applications, and the Core Strategy policies, which are not subject to Inspector modification, will now carry considerable weight at this stage. Policy CS14 of the Core Strategy has been the subject to changes and as such will carry less weight at this stage than the adopted Development Plan Policies.

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

The NPPF advises that planning applications for large-scale town centre uses should be accompanied by an impact assessment and indicates a minimum floorspace threshold of 2,500 sq.m. Core Strategy Policy CS14 also identifies this 2,500 sq.m threshold but also recognises that smaller development can also impact adversely on the vitality of town centres, on their own or cumulatively and as such the threshold should be lowered to 1,000 sq.m. The proposal would have a gross floorspace of 139 sq.m, significantly lower than these thresholds and as such an impact assessment is not required.

## 5.2 Vitality and Viability

The proposal would provide a Class A3 restaurant located within a retail park. The retail park is not located within or close to any recognised town centre. The NPPF classifies the site as being within an out of centre location. This is consistent with the Council's adopted Development Plan policies RT5 and RT6 and in Core Strategy Policy CS14.

### **The sequential test:**

Government advice and Development Plan Policies are consistent in seeking to provide uses, which would contribute positively to the vitality and viability of town centres within town centre locations. The proposal broadly falls within a 'town centre use', which the NPPF recognises as '*retail, leisure, office and other main town centre uses*'. A sequential approach to decision making is required by the NPPF and the Council's Development Plan indicating preference of location for town centre uses as follows,

- 1) Town Centre
- 2) Edge of Centre
- 3) District/Local Centre (Local Plan Policy only)
- 4) Retail Parks
- 5) Out of Centre (Local Plan Policy only)

The NPPF defined locations 3 - 5 above together as out of centre.

When considering out of centre locations for town centre development the NPPF advises in par.24 that in addition to the sequential test,

*'When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.'*

Importantly, the NPPF then states,

*'Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.'*

The proposal would provide a very modest single restaurant unit with gross floorspace of 139sq.m. The proposal would not provide competition to the existing retail offering on site and would instead provide an ancillary or complementary function to the retail park as a whole. The proposal would be unlikely to draw additional customers to the retail park and would instead provide a facility for shoppers to eat on site. The proposal could be accommodated within an existing town centre location such as Kingswood. However, Kingwood and the other town and local centres in the East Fringe have a number of restaurants and cafes providing a range of complementary needs for users of the town centre and healthy completion in the interest of positively contributing to the vitality and viability of the centre.

The building would be situated to the south of the main arcade of units separated only by a service road, facing east into the site and would follow the existing street layout. The proposal would follow the existing layout of development and would connect well to the main arcade of units on the west side of the retail park. It is therefore considered that the proposal would not

compromise a principle aim of Policy RT6 (criteria C, see par.5.1), which requires new development to make a positive contribution towards improving the physical and visual integration of the retail park. Additionally, when considering format and scale as directed by par.24 of the NPPF, the proposal is would be well integrated with the existing development, would provide a complementary function only and would be very modest in scale.

As such, although the proposal would be located in an out of centre location, it is considered that there would be no significant direct impact from the proposal on the vitality and viability of any town or local centre. Additionally, due to its modest scale and complementary/ancillary function, the proposal would meet a specific need within the retail park area only, a need which could not be met in any other, sequentially preferable, location.

**Need:**

A further consideration in terms of protecting the vitality and viability of town and local centers, relates to the complementary nature of the proposed restaurant and whether this additional offering would increase the attractiveness of the retail park as a destination, making this out of town destination more competitive. This could conflict with the aims of the sequential test and undermine the vitality and viability of town centers in the wider area.

There are a number of existing facilities in the immediate area of the retail park, which would provide competition to the proposed restaurant use. In store café facilities are already located in M & S, B & Q and Asda. Free standing fast foot vans are located in the car parks of & Q, Wickes, and Homebase. Additionally, a large range of fast food and restaurant facilities are located in Aspects Leisure Park on the north side of the Ring Road. Further to this, application PK12/1382/F recently approved a free standing building in the car park of Carpet Right opposite Gallagher's Retail Park on the south side of Aldermoor Way. The building would provide two small Class A3 restaurant units. As such there is a number of facilities in the locality providing on site food. On the basis of the range of complementary existing and future facilities available and the modest scale and form of the proposed restaurant use, the proposal would be unlikely to result in a significant increase in the attractiveness of the retail park as a retail destination, in the interest of protecting the vitality and viability of town centers.

5.3 Highway Matters

The application is accompanied by a Transportation Assessment by Meyer Brown, dated 17.09.2012.

**Traffic generation:**

A key aims of the sequential approach to decision making related to town centre uses as considered in Par.5.2 above, is to ensure development is provided in sustainable locations where trip movements are minimised and alternative means of travel to the private car are readily available. The proposal would provide a modest 139 sq.m of (Class A3) restaurant floorspace. The proposed use would be more likely to function as a complementary use to the existing retail function of the park. Users would be likely to use the retail

park as a destination for retail purposes and use the restaurant as a linked trip, taking the opportunity to eat as part of the shopping trip. On this basis the Class A3 Use be unlikely to conflict or compete with the existing retail function of the retail park and due to its modest size is unlikely to result in any significant trip generation from the public using the restaurant as a sole destination. Trip generation could be reduced as a result of the proposal by removing the need for a further vehicle destination to eat connected to the retail activity.

Longwell Green Retail Park is accessible on foot from residential areas in Hanham to the north, Longwell Green to the south and Oldland to the east and the park is connected to the public transport network. There are existing issues related to traffic generation and congestion in the locality at weekends and seasonally. However, it is considered that the proposal would result in no significant additional traffic generation over and above that which exists at present and as such the proposal is considered to be acceptable in traffic generation terms.

A condition is recommended to ensure the development remains within Use Class A3 (restaurant) only. Since first submission the application description has been amended and the traffic intensive Class A1 (Retail) and A5 (Hot Food Takeaway) uses have been removed from the application description.

**Parking:**

The proposed building would be located within the existing car park of the Gallagher's Retail Park. The building would mainly occupy a raised landscape area, but part of the building would occupy part of the public car park comprising 6 parking spaces. The loss of existing parking within the site would be unacceptable due to the large numbers of vehicles which use the site. The applicant proposes to redesign part of the existing parking layout on the south side of the car park. This area currently comprises 43 car parking spaces with turning facilities. The proposal would effectively shift the 43 spaces slightly to the east, closer to the main access onto Aldermoor Way, an area currently used for landscaping. This would result in the retention of the existing 43 parking spaces and turning space as exists at present. The access onto Aldermoor would be unaffected by the layout change. As indicated under traffic generation above, the proposal is likely to result in no significant additional vehicle movements. Therefore the proposal would create no significant additional pressure for on street parking. Retention of the existing parking provision is therefore considered to be acceptable and on this basis the proposal is considered to accord with the Council's adopted parking standard.

There is currently a cycle parking area within the application site comprising 7 fixed stands. The proposal would relocate the 7 stands to an area in front of the proposed building 20m south of the existing cycle park. The new cycle park would be no less visible and would be positioned in a location which would not compromise cyclist safety.

Overall the proposal would not result in an adverse impact on highway safety and the impact in terms of transportation and public safety would not be severe.

#### 5.4 Visual Amenity

Policy D1 of the Local Plan requires all new development to be well-designed. The application proposes a single detached flat roofed pod building in a location in the south west corner of the Gallagher's Retail Park.

##### **Design:**

The proposed building has been designed using a simple rectangular form. The building would be constructed using a buff facing brick, black polished blockwork and with aluminium framed on the front and side elevations. The form, design and materials would match those used on the existing retail park. The proposal would be in keeping with the modern commercial character of the retail park and would respect the character distinctiveness and amenity of the surrounding area. Additionally, as explained in par.5.2 above the proposal would integrate well with the layout of the existing retail park, being located adjacent to the southern end of the main retail arcade and facing into the site.

The scale of the building would be significantly smaller than the existing retail units. The proposal would measure 18.4m width (frontage) and 5.5m in height to parapet flat roof. The proposal situated at the same level as the public car park which is approximately 2.5m lower than the adjacent highway (Aldermoor Way). The main bulk of the building would be screened from the highway due to this change in ground level. The proposal would not have any significant presence outside the retail park itself. A tall tree and landscaping in the south west corner of the site adjacent to Aldermoor Way would be retained. The tree and planting would provide a good visual screen from views from the roundabout to the south and the south side of Aldermoor Way beyond. As the proposal would be screened well from many public views outside the opportunities for passing trade are likely be limited.

It is therefore considered that the proposal would be in keeping with the character of the locality, be physically and visually integrated with the retail park and would respect the character distinctiveness and amenity of the surrounding area.

##### **Crime Prevention:**

The south (rear) elevation of the proposed building would be situated hard up against the existing pedestrian steps and ramp connecting Aldermoor Way with the retail park. The rear elevation of the building would form a new side wall to the pedestrian path. The rear elevation would create some enclosure, on one side, to the pedestrian path and would reduce natural surveillance of the path from the east. The path would still be clearly visible from either entrance on the north and south sides. The applicant has agreed to provide a scheme of lighting on the south elevation to aid illumination of the pedestrian path at the rear in the interest of protecting personal safety, security and crime prevention.

The proposal therefore accords with Policy D1 of the adopted Local Plan.

##### **Trees:**

A large tree is located in the south west corner of the site adjacent to the highway situated in a bed surrounded by hard standing to the south and west and a stone wall to the north. The tree is tall and of good quality and is situated

on a prominent corner visible from many public vantage points. There is no other tree of similar size in the locality which further increases the amenity value of the tree. Retention of the tree is therefore important in the interest of protecting the character, amenity, quality and distinctiveness of the area. The proposed development would be situated to the north of the tree and it is considered that the existing stone wall will have deflected the majority of roots back towards the trees subsequently there would be minimal, if any root encroachment into the area of the proposed unit. A tree protection plan has been submitted as part of the application, which aims to protect the tree during construction. A condition is recommended to ensure tree protection is provided prior to commencement of development and retained on site through the construction process. Subject to this condition, the proposal would have no significant impact on the tree.

#### **Landscaping:**

The proposal would result in the loss of part of a bank of landscaping in the south west corner of the site where the proposed building would be situated and a smaller area of landscaping at the entrance to the site due to the revision to the parking layout. The landscaping to the south west comprises mainly low level hedging and two young trees. The landscape area adjacent to the entrance to the site includes low level mixed planting, gravel and some boulder features. A condition is recommended to ensure a landscape scheme is provided to replace existing landscape features such as the two small trees and to make good areas of landscaping to be lost. Subject to this condition it is considered that the loss of landscaped areas is considered to be acceptable and would not adversely impact on the character, amenity, quality and distinctiveness of the area. The proposal therefore accords with Policy L1 of the adopted Local Plan.

#### **5.5 Coal Mining and Unstable Land**

The Coal Authority originally submitted a holding objection to the proposal, as insufficient information was made available to assess the impact of the proposal on the existing coal mining legacy. The application now is accompanied by a geotechnical assessment from Clarkbond (UK) Ltd dated 15.05.2012. The Report of Ground Investigation correctly identifies that the application site has been subject to past coal mining activity. The Coal Authority records indicate the site has been subject to both recorded and likely historic unrecorded underground coal mining at shallow depth. The Report of Ground Investigation has been informed by an up to date Coal Mining Report, which identified shallow mine workings as a potential risk to the proposed development. Accordingly, appropriate intrusive site investigation works were undertaken in order to confirm the ground conditions. The site investigations revealed no evidence of shallow mine workings; however, the Report adopts appropriate precautionary measures in the foundation design of the structure. It is therefore considered that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. The Coal Authority have subsequently withdrawn their objection.

#### **5.6 Archaeology**

The site lies close to a Roman Settlement site of significance. However, ground disturbance associated with the development of the estate was

considerable and significant archaeological structures and deposits are unlikely to survive.

#### 5.7 Residential Amenity and Environmental Impact

The proposal would be situated some considerable distance from residential properties in the area (more than 250m). Therefore the proposal would have no significant impact on the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development. The proposal would provide a Class A3 restaurant and as such may result in emission of some smells and odour through food preparation. Due to the significant proximity to residential properties it is considered that the proposal would not impact adversely in terms of smell and odour. The future occupier would be required to provide adequate ventilation and management of odour and emissions through Environmental Health Legislation and Building Regulations. Any future issues related to odour nuisance would be most effectively controlled through Environmental Health Legislation – and as such no condition is recommended to provide details of the proposed means of ventilation and odour control.

The site is not prone to flooding; the existing mains sewer and drainage systems would be utilised. The proposal therefore accords with Policies EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report. A summary of reasons for granting planning permission in accordance with Article 31 of the Town and Country Planning (Development Management Procedure) Order 2010 is given below:
- a) Due to its scale and location a significant distance from the nearest dwellings, the proposal is not considered to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy RT5, EP1 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
  - b) The proposal would be accessible to modes of transport other than the private car and is considered to be acceptable in highway safety terms and provides adequate parking provision in accord with Policies T7, T8, T12, RT5 and RT6(D) of the South Gloucestershire Local Plan (Adopted) January 2006.
  - c) The proposal is considered not to result in direct or indirect impact on trees and other important landscape features within or adjacent to the site. The

proposal therefore accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 in this respect.

- d) The proposal would not adversely impact on the viability of the Town Centre and any Local Centre in accordance with Policy RT6(A) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- e) It has been assessed that the proposed development have been designed to respect and maintain the massing, scale, proportions, materials and overall design and character of the locality and surrounding area, and would make a positive contribution towards improving the physical and visual integration of the retail park. The development therefore accords to Policy D1 and RT6(B and C) of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
- f) The application demonstrates that it will not result in any adverse flooding or drainage effects in accordance with the requirements of Policy EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

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

**Contact Officer: Sean Herbert**  
**Tel. No. 01454 863056**

## **CONDITIONS**

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

Reason

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

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

Reason

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

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



Reason

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

4. The new parking layout 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.

5. Protective fencing shall be provided in accordance with the approved Tree Protection Plan (Drawing no. 11955-105 (Proposed Tree Protection Plan)) prior to commencement of any development including any site clearance. The protective fencing shall be retained as approved until the development is first occupied.

Reason

To protect the character and appearance of the area to accord with Policies D1, L1, E3, RT5 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The building hereby approved shall be used for purposes within Use Class A3 only and for no other purposes (including any purposes falling within Use Classes A1 and A2) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason:

To protect the vitality and viability of town centres and in the interest of highway safety and the promotion of sustainable development and to accord with Policies RT5, T12 of the adopted South Gloucestershire Local Plan (2006).

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

Reason

To protect the character and appearance of the area to accord with Policies D1, L1, E3, RT5 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To protect the character and appearance of the area to accord with Policies D1, L1, E3, RT5 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To protect the character and appearance of the area to accord with Policies D1, L1, E3, RT5 of the South Gloucestershire Local Plan (Adopted) January 2006.

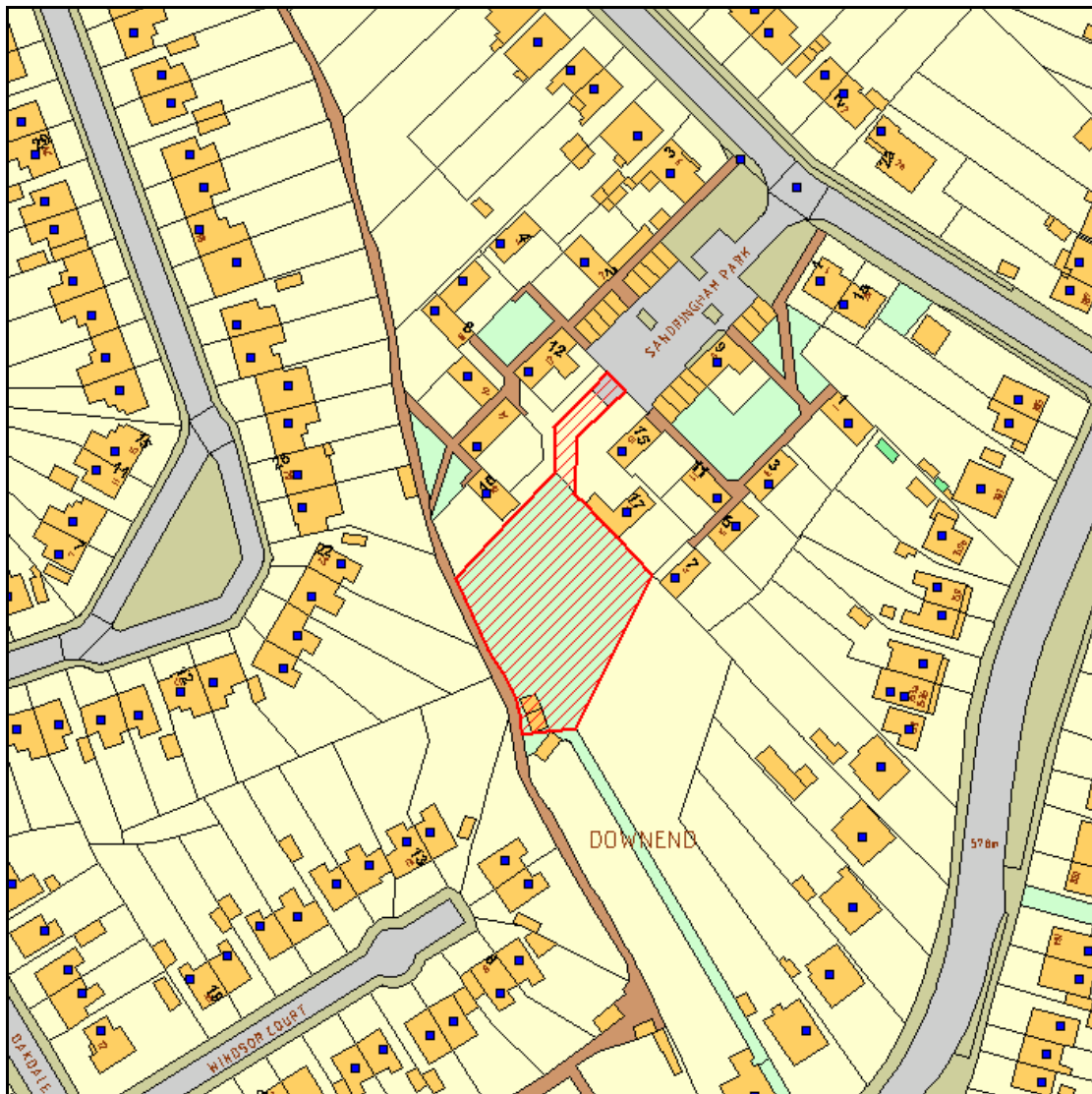
10. No development shall commence until a scheme for external lighting to the footpath at the rear (west elevation) of the building has been first submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason:

In the interest of good design principles to provide a scheme which takes account of personal safety, security and crime prevention in accordance with Policy D1 of the adopted South Gloucestershire Local Plan (2006).

## CIRCULATED SCHEDULE NO. 06/13 – 8 FEBRUARY 2013

<b>App No.:</b>	PK12/3951/F	<b>Applicant:</b>	Mr Richard Pearce And Mr Tom Moody
<b>Site:</b>	Land Off Sandringham Park Downend Bristol South Gloucestershire BS16 6NZ	<b>Date Reg:</b>	4th December 2012
<b>Proposal:</b>	Erection of 2 no. detached dwellings with garages and associated works.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365286 177504	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	28th January 2013



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100023410, 2008.

**N.T.S.**

**PK12/3951/F**

## **REASON FOR REPORTING TO CIRCULATSCHEDULE**

This application appears on the circulated schedule due to the receipt of objection letters from local residents and the concerns raised by the Parish Council.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks a full planning permission for the erection of 2 no. two-storey detached dwellings at Sandringham Park, Downend. Planning permission, PK12/1633/EXT, was granted for the extension of time limit to implement the approved scheme attached to application PK08/2912/O. The approved outline planning permission, PK08/2912/O, permitted granted for the erection of 3 no. dwellings with access and layout to be determined with all other matters reserved.
- 1.2 As this is a full planning application, the applicants submitted more details of the proposal including the design and materials of the proposed dwellings and the landscaping scheme. It should be noted that the current application proposes 2 no. detached dwellings, whilst the outline planning permission was granted for 3 no. terraced dwellings,
- 1.3 The site is overgrown and appears to have no current use. The agent has stated that historically the site used to be garden land associated with No. 141 Badminton Road. The site has been subject to a number of planning applications in the past. The main issues of the historical planning application PK07/1939/O, related to the turning and parking facilities, substandard width and configuration of the access and lack of pedestrian pavements. The application was dismissed by the Inspector, who upheld the refusal reason relating to inadequate parking spaces in front of Units 1 and 2, however Inspector did not uphold the other refusal reasons. Subsequently, outline planning permission PK08/2912/O was granted for the erection of 3 no. dwellings as the proposal had overcome the Inspector's concerns.

### **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
L1	Landscape Protection and Enhancement
L9	Protected Species
L17 and L18	The Water Environment
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development control
H2	Development in the Existing Urban Area

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

CS1 High Quality Design

CS5 Location of Development

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK06/1814/O Erection of 4 dwellings (outline). Siting and means of access to be determined, all other matters reserved. Refused August 2006.
- 3.2 PK07/1939/O Erection of 3 no. dwellings (Outline). Siting and means of access to be determined, all other matters to be reserved. (Resubmission of PK06/1814/O). Refused and dismissed at appeal August 2008.
- 3.3 PK08/2912/O Erection of 3 no. dwellings (Outline) with access and layout to be determined. All other matters to be reserved. (Resubmission of PK07/1939/O). Approved June 2009.
- 3.4 PK12/1633/EXT Erection of 3 no. dwellings (outline) with access and layout to be determined. All other matters to be reserved. (Resubmission of PK07/1939/O). Consent to extend time limit implementation for PK08/2910/O. Approved June 2012.

**4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
No objection in principle but due to variation in ground level we are concerned that the first floor windows in plot 1 will overlook the garden and windows of number 14. We would like to see the stone boundary wall between the site and Public Right of Way reinstated, where needed, as the stone is still there.
- 4.2 Other Consultees including internal consultees of the Council  
Highway Officer: No objection  
Landscape Officer: No objection  
Tree Officer: No objection  
Public Rights of Way Officer: No objection  
Council Ecologist: No objection  
Highway Drainage: No objection  
Environmental Protection: No objection

**Other Representations**

- 4.3 Local Residents

Seven letters of objection have been received and a number of letters were submitted from the same residents.

It is stated that the reasons for objecting to this application are the very similar as those submitted in relation to previous planning applications. In the interests of completeness, all neighbour objections raised to application PK08/2912/O and PK12/1633/EXT were as follows:

- To grant outline permission with only access and layout to be determined is too vague and could give license to change
- The turning auto tracks show the vehicles almost touching the proposed new building
- The appearance would not be in keeping with the unique design of Sandringham park
- Proposed parking is inadequate and unrealistic
- Could give access to develop neighbouring land
- Would result in further drainage and flooding problems
- Doubt whether there is enough room for fire engines, refuse lorries etc.
- Concerns about safety of pedestrians
- Lack of parking (most households have more than one car) would result in congestion in Sandringham Park
- Questions whether the applicant has legal rights of access through
  - Sandringham park
- Inadequate visitor parking space provision
- It will be impossible to build the houses as large lorries carrying bricks, roof apex's etc will not be able to access to the proposed site
- The road has not been built to a high enough standard to carry normal traffic – if the development went ahead part of the road would need to be rebuilt
- Disruption, noise, dust and inconvenience during construction
- Wessex Water have advised that some garden will need to be dug up so a new 9" sewer system can be laid

The residents' concerns on the current planning application were summarised as follows:

- The details about the access by the refuse and recycling collection teams appears to be misleading. Could clarification be made of the 'convenient collection point' for the new houses as the existing 'collection points' are not suitable for more to be added or nearby to the site.
- Could the Council adopt the road leading into Sandringham Park past the garages and therefore the Council will resurface the road if it is necessary after the construction work. As the road does not appear to be built to take heavy vehicles, such as fire engines and lorries, and there are already damage showing from a heavy vehicle being driven to the site. A new more robust road surface will be laid once the building work has been completed.
- The proposal does not show the difference in levels and it is concerned about possible flooding particularly with the impact on drainage of the loss of the conifers, as well as paving on the site.
- Loss of privacy upon 14 Sandringham Park. The estate has been designed, and all dwellings have only single aspect, to provide maximum privacy for the residents. In addition, due to the difference in ground levels of the application and the neighbouring property, the

new dwellings would be facing directly onto the window and garden of No. 14. In addition, all windows of No. 14 are facing the application site. There will be a number of windows including bedroom window would look down directly into this house and garden. The proposed screen of apple and plum trees would be totally inadequate.

- If the new houses were built to the same design as the existing dwelling the issue of privacy need not arise as their windows could face towards Badminton Road.
- The access to the site via a gap, which is substandard according to the Council guidelines.
- The new houses would be in the middle of back gardens, and they will be on higher, overlooking land. The protected trees will both be crown raised and pruned.
- Can the boundary hedging be chosen and be high enough to block the gap between ground and trees. It should be noted that T1 provides almost as much as screening as all the Ash trees put together. Removing the west facing stem will reduce this and need for mitigation.
- The removal of the conifer trees will greatly reduce water loss from the site, so drainage may be problem.
- Prior to any works, neighbours would appreciate some warning of start/work times or lull periods to spend time out of doors without noise. Also please request access to neighbours garden ahead of time.
- The new dwelling being built next to No. 17 Sandringham Park extends at the back beyond the neighbour's house building line, and this will infringe on neighbour's conservatory blocking sunlight entering.
- Due to the very close proximity of the house on Plot 1, the neighbour hopes the building regulations will not allow it to interfere or damage the existing house foundations.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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

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

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

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

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

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

The Core Strategy is therefore a material consideration in the determination of planning applications, although at this stage the Core Strategy policies, which are subject to Inspector modification, are likely to carry less weight than the Development Plan at this stage.

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

- 5.2 Policy H2 of the South Gloucestershire Local Plan is supportive in principle of proposals for the erection of new dwellings within urban areas and boundaries of the settlements providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity, nature and water environment, and public highway safety. 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 the locality.
- 5.3 The principle of erecting new dwellings within the application site has been established by the grant of outline planning permission PK08/2912/O and the subsequently extended time limit permission PK12/1633/EXT. The main differences of the current proposal are that (i) the current application is a full planning application, the number of proposed new dwellings has been changed from the approved 3 no. terraced dwellings to 2 detached dwellings.
- 5.4 Development would not have an unacceptable environmental or transportation effects; and would not significantly prejudice residential amenity;

Environmental Effects:

It is considered that the site as currently stands does add considerably to the environmental character of the area. A number of local residents were concerned that the site was occupied by a variety of wildlife – including badgers. Since the previous applications in 2006/7, the site has been heavily cleared and much of the scrub and undergrowth has been removed from the



site. As a result, it is highly improbable that any significant wildlife any longer exists on the site. In addition to this, the western boundary of the site is lined with a row of semi-mature and mature trees of varying species that contribute positively to the character of the area and the local environment. A Tree Preservation Order protects the band of trees along the western edge of the site.

Impact upon the existing trees:

A tree survey and an arboricultural report have been prepared and submitted in support of this application. The reports were prepared by an independent and qualified arboriculturalist. The Council Tree Officer has assessed the application in light of all of the submitted information.

The proposed development is for the erection of two detached properties with garages and associated works. There are 5 existing trees growing on the western boundary of the site, which are covered by a South Gloucestershire Council Tree Preservation Order.

The application proposes the retention of 4 of the trees and the removal of 1 walnut tree. The reasons given for the proposed removal is the condition of the tree and its limited useful life expectancy. The loss of the tree will be mitigated by new tree planting as part of the landscaping scheme.

The proposed access road encroaches into a relatively large area of the trees root protection area (RPA). Generic details have been provided regarding suitable construction techniques to minimize any potential impact the access road may have on the trees. Whilst this is considered acceptable further specific details are required prior to the commencement of any works.

The new proposed surface will be permeable and subsequently result in no change to the amount of surface water available to the tree roots

The tree protection plan shows the protective fencing being erected inside the root protection area (RPA) of the tree in order to allow the construction of the access route. This will leave a large area exposed and potentially subject to compaction. Details of temporary ground protection of the exposed root protection area (RPA) and a time scale for construction of the new access, which it is assumed, will act as ongoing ground protection once completed, will be required prior to commencement of works.

There is minor encroachment into the root protection area (RPA) of T1 by the corner of Plot 2, it is considered that this encroachment is negligible and should not impact on the health of the tree

The proposed access route encroaches into the root protection area (RPA) of the protected trees. The access can be constructed using the recommended specialist methods, which would minimise any potential impact on to the trees. Once constructed, the new access will act as ground protection for the root protection area (RPA) which would not be enclosed by the proposed protective fencing. Further specific construction details are required along with a time scale indicating that the new access will be constructed prior to the

commencement of any other works in order to protect the root protection area (RPA) as recommended in the Arboricultural report.

Whilst Officers have no objections to the proposal, a planning condition is recommended to seek a detailed arboricultural method statement prior to the commencement of any works and to ensure that works take place in accordance with the approved details.

Impact upon the protected species / wildlife:

The site comprises a plot of land surrounded by houses between properties off Sandringham Park and the rear of properties at the northern end of Windsor Court to the south. The site is not covered by any statutory or non-statutory nature conservation designations. The main ecological issues relates to the impact upon slowworms, hedgehogs, badgers, birds and their habitats.

The site is subject to Outline permission PK08/2912/O for erection of 3 no. dwellings, with access and layout to be determined (all other matters reserved). Planning conditions 7 and 8 of the said permission relates to a survey (precautionary search) of the site for slowworms and hedgehogs; and a scheme of bat boxes and bird nest boxes.

Details relating to the two Conditions have been provided to the Council and were considered to be acceptable in November 2012, and the approved details have also been shown on the submitted site plan. They include a staggered double row of mixed native hedgerow being planted, a compost heap being provided at the southern corner of the site. The applicant also confirmed that the Avon Wildlife Trust will carry out a research in March prior to the commencement of the development.

Whilst Officers have no objections to the proposal, a number of planning conditions are imposed to ensure that the agreed strategies are implemented in full.

Impact upon the landscape:

The plot is located within a residential area in Mangotsfield. There are five trees with TPO's along the western boundary. The Landscape Officer originally raised issues regarding the details of the landscaping scheme. To address officers' concerns, the applicant submitted further details including the maintenance plan. Officers consider the details to be acceptable. A planning condition is imposed to ensure the agreed landscaping scheme will be implemented in full.

Your planning officer fully agrees with the views of the Councils Tree Officer, the Ecological Officer and the Landscape Officer and subject to the attachment of conditions, there are no objections to the proposal on the grounds of environmental impact.

Transportation effects

Outline planning permission has previously been granted to erect three dwellings on this area of land. This current proposal seeks to erect two four-bed dwellings on the same area of land.

It is considered that the proposed vehicular parking would be in line with the standards set out in Policy T8 of the South Gloucestershire Local Plans.

The turning area proposed as part of the previously permitted development would be retained for this development.

Concern has also been raised regarding the location of refuse collection point. It is indicated in the Design and Access Statement that a refuse collection point will be provided at the end of the private drive but this has not been clearly shown on the plans submitted.

Whilst Officers have no highway objection to the proposal, a planning condition is imposed to seek details of proposed refuse collection point prior to commencement of development.

Concerns are raised regarding the surface of the existing road in Sandringham Park. Officers can advise that Sandringham Park is an adopted highway (up to the end of the existing garage block), however the vehicular access to the application site would not be adopted by the Council as it would not meet the criteria of being adopted highway.

#### Impact on Residential Amenity

Local residents raise significant concerns regarding the loss of privacy due to the distance from the new dwellings and the difference in ground levels of the site. The proposed site layout would be similar to the approved site plan of PK08/2912/O and PK12/1633/EXT.

The existing dwellings in Sandringham Park are very unusually designed with each of the houses having a single aspect with windows on one elevation only. In light of this unique design, the existing gardens serve the dwellings are very private indeed with very limited overlooking.

The submitted drawings including the sections show that the new dwellings would be approximately 24 metres between the habitable windows of the new dwellings and the existing windows of No. 14 Sandringham Park and the section drawings show the ground level of the new dwellings would be approximately 1.5 metres higher than the ground level of No. 14. Whilst Officers fully appreciate that the neighbouring occupiers would lose some degree of privacy that they currently have, it is considered that the distance between the new dwellings and No. 14 would be acceptable in a built-up residential area.

Regarding the private garden area of No. 14 and No. 16, there are existing boundary treatments along the southeast boundary of these neighbouring properties. The brick wall of No. 14 is approximately one metre high above the highest ground level with timber fence above and that would provide some degree of privacy. The new dwellings would be approximately 14 metres from the rear boundary of No. 14. There is also a brick wall, which is approximately 1.3 to 1.5 metres high, along the southeast boundary of No. 16. The applicant has indicated that additional trees can be planted along the rear boundary of No. 14 in order to protect the privacy of the neighbouring properties, officers

however consider that it would be unreasonable and unenforceable to request additional vegetation to provide privacy due to they are not permanent structures.

Officers acknowledge that the private garden of No. 14 and No. 16 would be partly overlooked by the new dwellings, it is however considered that the proposal, on balance, would not cause significant loss of privacy upon the neighbouring properties as the new dwellings would be located at a reasonable distance from the neighbouring properties.

Regarding the loss of privacy upon the other neighbouring properties, the submitted drawings show there would be no windows proposed on the side elevation of the new dwellings. A planning condition is therefore imposed to ensure that any new windows on the side elevation will be subject to planning applications in order to protect the privacy upon the neighbouring properties.

The design and access statement with the approved outline planning permission indicated that the proposed new dwellings would have a ridge height of approximately 9 - 10 metres and a height to eaves of 5 - 5.4 metres. The submitted drawings show that the new dwellings would be approximately 8 metres high to its ridge and 5 metres high to its eaves. The ridge height of the new dwellings would be similar to the existing dwelling, No. 17. Officers therefore consider that the proposal would not cause significant overbearing impact upon the neighbouring properties.

Concerns have been raised regarding the loss of lights to the conservatory of the No. 17 Sandringham Park. The new dwelling of Plot 1 would project beyond the rear building line of No. 17 approximately 2 metres. Whilst officers acknowledge that there would be some loss of lights to the neighbour's conservatory, it is not considered that the proposal would cause significant loss of lights to cause a detrimental impact upon the neighbouring occupiers.

Sufficient garden space can be provided to serve each of the proposed dwellings and thus impact on residential amenity to deemed to be acceptable.

Concerns have been raised regarding the construction period. The Council Environmental Services have no objection to the proposal in principal. However, a planning condition is imposed to restrict the construction hours in order to minimise the disturbance to local residents. Additional informatives would be provided to advise the applicant regarding the necessary actions should be taken in order to minimise adverse impact upon the neighbouring occupiers.

#### 5.5 Design and Visual Amenity

The area is characterised by a group of single aspect detached dwellings, which are constructed with brickwork and tiles. All the existing dwellings are two-storey with a mono-pitched roof, and some of properties have a high level obscured glazed window.

Although the Park is very unusually designed estate, there are groups of different styles and ages of semi-detached or detached residential properties to

the south and the west of the site. The site is located at the end of the cul-de-sac and can only be accessed via a vehicular lane between existing properties.

The proposed dwellings would be two-storey detached buildings with a reasonable sized garden at the rear. They would have a pitched roof and would be constructed with Ibstock Leicester Autumn Multi for the main part of the buildings with Brunswick Wilton Yellow brick quoins, under black plain roof tile. There would be two good-sized garages at the southern corner of the site. Officers consider that the proposed materials are acceptable and proposed layout is in line with the approved site plan of the outline planning permission. Although the proposed dwellings would have different character and appearance, officers do not consider that it would be necessary to replicate the design of the existing dwellings due to its discreet location. In addition, the submitted brick and tile sample would reflect the appearance of the area that would not cause a detrimental impact upon the appearance of the locality.

Officers therefore consider that there would not be any substantial reasons to refuse this application on design ground.

- 5.6 The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. A density calculation on the site provides a density of approximately 13 dwellings per hectare. Whilst the density is relatively low, given the sub-urban surroundings of the site with large gardens and open space it is considered that this density is acceptable for its location, given the constraints of the access.
- 5.7 The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and the site is surrounded by a mixture of residential development and associated gardens and open space. It is not considered that the development will be subject to any levels of disturbance over and above levels expected at a residential property within the urban area.
- 5.8 Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposal. As the application is for the erection of two houses only, it is not considered that sufficient extra demand will be placed upon existing services to warrant to request of Section 106 contributions.
- 5.9 Other issues:

Impact upon Public Rights of Way:

The Parish Council would like to see the stone boundary wall between the site and Public Right of Way reinstated, where needed, as the stone is still there.

The Public Rights of Way Officer has studied the submitted details, and considered that the proposal is unlikely to affect the nearest recorded public right of way, ref. MA16, which runs behind the western boundary of the site. Therefore Officers have no objections to the proposal and consider that it would not be justify to request the applicant to reinstate the existing boundary wall, which would be unlikely affected by the proposal.

#### Drainage and flooding:

Concerns have been raised regarding the drainage of the site (also due to the loss of conifer trees as indicated by local residents). The submitted site plan shows that permeable surface are proposed to the access / driveway, parking and turning area. Officers therefore have no objection to the proposal subject to a planning condition to be impose to ensure sustainable surface water drainage system would be installed. In addition, all hardstanding area would be constructed of bound permeable materials.

#### Building foundation

Concern has been raised regarding the foundation of No. 17 Sandringham Park due to the proximity of the new dwelling in Plot 1. It would be applicant's responsibility to ensure that the building is structurally sound and will meet all regulations and legislations and to ensure the new building (including the construction method) will not affect the neighbouring properties. It is also a private civil matter between the applicants and the adjoining owners under the Party Wall Act. Therefore it is a planning material consideration.

#### 5.10 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document. The statement addresses how the revised application overcomes the previous inspectors decision to warrant the granting of planning permission.

### **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 SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION IN ACCORDANCE WITH ARTICLE 31 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2010.

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

This represents a summary of the reason for granting planning permission, further details are set out in the application report under the reference number cited at the top of this decision notice.

a) Due to their scale and position in relation to the adjacent dwellings, the proposed dwellings are considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policies H2 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

- b) It has been assessed that the proposed dwellings have been designed to respect and maintain the massing, scale, proportions and materials. Although the design of the new dwellings would be different from the surrounding properties, the proposal has demonstrated a good standard design has been achieved and that would not cause adverse impact upon the character of the adjacent residential development, the street scene and surrounding area. The development therefore accords to Policies H2 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
- c) The proposal would provide adequate off street parking within the site in accordance with the Councils adopted parking standard. In addition, the proposal would result in no significant issues from increased traffic. The proposal is therefore considered to be acceptable in highway safety terms in accord with Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- d) The application demonstrates that it would not result in any adverse flooding or drainage effects, or any adverse impact upon the natural environment in accordance with the requirements of Policies L1, L9, EP2, L17 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

## **7. RECOMMENDATION**

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

**Contact Officer: Olivia Tresise**  
**Tel. No. 01454 863761**

### **CONDITIONS**

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

Reason

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

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

Reason

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

3. The off-street parking facilities shown on the plan hereby approved shall be provided before any of the buildings are first occupied, and thereafter retained for that purpose.

Reason

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

4. Prior to the commencement of development a full arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details of temporary ground protection of the exposed root protection area, a time scale for the construction of the new access, and the construction details of the new access. The works shall be strictly carried out in accordance with the approved details.

Reason

In order to protect the health and longevity of the protected trees on site and to comply with the requirements of Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of development an ecological survey shall be carried out by the Avon Wildlife Trust, as previously agreed with planning permission PK08/2912/O, for slow-worm and hedgehog. A survey report with mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation strategy shall be carried out accordingly.

Reason

To protect the wildlife and the ecological interests of the site, in accordance with Policies L8 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The landscaping scheme including the scheme of mixed native shrubs to provide nesting / feeding habitats for a range of local bird species and the provision of nest boxes shall be implemented prior to the first occupation of the dwellings hereby approved.

Reason

To protect the wildlife and the ecological interests of the site, in accordance with Policies L8 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The proposed parking and turning area, access and any hardstanding area in front of the new dwellings hereby approved shall be constructed of permeable bound surface, and shall be maintained as such thereafter.



Reason

a. To minimise the effect of any flooding which may occur and to comply with Policies L17, L18 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

8. No windows shall be inserted at any time in the side north east elevation of the proposed dwelling in Plot 1 and no windows shall be inserted at any time in the side elevations of the proposed dwelling in Plot 2.

Reason

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

9. The hours of working on site during the period of construction shall be restricted to Mondays to Fridays 07.30am to 18.00pm and Saturdays 08.00am to 13.00pm and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

10. Prior to the commencement of development, the location of the bin collection point shall be submitted to and approved in writing by the Local Planning Authority. In addition, details of bins storage area shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out in accordance with the approved details.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

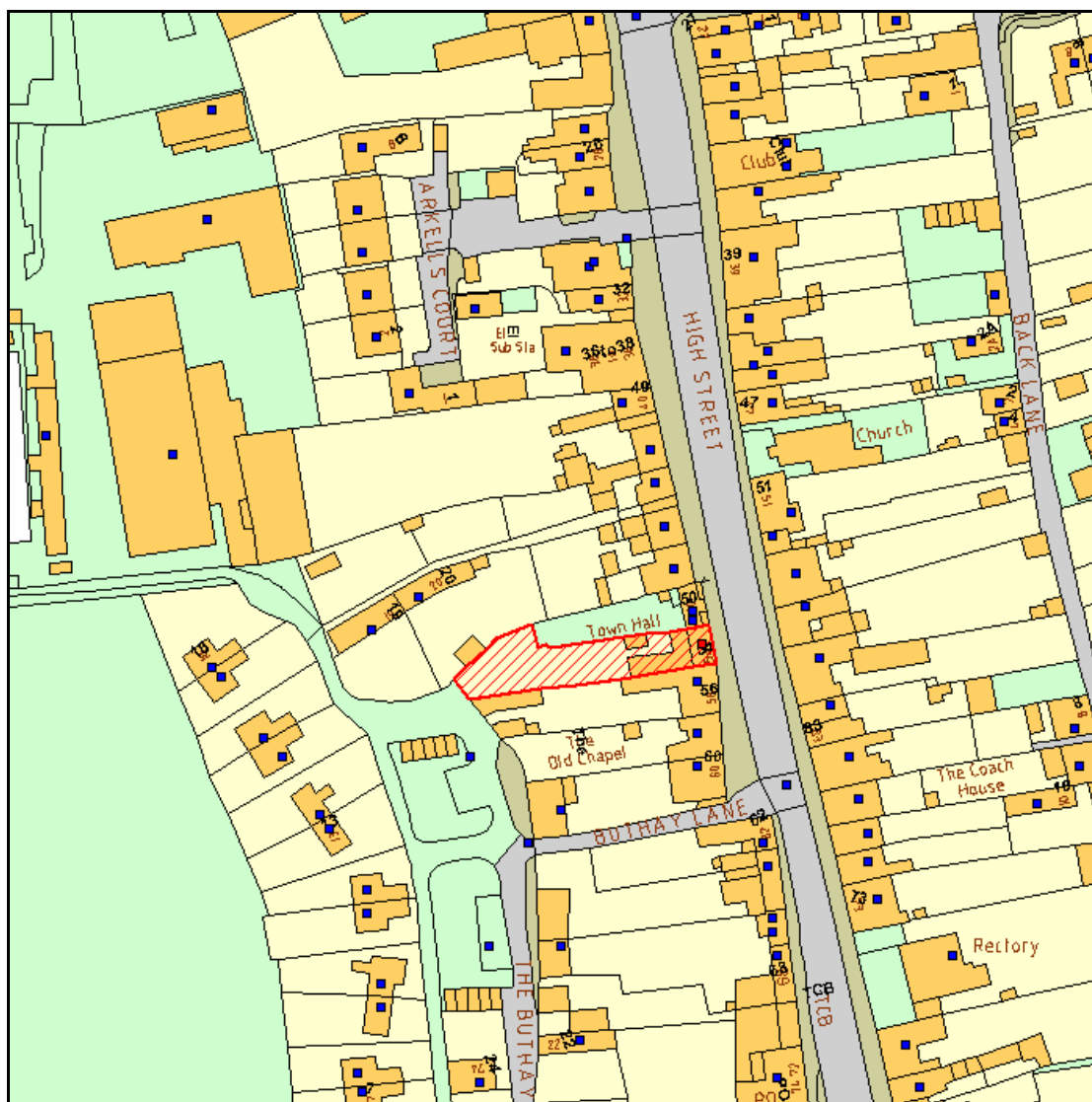
11. The main part of the proposed dwellings hereby approved shall be finished with Ibstock Leicester Autumn Multi with Brunswick Wilton Yellow for the quoins / corner pillars of the buildings. Black plain tiles shall be used for the construction of the roof of the new dwellings. Any variations to the approved materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 06/13 – 8 FEBRUARY 2013

<b>App No.:</b>	PK12/4057/F	<b>Applicant:</b>	Mr I Mackie
<b>Site:</b>	54 High Street Wickwar South Gloucestershire GL12 8NP	<b>Date Reg:</b>	14th December 2012
<b>Proposal:</b>	Erection of single storey extension and conversion of existing detached garage/games room to form residential annexe.	<b>Parish:</b>	Wickwar Parish Council
<b>Map Ref:</b>	372408 188429	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Householder	<b>Target Date:</b>	6th February 2013



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N.T.S.

PK12/4057/F

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

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

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a single storey extension and conversion of an existing detached garage/games room to form a residential annex.
- 1.2 The application site relates to a grade II listed building. It is a two-storey terrace dwellinghouse within an historic burgage plot in the conservation area of Wickwar.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

NPPF National Planning Policy Framework March 2012

#### **2.2 Development Plans**

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

D1 Achieving Good Design in New Development

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

L12 Conservation Areas

L13 Listed Buildings

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

CS1 High Quality Design

#### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist (Adopted 2007)

Wickwar Conservation Area SPD (Adopted 1998)

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

- |     |            |   |
|-----|------------|---|
| 3.1 | P89/1566/L | Replacement of 4 windows and front door, remove existing render |
|     | Approved   | 14.6.89   |
| 3.2 | P93/2084   | Erection of single storey rear extension to provide kitchen     |
|     | Approved   | 20.9.93   |
| 3.3 | P93/2085/L | Erection of single storey rear extension to provide kitchen     |
|     | Approved   | 19.9.93   |

3.4	P94/2349 Approved	Erection of detached single garage 14.11.94
3.5	P94/2350/L Approved	Erection of detached single garage. Minor works of demolition to provide access 13.11.94
3.6	P96/1182 Approved	Erection of first floor rear extension to provide bathroom and bedroom 3.6.96
3.7	P96/1183/L Approved	Demolition work to facilitate erection of first floor rear extension to provide bathroom and bedroom 3.6.96
3.8	PK04/0228/F Refused	Erection of detached garage with games room above 4.3.04
3.9	PK04/1972/F Approved	Erection of detached garage and games room 27.7.04
3.10	PK09/0828/F Approved	Demolition of 2 rear extensions to facilitate erection of single storey rear extension and replacement windows in front elevation 15.6.09
3.11	PK10/0892/LB Approved	Installation of replacement windows to front elevation 28.6.10

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

4.1 Wickwar Parish Council  
No objections

4.2 Other Consultees [including internal consultees of the Council]

Conservation Officer

No objection subject to conditions on the decision notice

Archaeology Officer

No objection subject to a condition attached to the decision notice

#### **Other Representations**

4.3 Local Residents

One letter of objection has been received from a local resident. The points are summarised as:

- overdevelopment of the historic burgage plots

- site would be open to future modification to either become a separate unit or have an upper floor added
- permission to convert the garage would set a precedence
- permission would increase issues of traffic and parking
- application states four parking places on the property – find this difficult to see
- if property is divided in future will result in loss of street parking for No. 54 High Street
- difficult to see how a conventional garage could be converted to meet current building regs
- an extension within the main building might be more acceptable although this would be unlikely to provide elements required for independent living

## 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. Policies T8 and T12 advise of maximum parking standards and seek to ensure that development will have no adverse impact on highway safety. Policy L12 states development within a conservation area should preserve or enhance the character or appearance of that area and L13 covers listed buildings where development will only be permitted if the alterations or additions preserve the building and its setting and features; if it keeps features of architectural or historic interest and the character, historic form and structural integrity of the building would be retained. The proposal is deemed to accord with the principle of development.

### 5.2 **Design and Visual Amenity**

The proposal would be for a small extension to an existing garage/games room erected in the rear garden of this grade II listed building. The garage was approved on the basis that this part of the conservation area is characterised by small ancillary outbuildings and garages along the narrow back lanes of the medieval settlement. The garage was designed as a single storey, L-shaped building set behind timber gates. Due to the surrounding buildings and boundaries, the structure is not very visible from the public realm and sits at the end of the garden of the listed building. The proposal is to add a small addition to the eastern end of the structure which is to provide extra internal space for a ‘garden room’ with additional glazing and views into the main garden. Given the above it is considered that the proposal accords with Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.

### 5.3 **Conservation Officer**

In terms of visual and physical impact, the building will not change in appearance when viewed from the lanes to the west, and the addition will be

contained in the small kink in the boundary wall so that there will be limited impact on the setting of the listed building.

- 5.4 It is therefore, considered that the proposed extension would not have a detrimental impact on the setting of the listed building or the character and appearance of the conservation area on its own. However, the main concerns relate to the potential impact of the use of the building which could lead to pressures to extend further or to subdivide the plot into two. Both of these would, in officer opinion, be harmful to the setting of the listed building since the garage occupies part of the historic burgage plot associated with the main house. The division of these plots will, as stated in the adopted Conservation Area SPD, be resisted and any further extension, up or out, will increase the domestic scale and character of the building which would erode the character of the area and the setting of the listed building. It is advisable, therefore, to attach conditions to any permission withdrawing PD rights from the converted building, and to tie the use of the building to being ancillary to the main house. Any new fencing or walling within the garden to divide the site will require planning permission in any instance, under Part 2, Class A1 (d) of the GPDO.
- 5.5 In conclusion there is no objection in principle to the proposed conversion and extension providing the structure remains ancillary to the main house and there are controls in place to restrict the further alteration or extension of the building which could harm the setting of the listed building and compromise the character and appearance of the conservation area. As such the proposal accords with Policy L12 and Policy L13 of the South Gloucestershire Local plan (Adopted) 2006.
- 5.6 Residential Amenity  
The proposal is to extend an existing garage situated at the end of the garden and adjacent to the rear access lane. The plot itself is not of uniform shape but is stepped and wider at its most western part. The garage is set within this area and at an angle to the main dwellinghouse. It is currently screened from neighbours to the north at No. 20 The Buthay by a high stone wall of approximately 2 metres in height. To the south is the garage/outbuilding of No. 56 High Street which again is screened from the site by high stone walls. To the west the site opens out onto a communal parking and turning area serving nearby properties. Given the boundary treatments and the distance from neighbours the proposed extension and conversion is considered to be acceptable in terms of its impact on residential amenity of nearby properties. As such the proposal accords with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 5.7 Sustainable Transport  
The application would result in the loss of one garaged parking space. Comments have been received querying the capability of the site to accommodate four vehicles. Given the size of the plot and overall garden, Officers consider that there would be sufficient off-street parking to accommodate the vehicles, albeit using a tandem pattern. As such the proposal would comply with the current parking standards and is therefore

deemed to accord with policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) 2006.

5.8 Archaeology Officer

The application area lies within the archaeologically sensitive medieval small town of Wickwar where significant archaeological structures and deposits might be expected and an archaeological assessment required, however due to the scale of the work the most expedient response would be to add an archaeological Watching Brief condition to any planning permission.

5.9 Other matters

Concern has been expressed that the approval of this application would set a precedence. However, it must be stated that each application has its own unique circumstances and is consequently assessed individually and with regard to its own merits or otherwise.

Comments have been made with regard to the capability of successfully converting a garage into habitable accommodation. This would be covered under Building Control regulations and therefore cannot be considered under the remit of this planning 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 proposed erection of a single storey extension and conversion of an existing detached garage/games room to form a residential annex is considered to be in-keeping with the overall character of the dwelling and surrounding area in terms of its scale, design and the materials used. Furthermore, the existing level of residential amenity afforded to neighbouring properties is protected. As such the proposal accords with Policies D1, H4, L12, L13, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

- 7.1 That the application be **APPROVED** subject to the conditions written on the decision notice.

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

## **CONDITIONS**

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

Reason

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

2. The facing stonework and tiles shall match the existing original stonework and tiles in respect of colour, texture, coursing, jointing and pointing.

Reason

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development full details comprising plans at a scale of 1:20 of the following items shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.
  - (a) new door and window joinery;
  - (b) details of the rooflights;

Reason

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

In the interests of visual amenity and to accord with Policy H4 of the South Gloucestershire Local plan (Adopted) 2006.

5. 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 a brief to be obtained from the Council's Archaeology Officer.



Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

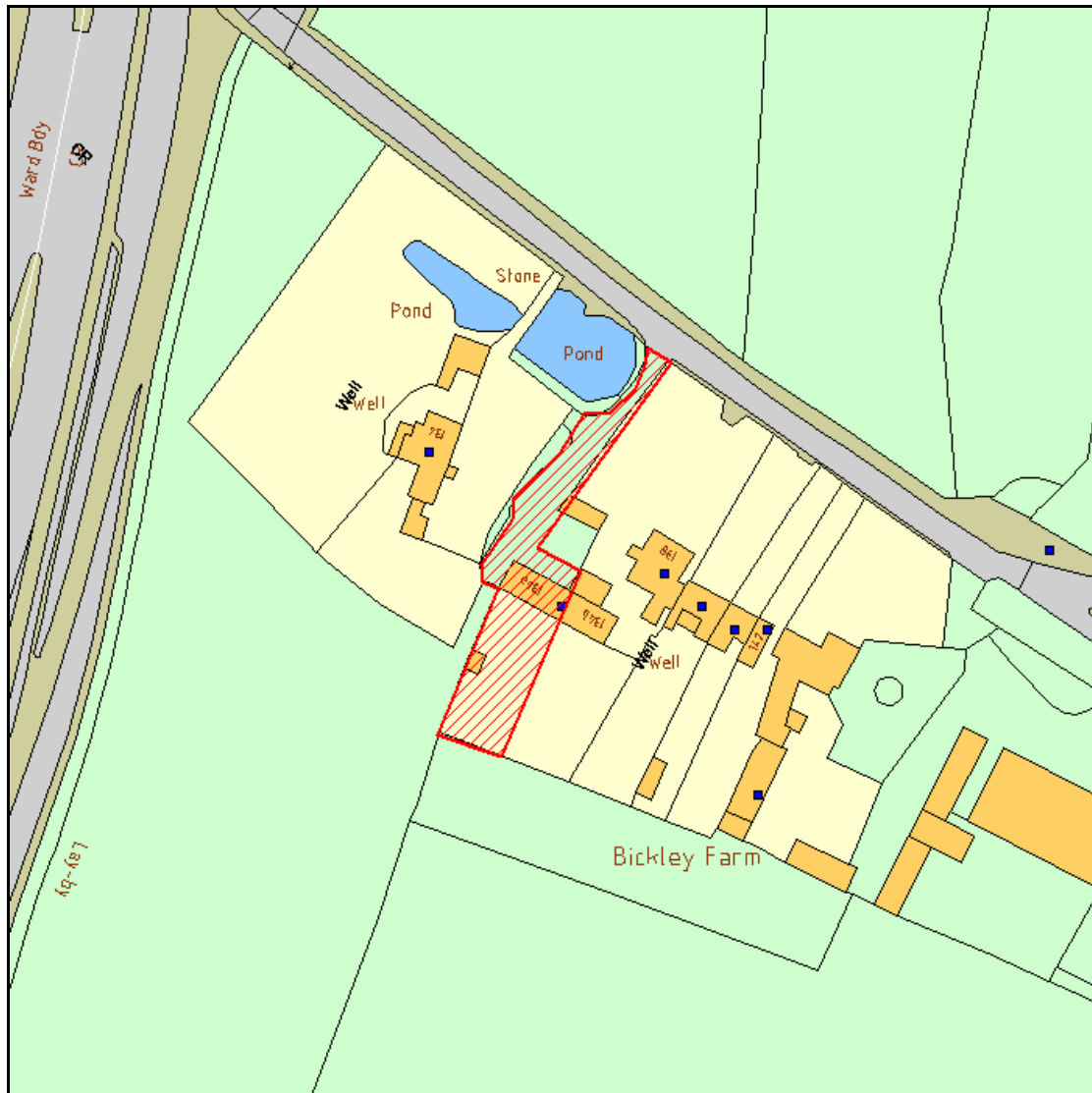
6. The annex hereby permitted shall not be occupied at any other time other than for single family purposes as part of the main residential use of the dwelling known as No. 54 High Street, Wickwar, Wotton under Edge, GL12 8NP. For the avoidance of doubt this permission does not grant planning permission for use of the annex as a separate residential unit.

Reason:

To allow the Council to consider the impact of subdivision on parking and amenity space and to accord with Policies H4, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

## CIRCULATED SCHEDULE NO. 06/13 – 8 FEBRUARY 2013

<b>App No.:</b>	PK12/4209/F	<b>Applicant:</b>	Mr Lee Shellard
<b>Site:</b>	Old Oast House 134A Abbots Road Hanham Bristol South Gloucestershire	<b>Date Reg:</b>	31st December 2012
<b>Proposal:</b>	Installation of 3 no. rear dormers to facilitate loft conversion (Resubmission of PK12/1705/F)	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	364646 170466	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	15th February 2013



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**N.T.S.**

**PK12/4209/F**

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

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

### **1. THE PROPOSAL**

- 1.1 The application is for the installation of 3 no. rear dormers in order to facilitate a loft conversion and is a resubmission of a previous application (PK12/1705/F), which was withdrawn.
- 1.2 The property is a semi detached dwelling and a locally listed building. The application site also lies within the setting of a number of designated and non-designated heritage assets and is located within the Hanham Abbots Conservation Area. The site is also located within Green Belt.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
L12 Conservation Areas  
L13 Listed Buildings  
L15 Buildings and Structures Which Make a Significant Contribution to the Character and Distinctiveness of the Locality  
T8 Parking Standards  
T12 Transportation Development Control Policy for New Development
- South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.

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

- 3.1 K1325 – Conversion of barn to dwelling unit. Refused 2<sup>nd</sup> April 1976.
- 3.2 K1325/1 – Conversion of existing building to two dwelling units with garages and septic tank. Approved 12<sup>th</sup> January 1979.
- 3.3 PK12/1705/F – Alterations to roofline to include 3 no. rear dormers with balcony to facilitate loft conversion. Withdrawn 26<sup>th</sup> June 2012.

## 4. CONSULTATION RESPONSES

### 4.1 Hanham Abbots Parish Council

We object to this application primarily on the grounds of parking and access issues. With the increase in bedroom number there is a potential increase in the number of vehicles parking outside this property. There are no parking facilities on Abbots Road so vehicles would be forced to park on the common lane which is shared by all the neighbouring properties, thus causing an obstruction to vehicles requiring access, including emergency vehicles and the vehicle that empties the septic tanks for the neighbouring properties. There are also concerns that additional vehicles parking in the lane will cause an obstruction to the neighbouring farmer, who requires access to his field through gates at the end of this shared lane. A sites inspection is recommended.

### Other Representations

#### Public Rights of Way

The proposed development is not likely to affect the public right of way PHA18/30. No building materials should be stored on the right of way.

#### Conservation Officer

No objection, subject to conditions, to the proposed scheme, as the scale and design of the proposed dormers would represent a sympathetic addition to this locally listed building.

#### Landscape

No landscape comments in addition to those made by the Conservation Officer

#### Historic Environment

No further comments in addition to those of the Conservation Officer

#### Sustainable Transportation

The proposal does not increase the footprint of the building but seeks to create additional living accommodation in the roof. The property currently has an integral garage. This would not change as a result of this application. It does not appear possible to increase the parking provision due to land ownership and access issues. The existing provision on site meets the Council's current maximum parking standards. The existing garage should be retained for parking provision.

### 4.2 Local Residents

2 letters raising issues and points have been received from local residents. One of these letters is on behalf of 4 households in the area. The points and issues raised are summarised as follows:

- the dormers represent a great improvement upon the previous submission which was withdrawn
- it is assumed that the Conservation Officer would be consulted
- the dormers would need to be built in proportion and scale to the first floor windows
- a restriction should be put in place to ensure the velux window (located

- between the dormers) is not converted into a balcony or sundeck
- It is essential that any building works carried out allows for full continued access across the courtyard to the other property/garage.
  - The additional bedrooms that the loft conversion would create a 5 bedroom dwelling which would potentially place more pressure on the limited parking space available on the lane, and access is always needed for regular service vehicles and to the adjoining farmland to the rear
  - It is noted that a building control application for conversion of the garage has been submitted which may affect the parking provision for the property
  - Concern over the increase in bedrooms at the house and the loss of parking provision from the garage
  - elements of the application form are wrong i.e. whether the site is visible from the public footpath and whether the application affects parking provision
  - the red line application boundary is wrong

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space. Policies L12, L13 and L15 seek to protect the character and appearance of historic environment and the buildings within it.

### 5.2 Green Belt

Green Belt policy allows for limited extension of existing dwellings. It is considered therefore that the dormer proposals are appropriate development within their Green Belt context.

### 5.3 Conservation Area - Design / Visual Amenity

No.134A Abbots Road is locally listed in recognition of it being considered a building that makes a significant contribution to the character and distinctiveness of the locality. The application site also lies within setting of a number of designated and non-designated heritage assets and is located within the Hanham Abbots Conservation Area. The property is a relatively simple rectangular building constructed in pennant stone and dual pitched Roman clay tiles, and was originally constructed as an agricultural building, being later converted into an oasthouse and brewery corn store. Following a number of storage and commercial uses the property was subsequently converted and subdivided into residential dwellings in the 1970's. The building has largely retained its historic external appearance. The application follows a previous scheme for a larger 'box-type' dormer that was previously withdrawn.

The proposed scheme would see 3no. dormers and 1no. conservation roof light added to and inserted into the rear (south facing) roof plane. It is considered that although the dormers would interrupt the roof plane, due to their considered design, scale and detailing, their visual impact on the host building would be as sympathetic to the existing aesthetic appearance of the subject

building as reasonably possible. The scale of the dormers will remain suitably subservient both individually and cumulatively.

5.4 Residential Amenity

The proposed dormers would be to the rear of the property, above existing rear facing windows towards the applicant's garden. The only dwelling in the immediate vicinity is the attached dwelling to the eastern boundary. Given the overall scale of the proposals and their relationship with the existing dwelling and surrounding properties it is not considered that they would give rise to any significant or material overbearing impact upon neighbouring properties. It is considered therefore that the proposal would be acceptable in terms of residential amenity.

5.5 Transportation

The proposals would remain within the footprint of the existing dwelling. Whilst additional bedrooms would be created, the house will remain as one single dwelling unit. Due to land ownership and layout of the area and the fact that the lane that accesses the property is also used by other dwellings, there appears to be no land that would be solely within the applicants control to designate as part of a planning submission as their own parking space, aside from the garage itself, which is integral to the building. No parking provision would be lost as a result of this application. The existing garage would remain and this is protected by a condition restricting permitted development rights for conversion. The extent of residential parking would therefore be the same as existing and this meets the Council's maximum parking standards. There is no transportation objection to the proposals on this basis.

5.6 Other issues

In terms of the remaining issues raised in the letters received, the building control application referred to (ref.BF12/00693/FP) for the conversion of the garage has in its current form been rejected by the Building Control section. Notwithstanding this the original permission for the conversion of the Oasthouse into residential accommodation (ref.K1325/1) sought to retain the garage for use as a garage, through removal of permitted development rights, and therefore any such proposal would need express planning permission in its own right.

5.7 The addition of a balcony to the property would in its own right require a further and separate planning permission.

5.8 The original red line was submitted showing a larger area associated with the site that included the access lane itself up to the highway. A further red-line boundary plan has however since been received illustrating just the dwelling and the associated rear curtilage. Notwithstanding this and in response also to issues raised over parking, access and rights of way, the granting of planning permission does not grant permission for the development or use of land not within the applicants control or without the consent of other landowners or the obstruction of any existing permissive access and existing rights of way. Informatives can be added to any consent to advise the applicants regarding these civil matters.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed extension is of an appropriate standard in design and is not out of keeping with the main dwelling house, surrounding properties or the sites Conservation Area status. Furthermore the proposals would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. The parking provision for the site would not be reduced as the existing garage would remain. As such the proposals accord with Policies D1, L12, L13, L15, T8, T12 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That planning permission is granted.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## **CONDITIONS**

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

Reason

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

2. The conservation rooflight hereby approved shall be fitted with a central glazing bar and installed so that the upper faces are flush with the surface of the adjoining roof tiles, and thereafter maintained as such at all times.

Reason

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development, samples of the roofing material 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 maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of the relevant parts of the development, details of the flashings for the dormers and render for the gables and cheeks (in terms of finish and composition) shall be submitted to the local planning authority for written approval.

Reason

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006



## CIRCULATED SCHEDULE NO. 06/13 – 8 FEBRUARY 2013

<b>App No.:</b>	PK12/4239/F	<b>Applicant:</b>	Mr J Langdon
<b>Site:</b>	Meadow Barn Siston Hill Siston South Gloucestershire	<b>Date Reg:</b>	24th December 2012
<b>Proposal:</b>	Change of Use of land to residential use (Retrospective)	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	367694 174145	<b>Ward:</b>	Siston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th February 2013



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100023410, 2008.

N.T.S.

PK12/4239/F

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

The Parish Council's consultation reply could be construed as support for the proposal, contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks to retain a strip of agricultural land measuring 31 metres long and varying between 6 metres (at the east) and 9 metres (at the west) wide in residential use. It lies to the end of the rear garden of a converted barn and currently contains a large domestic shed. The site is grassed and divided from the field to the north by a post a rail wooden fence, with an established trimmed hedgerow on the inside of this.
- 1.2 A covering letter was submitted with this application stating that the proposal accords with policy. As such, no very special circumstances have been put forward.

### **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  
GB1 Green Belt  
L1 Landscape  
  
South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
Development in the Green Belt, adopted 2007

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

- 3.1 PK00/1918/F Conversion of barn to dwelling and change of use of land to residential cartilage Approved 2000
- 3.2 PK12/3030/F Retention of summerhouse, oil tank and screening, fencing and gates (retrospective) Approved 2012
- 3.3 PK12/1701/F Single storey side and rear extension Withdrawn

### **4. CONSULTATION RESPONSES**

- 4.1 Siston Parish Council  
Condition – no further development to be permitted on this site

- 4.2 Other Consultees [including internal consultees of the Council]  
Landscape  
No objection under policy L1.
- 4.3 Local Residents  
No replies received

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The issues to be resolved are whether the proposed change of use is appropriate in the Green Belt and whether there would be any adverse impact arising from it on the openness of the Green Belt, along with landscape concerns. The principle of development is set by policy GB1 and the National Planning Policy Framework. With regard to the former, policy GB1 allows for the change of land (inter alia) where it would not have a materially greater impact than the present authorised use on the openness of the Green Belt and it would not conflict with the purpose of including land within it. Analysis of the proposal's impact on the openness of the Green Belt appears at 5.2 below. However, regarding the purpose of including land within the Green Belt, the following applies:

With regard to the provisions of the NPPF, paragraph 79 states that the essential characteristics of the Green Belt are their openness and permanence. At paragraph 80, one of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. At 87 it states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Since this proposal represents encroachment into the countryside through its proposed retention of the change of use of agricultural land to residential, it is considered to represent inappropriate development, as defined by the NPPF. This proposal is therefore harmful to the Green Belt in principle. As stated at 1.2 above, no very special circumstances have been advanced.

### 5.2 Impact on the openness of the Green Belt

The covering letter with this application makes clear that only a change of use of the land is sought. The shed located on it could potentially be relocated as a result of further negotiation. If located within the existing residential curtilage, the shed would require planning permission to comply with condition 2 of PK00/1918/F (se 3.1 above). If it were to be retained within the current site, then it needs planning permission as it changes the use of the land to residential. It is not an agricultural building and therefore it could only benefit from planning permission if this site were to receive planning permission for the proposed use and a condition removing the permitted development rights was not imposed. Because the shed falls within planning control and could be maintained in such a manner, it is accepted that it does not have to be located on agricultural land where it is at present and therefore does not have to form part of this assessment on the impact of the proposed change of use on the openness of the Green Belt. This analysis will therefore concentrate on the other effects of the proposed change of use.

At present, the site is divided by the adjacent agricultural field by a post and rail fence. The land on either side of this is flat and grassed, along with the majority of the rest of the garden. To this extent the position of the fence is arbitrary in terms of the landscape: This fence or a similar boundary treatment which does not require planning permission, would be expected to demarcate the edge of the residential curtilage, wherever it is. It is therefore considered that the proposal accords with policy L1 in this regard. In the same manner, with the site screened from public view by the barn conversion itself and other means of enclosure next to it, the current situation, without the shed, is not considered to have any impact on the openness of the Green Belt.

If the land use were to become residential, structures which require planning permission could be prevented from being erected on it, through a condition removing permitted development rights. However, other residential accoutrements, such as, for instance, a touring caravan, could not be controlled in this manner. However, it is considered that even such residential paraphernalia that would not require planning permission would, in this instance not compromise the openness of the Green Belt in this location due to the degree of enclosure that the site already benefits from. The harm to the Green Belt caused by the development is therefore considered to be limited to the change of use itself and this is reflected in the refusal reason.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That planning permission is refused as the development is inappropriate in, and therefore harmful to, the Green Belt.

**Contact Officer: Chris Gosling**  
**Tel. No. 01454 863787**

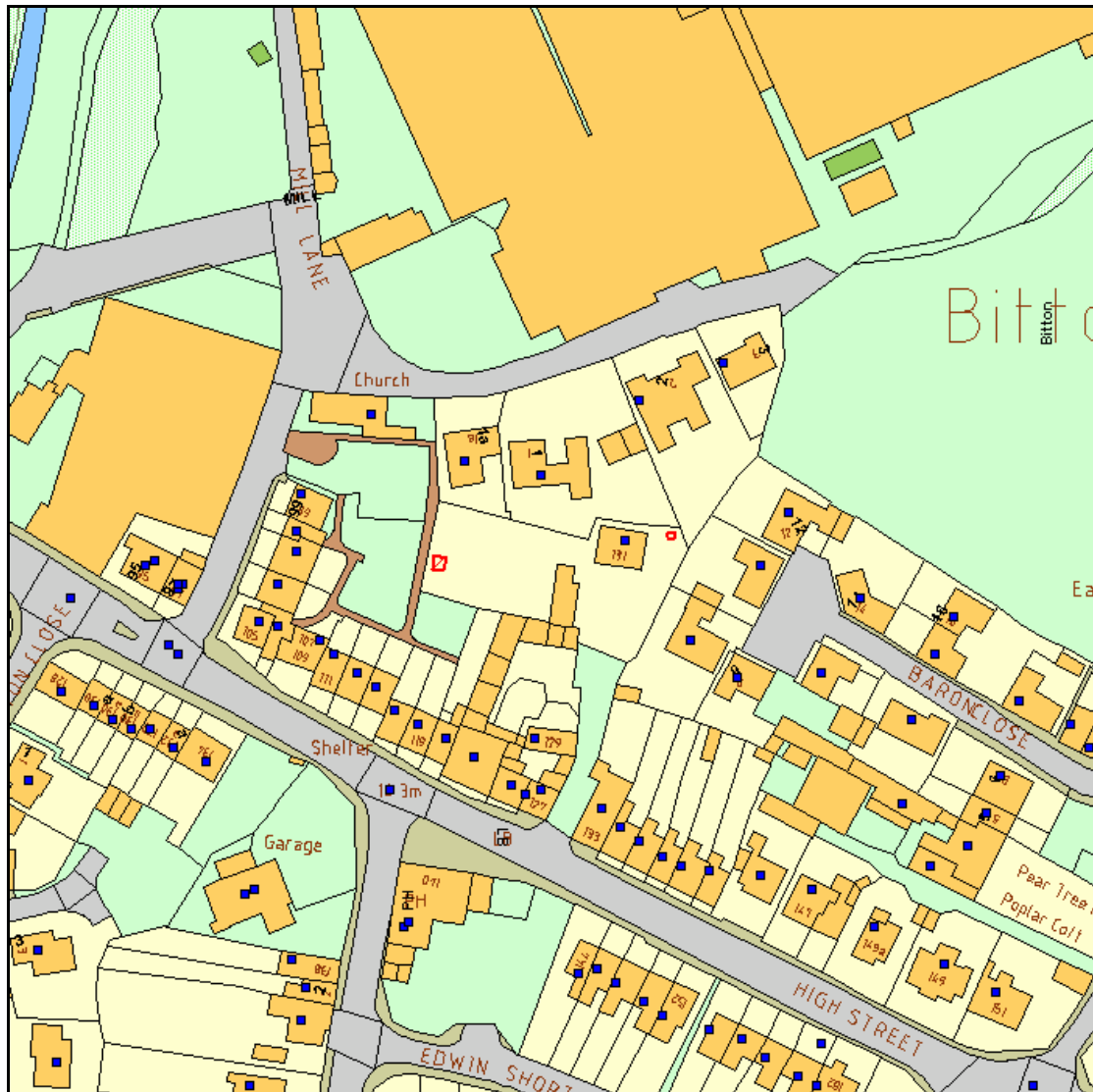
## **REASONS FOR REFUSAL**

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt and is therefore harmful to the Green Belt. The applicant has not demonstrated that very special circumstances apply such that the normal presumption against inappropriate development within the Green Belt should be overridden. The

proposal is therefore contrary to Policy GB1 of the adopted South Gloucestershire Local Plan and the provisions of the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 06/13 – 8 FEBRUARY 2013**

<b>App No.:</b>	PK13/0017/TCA	<b>Applicant:</b>	Mr Geoff Frankcom
<b>Site:</b>	131 High Street Bitton Bristol South Gloucestershire BS30 6HQ	<b>Date Reg:</b>	8th January 2013
<b>Proposal:</b>	Works to remove 2no. Silver Birch trees in the Bitton Conservation Area.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	368166 169684	<b>Ward:</b>	Bitton
<b>Application Category:</b>		<b>Target Date:</b>	18th February 2013



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

Objection received from local resident contrary to officer's recommendation. The report appears for information. Due to strict time parameters for this type of application, the application should not be referred to committee as deemed consent will be granted should the decision notice not be issued before the expiry date of 18th February 2013.

### **1. THE PROPOSAL**

1.1 The application seeks consent to remove 2no. Silver Birch trees within the Bitton Conservation Area.

1.2 The trees are located in the gardens of 131 High Street, Bitton, BS30 6HQ.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

Town and Country Planning (Listed Building and Conservation Areas) Act 1990  
Town and Country Planning (Trees) Regulation 1999

#### 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006  
Policy L12

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

3.1 PK12/3106/TCA - Works to 2no. Silver Birch trees to reduce all overhanging limbs back to boundary. **No objection.**

3.2 PK11/0740/TCA – Works to crown reduce by 30% 1no. Silver Birch tree and crown reduce by 25% 3no. Silver Birch trees and remove 1no. Elder Tree in the Bitton Conservation Area. **No objection.**

### **4. CONSULTATION RESPONSES**

#### 4.1 Bitton Parish/Town Council

Requested the Tree Officer advise on the proposed works

#### 4.2 Other Consultees [including internal consultees of the Council]

Tree Officer – no objection

#### 4.3 Local Residents

One objection received regarding loss of amenity.

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

#### 5.1 Principle of Development

Under the Planning (Listed Building and Conservation Areas) Act 1990 it is recognised that trees can make a special contribution to the character and

appearance of a conservation area. This act makes special provision for trees in Conservation Areas that are not the subject of a Tree Preservation Order (TPO). Under Section 211, subject to a range of exceptions, planning permission is required for proposals to cut down, top or lop a tree in a conservation area. The purpose of this requirement is to provide the Local Planning Authority an opportunity to consider bringing any tree under their control by making a TPO in respect of it. When considering whether trees are worthy of protection in conservation areas, the visual, historic and amenity contribution of the tree should be taken into account.

5.2 Consideration of Proposal

The trees are located in the garden of 131 High Street, within the boundary of the Bitton Conservation Area. The proposed works are to remove 2no. Silver Birch trees.

- 5.3 Both trees are growing within the gardens of the property. The property is set a good distance back from the High Street and, as such, the Silver Birch in the rear garden is barely visible from the public highway. Similarly, visibility of the tree in the side garden is restricted to glimpses from Mill Lane, and therefore both trees offer limited visual amenity to the area.

The tree within the rear garden is a poor specimen which has been suppressed by the neighbouring trees. The removal of this tree should allow the adjacent Silver Birch to establish a more balanced crown.

The tree in the side garden is growing adjacent to another tree and has been suppressed creating a poor structure and weak growth habit. It would appear to have been heavily reduced in the past and is currently showing signs of dieback with large dead branches within the canopy.

- 5.4 Both trees are considered to be poor specimens, offer little visual amenity to the Conservation Area and would not fulfil the criteria for a Tree Preservation Order.

6. RECOMMENDATION

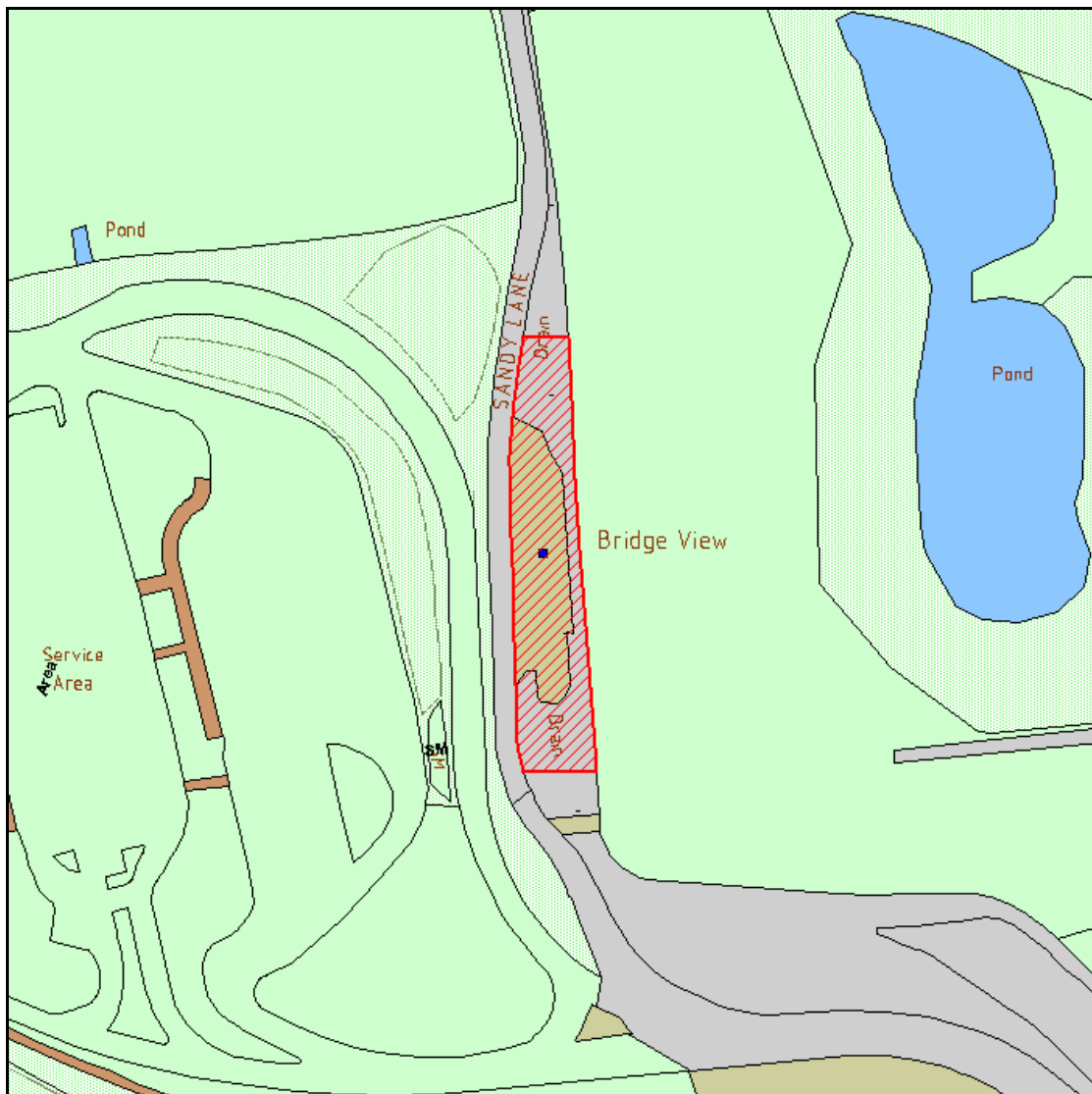
- 6.1 **No objection** to works to remove 2no. Silver Birch trees in the Bitton Conservation Area.

Contact Officer: Chris Roe  
Tel. No. 01454 863427



**CIRCULATED SCHEDULE NO. 06/13 – 8 FEBRUARY 2013**

<b>App No.:</b>	PT12/1916/CLE	<b>Applicant:</b>	Mrs M Butler
<b>Site:</b>	Caravan At Bridge View Travellers Site Sandy Lane Aust South Gloucestershire BS35 4BH	<b>Date Reg:</b>	31st December 2012
<b>Proposal:</b>	Certificate of lawfulness for the existing use of land as residential Gypsy site including 4 no. caravans, 2 no. tourers and associated outbuildings.	<b>Parish:</b>	Aust Parish Council
<b>Map Ref:</b>	357112 189587	<b>Ward:</b>	Severn
<b>Application Category:</b>	Minor	<b>Target Date:</b>	15th February 2013



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

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

### **1. THE PROPOSAL**

- 1.1 The application seeks a Certificate of Lawfulness in respect of the use of land as a residential Gypsy site including 4 caravans, 2 tourers and associated outbuildings.
- 1.2 The application relates to a parcel of land on the east side of Sandy Lane, Aust in front of the Severn View motorway service area. The application site is located outside of any settlement boundary and within the open Green Belt.

### **2. POLICY CONTEXT**

- 2.1 Because the application is for a Certificate of Lawfulness the policy context is not directly relevant and therefore the planning merits are not under consideration. The applicant need only prove that on the balance of probabilities that the current use of the land for the stationing of 4 caravans and 2 tourers has occurred for a continuous period of 10 years up to and including the date of this application. In respect of the outbuildings, the application should demonstrate that these have been in situ for a continuous period of 4 years up to and including the date of the application.

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

- 3.1 N6275: Maintenance hut and compound on land at Sandy Lane. No objection: 12 December 1984
- 3.2 P94/1064/A: Display of illuminated 'GRANADA' letters on parapet above main entrance, and two illuminated pole signs. Advert Approval: 30 September 1996  
  
(This above application appears to include the application site within the same ownership.)

### **4. CONSULTATION RESPONSES**

#### **4.1 Aust Parish Council**

Comments are summarised as follows;

The residents have largely been acceptable neighbours

Accordingly, Aust Parish Council would not oppose this application, but expressed the hope that a way might be found to make the resulting consent personal to the current occupiers.

#### **4.2 Other Consultees**

No comments received

- 4.3 Local Residents  
No comments received

## 5. ANALYSIS OF PROPOSAL

- 5.1 The application relates to land on the east side of Sandy Lane in front of the Severn View motorway service area. The application site is long and narrow and screened from the road by boundary fencing; there are two vehicle entrances at either end of the site.
- 5.2 The issue for consideration is whether the use of this land as a gypsy caravan site to include 4 caravans and 2 tourers has occurred for a continuous period of 10 years up to the date of this application. The application should also demonstrate that the associated outbuildings have been in situ for a period of 4 years up to and including the date of this application. This application is purely an evidential test irrespective of planning merit, and is judged on the balance of probability.
- 5.3 Evidence in Support of the Application  
The application is supported by a red edged site plan identifying the application site and a site block plan. This block plan identifies 2 static caravans, 2 touring caravans, 2 storage cabins, 3 toilet blocks and 2 work areas.
- 5.4 The application form details that the grounds for the Certificate are:  
  
*'I have lived on this land with my family for approx 15 years continuously. I am known to South Glos Traveller Unit and Traveller Education.'*
- 5.5 No further evidence has been submitted in support of the application.
- 5.6 Conflicting Evidence  
The evidence provided is accepted as true unless contradictory evidence indicates otherwise. In this instance, the only further information received is that from the Parish Council as detailed above.
- 5.7 Analysis of Evidence  
Evidence submitted in support of the application is very limited, provides no details in respect of the number of caravans, tourers and buildings on the site over the requisite period and no information concerning who has occupied the site (with the exception of the applicant's details). Moreover, the description of development is vague relating to caravans and tourers, (which might be assumed as the same) although it is noted that the application form states 'static caravans' and 'tourers'. The application form does however confirm that the applicant and her family have lived on the site for 'approx 15 years'.
- 5.8 Further to the above, the number of caravans and tourers shown on the block plan does not accord with the numbers detailed on the application form and included in the description of this application. In general terms, it does however appear to reflect what was on site at the time of the Officer site visit whilst it is also noted that given the nature of the site use; the numbers of caravans/tourers might fluctuate.

- 5.9 Having regard to aerial photographs of the site, the Council has access to photographs dated 1991, 1999, 2005, 2006 and 2008/9. The first of these appears to show a completely empty site whilst by 1999; there appears a small building in the middle of the site with what might be 2 touring caravans behind. Nonetheless, both of these images are in excess of 10 years prior to the date of this application.
- 5.10 The 2005 image shows what appears 3 static caravans at the rear of the site with what appears 2 touring caravans along the front. The storage cabins and toilet blocks are not apparent. The 2006 image shows a mix of 8 static caravans and tourers albeit with the toilet blocks and at least 1 storage cabin not in the position now shown. Finally, the 2008/9 image shows 2 static caravans in a similar position to that shown on the block plan and 2 touring caravans with 1 in the same position. 1 storage cabin appears visible but the 3 toilet blocks do not appear to show.
- 5.11 By way of conclusion, whilst the aerial photographs would appear to show static and touring caravans on site, their number fluctuates and generally does not appear to reflect that detailed as part of the application. Moreover, the details submitted are both limited and vague. For these reasons, it is considered that on the balance of probability, the application fails to demonstrate that the land has been used as a residential gypsy traveller site to include 4 caravans and 2 tourers for a continued period of 10 years up to and including the date of this application. It also fails to show that the associated outbuildings (shown on the block plan) have been in situ for a period of 4 years up to and including the date of this application. Refusal of this certificate is recommended on this basis.
- 5.12 These concerns have been discussed and it is understood that further information and supporting documents are to be submitted; this would be as part of a new application.

## 6. **RECOMMENDATION**

- 6.1 A Certificate of Lawful Use is **REFUSED**.

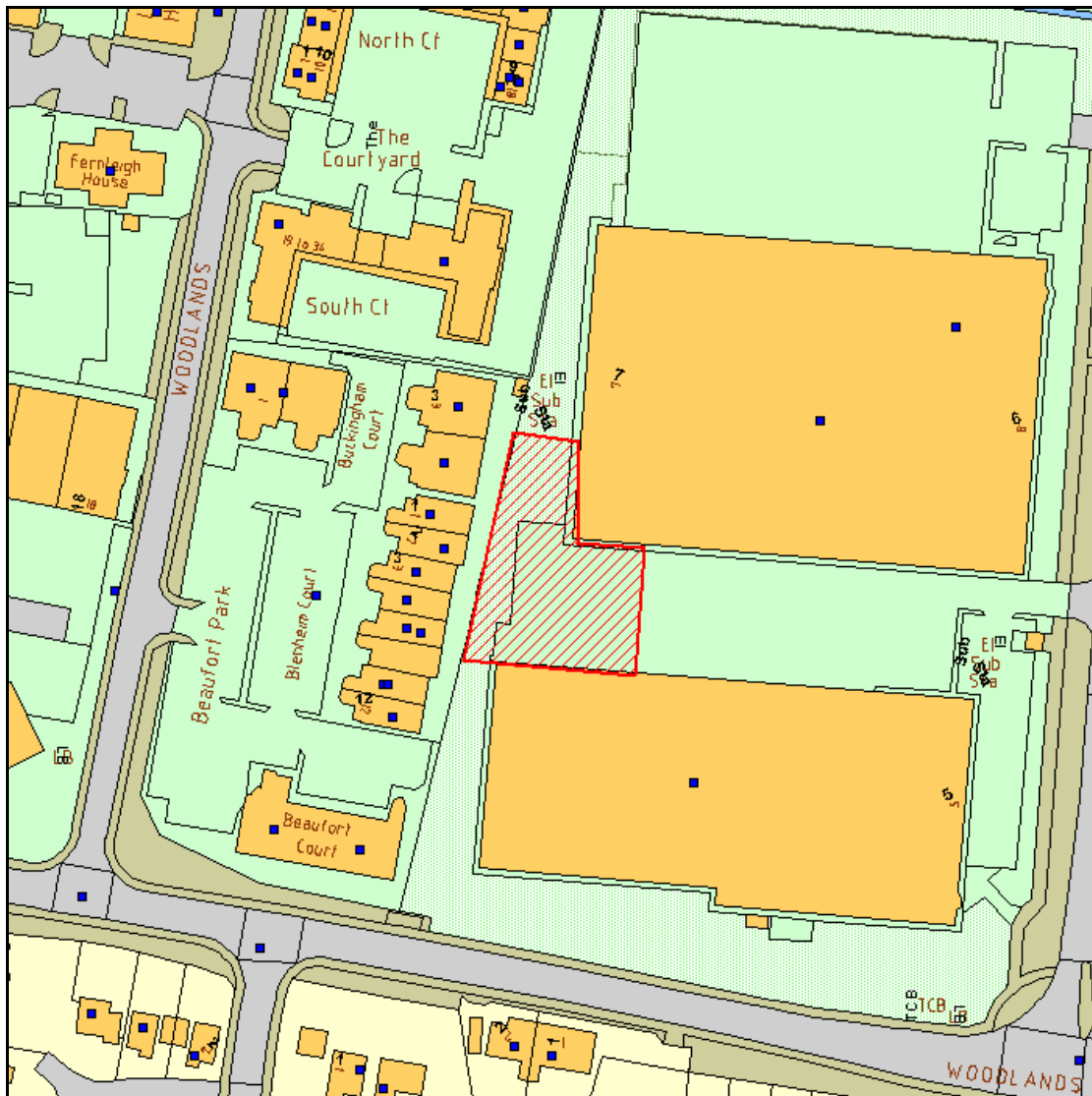
**Contact Officer: Peter Burridge**  
**Tel. No. 01454 865262**

## **REASONS FOR REFUSAL**

1. The evidence is limited, ambiguous and is insufficiently precise to demonstrate that, on the balance of probability, the land has been used as a residential gypsy site including 4 caravans and 2 tourers for a continuous period of 10 uninterrupted years up to and including the date of this application. It also fails to demonstrate that, on the balance of probability, the associated outbuildings have been in situ for a continuous period of 4 uninterrupted years up to and including the date of this application.

**CIRCULATED SCHEDULE NO. 06/13 – 8 FEBRUARY 2013**

<b>App No.:</b>	PT12/3235/F	<b>Applicant:</b>	DST Output Ltd
<b>Site:</b>	Unit 6B Bristol Distribution Park Hawley Drive Bradley Stoke South Gloucestershire	<b>Date Reg:</b>	8th October 2012
<b>Proposal:</b>	Erection of single storey extension to form a link between units 5 and 6B	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	361837 183322	<b>Ward:</b>	Bradley Stoke North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	29th November 2012



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

This application is reported to circulated as a result of the neighbours objection.

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of a linking extension of 38.6m long and 10.5m wide between unit to B2 units at Hawkley Drive off Woodlands Lane, Bradley Stoke. The extension is at the rear of this site and would serve to facilitate dry passage of goods between the two units used by DST. The proposal would be finished in metal panels in a mushroom coloured plastisol coating with 'Stuart Buff' coloured bricks as existing. The roof will be single ply membrane to match the existing structures.
- 1.2 The site is located within the Protected employment site E4(5) Woodlands Lane.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
Section 7 Requiring good design
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
E3 Criteria for assessing employment development within urban areas/defined settlements or permitted by policy E4  
E4 Safeguarded Employment Areas  
T12 Transportation Development Control Policy for New Development  
L1 Landscape  
  
South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

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

- 3.1 PT01/3353/F Construction of loading ramp. Erection of cooling condensers. Erection of smokers shelter adjacent to cycle shelters. Approved.
- 3.2 PT01/3515/F Installation of fan cowls, flue terminals and fresh air louvres. Approved
- 3.3 PT00/0491/F Subdivision of warehouse, storage and distribution unit (Class B8) to from two units (one unit Class B8, one unit B1, B2, and B8) without

complying with Condition 16 attached to planning permission reference P93/0020/370. Minor elevational alterations. Approved 21.04.2000

- 3.4 PT00/0490/F Change Of Use From B8 & Ancillary Office To B1, B2 & B8. Approved 31.03.2000

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

- 4.1 Bradley Stoke Town Council  
No objection

- 4.2 Highways Officer  
No objection

- 4.3 Building Control Officer  
The regrading is not considered to affect the stability of the existing buildings to the rear as a result of the application.

- 4.4 Drainage  
No objection

- 4.5 Local Community  
One objection received from a neighbouring office unit in Blenheim Court raising the following concerns
- loss of trees and foliage as it would change the natural habitat of the area
  - loss of a considerable amount of privacy.

#### **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. This site is located within the Safeguarded Employment Area in the settlement of Bradley Stoke. As such the location is sustainable and the presumption in favour of development stands to be tested further in relation to the policies of the local plan.

- 5.2 Policy E4 and E3 together seek to approve development for employment uses subject to certain criteria which include the retention of the existing employment uses and other issues which are addressed below.

- 5.3 Impact on neighbours and environment  
The proposal is a modest linking structure in relation to the scale of the host buildings and would have no material impact on the character of the Employment area. The company seeks privacy in their operation and as such no windows are proposed in the linking structure which is only intended to

facilitate dry goods being transported from warehouse to the production area. Offices are located behind the site in Blenheim Court and these are located at a higher land level than the subject site. A bank of trees and shrubs will need to be modified as the proposal would be cut into the bank and the bank regraded. Details of this are provided together with a landscape scheme to re-plant the regraded bank.

The 10m distance between the proposal and the offices at the rear, together with the land level changes result in there being no material harm to the enjoyment or privacy of the offices in Blenheim Court behind the proposal. Further the regraded bank is not considered to affect the stability of the existing buildings to the rear of the site as a result of the application, although the developer is ultimately responsible to ensure that the works do not affect neighbouring land.

The landscape proposal is considered appropriate to replace the necessary short term removal of established planting. This can be adequately controlled by an appropriate condition.

#### 5.4 Transportation

It is understood that this extension will form a covered way to connect Unit 6B with the adjacent Unit 5, thereby allowing goods and personnel to be moved from one building to the other without going outside. As these two buildings are currently occupied by a firm of printers this would prevent damage to their products. Consequently, officers do not consider that this proposal is likely to raise any material highway or transportation issues and so have no comments about this application. However in order to ensure that the proposal is not used for another use which might increase the intensity of the use, and lead to transportation concerns, it is necessary to impose a condition that the linking corridor is only used for storage and distribution in conjunction with the existing use.

## 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.

- 1 The proposal has been designed to be in keeping with the character of the area taking into account the design, siting, height and materials of the existing building and surrounding area – Policies E3 and D1 South Gloucestershire Local Plan (adopted) January 2006; South Gloucestershire Design Checklist SPD.
- 2 The concerns of nearby occupants have been addressed and are not considered to pose material harm to the use of the offices by reason of loss of privacy or natural light, by being overbearing or due to the earthworks - Policies E3 and D1 South Gloucestershire Local Plan (adopted) January 2006.



3 The loss of landscaping is mitigated adequately by the imposition of a condition to replant the area around the building works. As such the proposal is considered to be compliant with Planning Policy L1 (Landscape) of the South Gloucestershire Local Plan (Adopted) January 2006.

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 'linking corridor' hereby permitted shall only be used for storage and distribution (use class B8) in association with units 5 and 6B Bristol Distribution Park.

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.

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

Reason

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

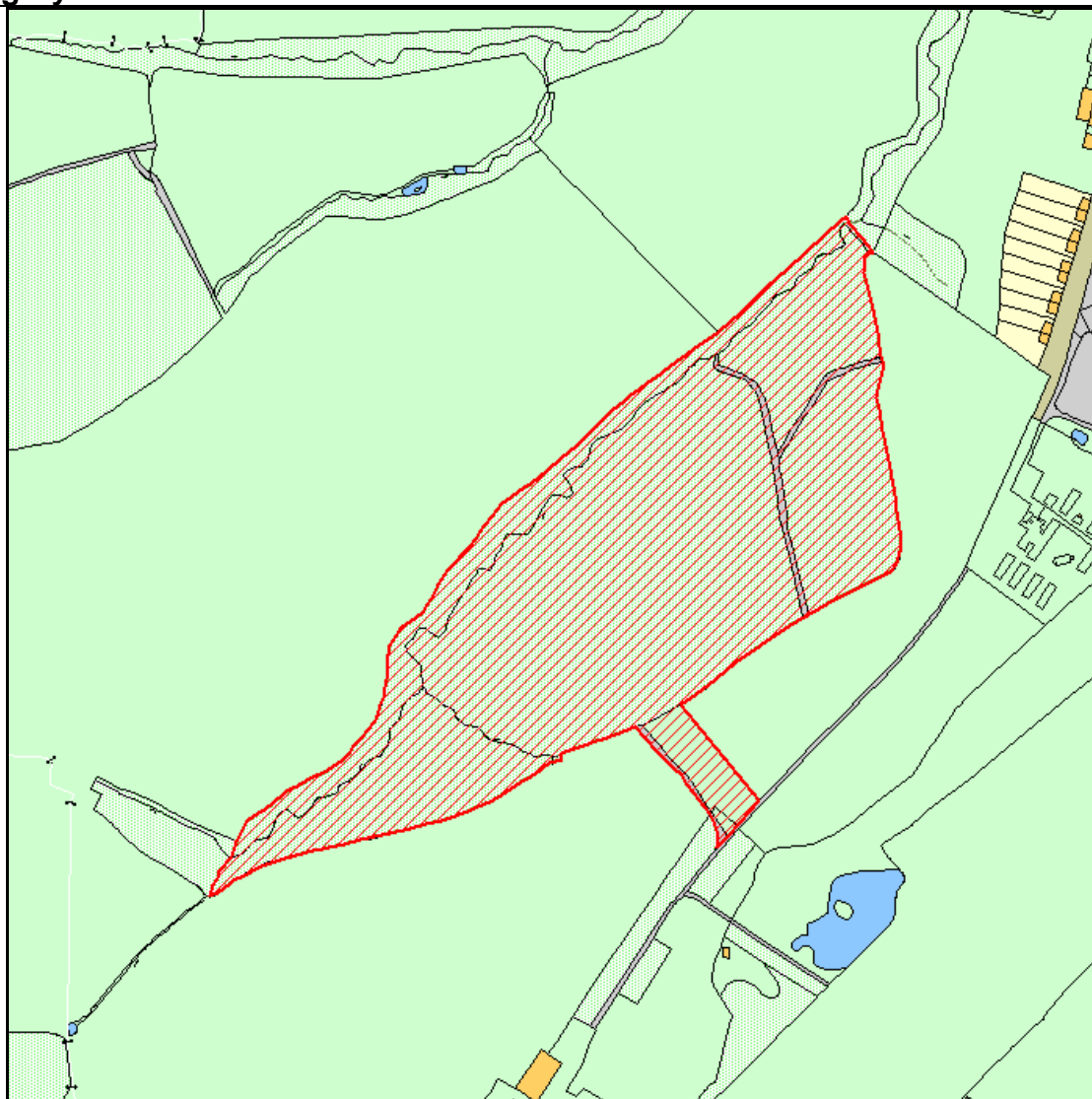
4. All hard and soft landscape works shall be carried out in accordance with the approved details on plan 3556/004 rev K before the end of the first planting season following the first use of the linking corridor or in accordance with a programme agreed with the Local Planning Authority.

Reason

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

## CIRCULATED SCHEDULE NO. 06/13 – 08 FEBRUARY 2013

<b>App No.:</b>	PT12/3395/F	<b>Applicant:</b>	Mr Duncan Gass
<b>Site:</b>	Land At Stumps Wood Gloucester Road Whitfield Wotton Under Edge South Gloucestershire	<b>Date Reg:</b>	30th November 2012
<b>Proposal:</b>	Erection of base camp and ancillary structures with associated works and construction of car park. Change of use of land from agriculture to car park. (Retrospective)	<b>Parish:</b>	Falfield Parish Council
<b>Map Ref:</b>	366868 191384	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Major	<b>Target Date:</b>	27th February 2013



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PT12/3395/F

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

Objections have been received, contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks retrospective planning permission for the erection of a paintball base camp and ancillary structures with associated works within and on the edge of Stumps Wood, which lies to the southwest of Falfield village, in the open countryside. It is a large area of woodland on gently undulating ground, surrounded in most places by open fields. The office block is situated at the entrance to the site, on its eastern side, which is accessed via Eastwood Farm. This office block and other buildings, mostly in the form of shipping containers which do not require planning permission as they do not change the use of the land, are all single storey. The application also seeks planning permission for the change of use of neighbouring agricultural land to a car park and for the construction of that car park, which are also retrospective. The site benefits from lawful use for the use of land for paintball games.
- 1.2 The other structures proposed to be retained are located within the mature woodland and are identified on the submitted plans as two timber castles, ten timber huts in the village zone, a timber well, two timber bridges, a timber bunker, five further timber sheds and four timber watchtowers within the bunker zone and the stationing of a flat bed pickup truck with imitation rockets.
- 1.3 A screening opinion for an Environmental Impact Assessment was sought prior to the submission of this application and on 14 November 2012 it was determined that an EIA would not be required. An ecological assessment and Flood Risk Assessment have been submitted to accompany the application.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
L1 Landscape  
L8 Protected species  
L17 and L18 Water Environment  
EP1 Environmental Pollution  
  
South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.  
CS1 High Quality Design  
CS2 Green Infrastructure
- 2.3 Supplementary Planning Guidance  
Trees on Development sites

### 3. RELEVANT PLANNING HISTORY

- 3.1 PT03/1589/CLE Use of land for paintball games      Granted 2004  
The area shown on the Certificate of Lawfulness is the same as the current application site, except the access and car park has now been added.

### 4. CONSULTATION RESPONSES

#### 4.1 Falfield Parish Council

Object, citing the following concerns:

- due to operating times shown on the application form being an increase on how the site was previously used
- inaccuracy in the application details regarding the proximity of housing and noise impact on the occupiers
- the impact on the site as a Site of Nature Conservation Interest and ancient woodland
- increased traffic generation
- the structures would reduce the absorption capacity of the site and run off would cause flooding
- the application is once again made retrospectively

#### 4.2 Other Consultees [including internal consultees of the Council]

##### Transportation

No objection in terms of parking, traffic generation nor highway safety.

##### Tree Officer

The works in constructing the structures applied for has not harmed the trees. No objection.

##### Ecologist

The farmland which has since been converted to car park was intensively worked and of no particular ecological value. The structures within and on the edge of the woodland have had no adverse impact on ecology, taking into account the impact of the existing lawful use of the site. No objection.

##### Landscape Officer

No objection, subject to the inclusion of a condition requiring a planting plan.

##### Technical Services

No objection – suggest that the application is referred to the Environment Agency

##### Environment Agency

Do not wish to comment on the proposal.

#### 4.3 Local Residents

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

- the latest operators of the site have increased the level of activity on the site
- the application is retrospective

- the visitors to the site could contaminate the stream that runs through the wood
- the site generates in excess of 100 vehicle movements a day, creating a serious traffic hazard at the junction with the B4061, which would be exacerbated by new housing in Thornbury and a new power station
- The drainage arrangements are the same as for a previous application for paintball activities at Larch Cove, the Knapp, which was a refusal reason for that scheme
- With the declared staffing of the site, there could be public safety issues

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

This application seeks planning permission for the structures listed at 1.2 above. The lawful use of the site for paintball games has been established through the Certificate of Lawfulness granted in 2004. Being a Certificate of Lawfulness, this does not impose conditions on the use of the site, in terms of for instance times of operation, traffic generation, staffing levels, drainage or woodland management. These matters, which have been raised through the consultation process, do not relate to the current proposal and can only be controlled, if at all, through legislation other than the planning system. The following analysis will therefore deal with the structures, buildings and change of use which form this planning application in three categories: those forming the base camp which stands at the edge of Stumps Wood, those within the woodland and the construction of the car park. All three parts of the proposal will be examined in terms of the following headings:

### 5.2 Base Camp

The visual impact of the base camp group is limited to views from the eastern side of the wood. All the structures are flat-roofed, with a maximum height above ground of 3 metres and are viewed against the backdrop of the mature woodland, which is significantly taller. The structures on the edge of the base camp and the car park are visible from the surrounding countryside. However due to the woodland to the north and west, hedgerows and copses to south and east and the gently rising topography to the south these structures and parked cars will not be highly visible within the wider landscape.

### 5.3 Structures within the Woodland

These structures and the vehicle are distributed around the woodland and all of them benefit from some screening before the edge of the site. As such, the key aspect of these in visual terms is considered to be their height, in relation to the surrounding trees. The two timber castles are shown as having a maximum height above ground of 5.65 metres and this relates to a tower on one of them; for the ten timber huts in the village zone the maximum height is 2.4 metres; for the timber well, 2.65 metres; for the two timber suspension bridges a maximum of 4.62 metres for the bridge piers; the timber bunker is 3.2 metres tall; the five other timber sheds 1.9 metres and the four timber watchtowers within the bunker zone would have a maximum height of 4.4 metres, while the flat bed pickup truck with imitation rockets at 2.5 metres above ground level. None of these structures nor the vehicle would be of a height greater than the

surrounding screening trees and therefore would not be visible at all when the trees are in leaf. Their landscape impact is therefore considered to be negligible.

#### 5.4 Car Park

The car park is considered to be ancillary to the lawful use of the adjoining land for paintball activities. This car park would not become part of the paintball site, but would be ancillary to it. As such, the paintball activities would not spread outside Stumps Wood as a result of this application. The car park sits in a dip in the land, where it is only readily visible on approach to the site from the south, i.e. the vehicular access. Therefore when not in use, its visibility is considered, despite being situated within an open field, to be very limited. When in use, it would accommodate parked vehicles, anticipated to be largely cars of those working at or visiting the site. Sustainable Transportation have raised no concerns with regard to the car park's capacity or highway safety issues. It is considered appropriate that it is located in close proximity to the site 'entrance', rather than either in the wood itself or more remote. In the proposed location, not only is it less visible and more convenient, but it keeps the paintballing and ancillary parking together.

Policy L1 of the Adopted Local Plan states that new development will only be permitted where "the amenity of the landscape is conserved and where possible enhanced". It is considered in this case that it is possible to enhance the amenity of the landscape by planting some native trees within and around the car park area. These will partially screen and soften the limited impact of the base camp and the car park. A solid screen would appear contrary within the surrounding open landscape which contains a number of mature specimen trees. So, in order for the development to be in accordance with Policy L1 of the Adopted Local Plan a landscape condition is recommended below requiring a detailed landscape plan to be submitted and approved. This requires a number of native trees located within and on the edge of the car park area. The submitted details would include a specification of the size and species of the trees and the proposed method of maintaining a weed free area around the trees for five years while they are becoming established.

Subject to the above-mentioned condition, it is considered that the car park element of the proposal accords with policy L1 in landscape terms.

#### 5.5 Flood Risk and Drainage

The site extends to over one hectare and lies within Flood Zone 1. A Flood Risk Assessment has been submitted to accompany the application and the proposal has been referred to the Environment Agency, who found that the development is in Flood Zone 1 and that on that basis the proposed development is acceptable and the leisure use of the office makes the site 'less vulnerable' to flood risk, according to the Technical Guidance on the NPPF. It is therefore considered that the proposal would not present any significant flood risk. The Parish raised the point that the structures would reduce the absorption capacity of the site and run off would cause flooding. However, the structures only form a small part of the site that benefits from a Certificate of Lawfulness and it is considered this amount of coverage with built form would not have a significant impact on the absorption capacity of the surrounding land. The car

park is similarly considered to have a minimal impact in terms of run off and flooding. The surface is crushed stone which is a pervious construction. A further point that users of the site could contaminate the stream that runs through the wood does not relate to this proposal, as this could occur whether this development is approved or not. Potential pollution of Falfield Brook would be a matter for the Environment Agency. The comparison with the drainage arrangements for a different site, which was raised through the consultation process, is irrelevant to the determination of this application as the two sites have different characteristics. This proposal has been assessed on its own merits and it is considered that it accords with policy in this regard.

With regard to the office buildings associated with the site, the foul drainage is currently in the form of a portable toilet block, which is emptied as necessary by a commercial operator. Details of this are required by the condition recommended below in order that the method of foul drainage can be assessed and approved by the Local Planning Authority in accordance with policy to assure that the facilities are suitable to service the site.

#### 5.6 Trees

This development, although it affects an ancient woodland is retrospective and therefore the effects can be accurately assessed. The use of the woodland for paintball activities is unfettered under the extant Certificate of Lawfulness at 3.1 above. The structures themselves are not considered to intensify the activities that lawfully take place within the site and works involved in constructing them are not considered to have harmed the trees to an extent where refusal would be recommended on that basis. It is considered that the proposal accords with policy L1 in this regard.

#### 5.7 Ecology

The impact of this proposal on ecology is considered to be limited. It is welcomed that the application includes an ecological report and suggests leaving parts of the site, in rotation, free of paintball activity. This is considered to be of minor benefit, taking into account the fact that on the rest of the site there is likely to be a high degree of disturbance to wildlife. On the basis that this application is not for the use of Stumps Wood, but the structures and car park, the recommendations of the report cannot be conditioned, but voluntary adoption of these procedures would be welcomed. For the same reason, the ecology report is not a material consideration in the determination of this application. The structures applied for are not considered to have any adverse impact on wildlife, other than from their use as a part of the wider paintball site. The car park has been constructed on an intensively farmed field with little ecological value and has therefore not harmed the ecological value of this part of the site nor its immediate surroundings. It is therefore considered that this proposal accords with policy L8 of the adopted Local Plan.

#### 5.8 Other Issues

The fact that this application has been submitted retrospectively cannot be a reason for its refusal. The proposal has been assessed above on its merits. The perceived inaccuracy in the application details regarding the proximity of housing and noise impact on the occupiers is not considered to be relevant to the determination of this application. The noise generated from the site stems



from the lawful use of the site and this proposal is not considered to be likely to lead to an increase in it. Therefore the proximity of dwellings to the site is not an issue that is material to this proposal. It is considered, under these circumstances, that this proposal would not have an adverse impact on existing levels of residential amenity.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposal would regularise the change of use of an area of agricultural land as a car park ancillary to the use of the adjoining site, along with the erection of structures within the site which does not have an adverse impact on residential amenity, the ancient woodland, ecology, landscape, flooding or transportation concerns. The development accords with policies L1, L8, EP1, L17, L18, D1, T8 and T12 of the adopted South Gloucestershire Local Plan.
- 6.3 The recommendation to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That planning permission is approved, subject to the condition shown below.

**Contact Officer: Chris Gosling**  
**Tel. No. 01454 863787**

## **CONDITIONS**

1. Within three months of the date of approval a scheme of proposed tree planting (and times of planting) including size of trees and details of how the area surrounding each trunk will be kept weed free for five years after planting shall be submitted to the Local Planning Authority for approval. The agreed tree planting shall be implemented in the planting season following the agreement in accordance with the agreed details and thereafter retained.

Reason

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

2. Within one month of the date of this permission foul drainage disposal method details, including supporting evidence of adequacy for site use shall be submitted to the Local Planning Authority for approval in writing. If the current method is unsatisfactory to the

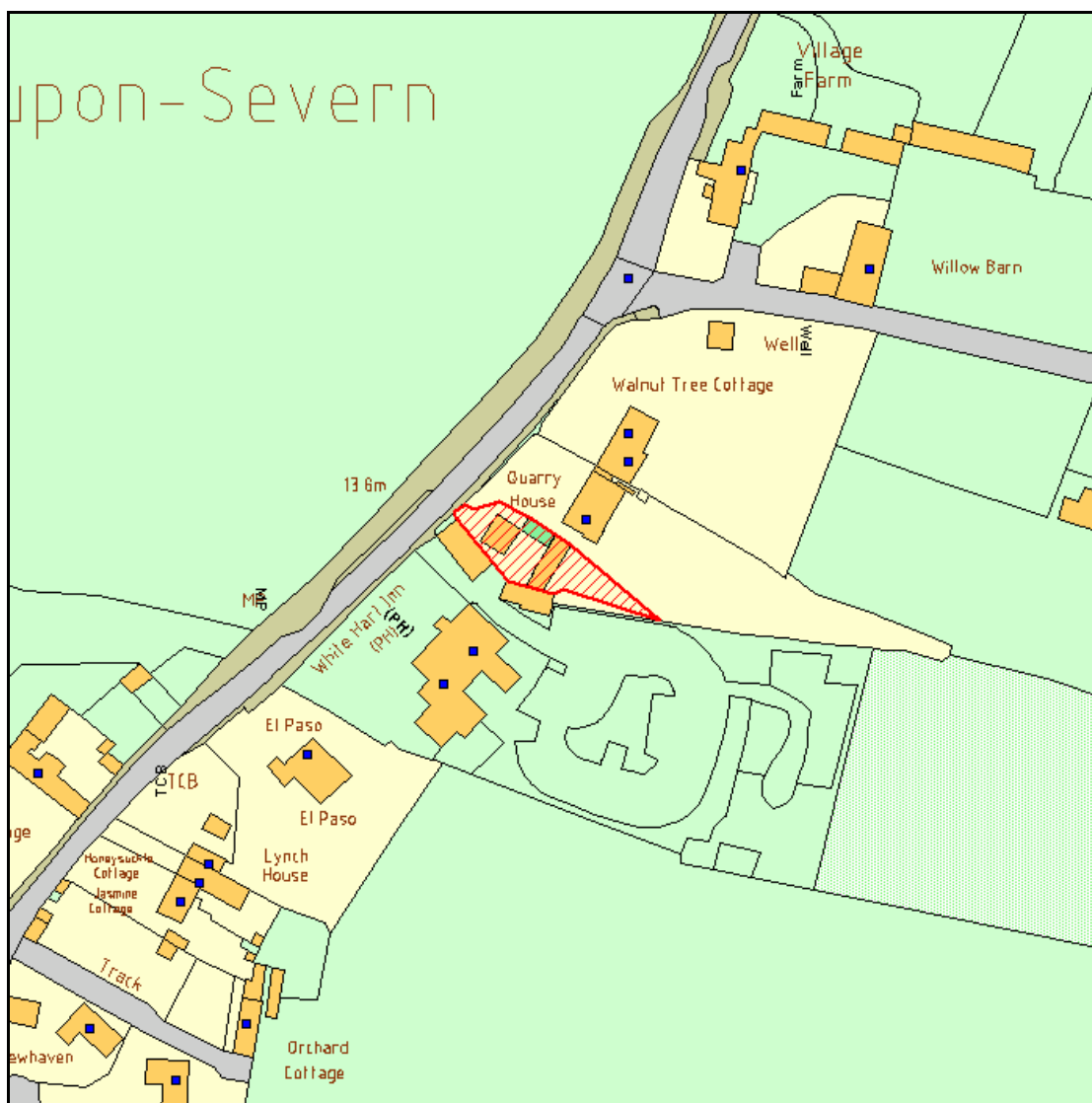
Local Planning Authority, further details to ensure adequacy shall be provided and implemented within one month of the date of that agreement.

Reason

To prevent non-point source pollution, and to accord with Policies L17, L18, EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 06/13 – 08 FEBRUARY 2013**

<b>App No.:</b>	PT12/4195/F	<b>Applicant:</b>	Ms J Brown
<b>Site:</b>	Land Adjacent To Quarry House Village Road Littleton Upon Severn Bristol South Gloucestershire	<b>Date Reg:</b>	24th December 2012
<b>Proposal:</b>	Conversion of outbuilding and garage to facilitate 2 bed holiday let accommodation and associated works	<b>Parish:</b>	Aust Parish Council
<b>Map Ref:</b>	359629 190051	<b>Ward:</b>	Severn
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th February 2013



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 100023410, 2008. **N.T.S.** **PT12/4195/F**

## **INTRODUCTION**

This application has been referred to the Circulated Schedule in view of the letters of objection that have been received.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the change of use of an existing breezeblock structure to provide a holiday let. This building has a nil use.
- 1.2 The application relates to land adjoining Quarry House (a locally listed building) on the east side of Village Road within the hamlet of Littleton-Upon-Severn. The site is located beyond any settlement boundary within the open Green Belt.
- 1.3 There is history of planning enforcement action in respect of this site and more specifically, the existing building. Currently, there is an enforcement notice in place requiring removal of stone and render cladding, doors and windows from this structure further to an appeal that was dismissed.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

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

#### 2.2 Development Plans

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

D1: Achieving Good Quality Design in New Development  
GB1: Development within the Green Belt  
L1: Landscape Protection and Enhancement  
L13: Listed Buildings  
E6: Employment Development in the Countryside  
E7: Conversion and Re-Use of Rural Buildings  
E11: Tourism  
H10: Conversion and Re-Use of Buildings for Residential Purposes  
EP2: Flood Risk and Development  
T8: Parking Standards  
T12: Transportation Development Control Policy for New Development

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

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

#### 2.3 Supplementary Planning Guidance

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

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

- 3.1 N5399: infilling of existing quarry (approx. ¼ acre) with builders' rubble). Permitted: 12 April 1979
- 3.2 N3599/2: Erection of two-storey side extension to form dining room, kitchen/sitting room, bathroom with two bedrooms and bathroom over; erection of double domestic garage. Permitted: 6 March 1980
- 3.3 N3599/3: Alterations and extension to existing cottage to include erection of two-storey rear extension to form store, bathroom and living room with bedroom extension over. Permitted: 26 March 1981
- 3.4 P88/2109: Erection of single-storey lean-to side extension to form fuel store and dressing area. Permitted: 13 July 1988
- 3.5 PT06/2057/F: Construction of vehicular access and associated works. Permitted: 23 August 2006
- 3.6 PT11/1479/F: Conversion of redundant outbuilding to form one dwelling with associated works. Refused: 8 July 2011- Appeal Dismissed: 9 November 2011
- 3.7 PT11/3753/F: Conversion of existing outbuildings to form one dwelling and garage with associated works (Resubmission of PT11/1479/F). Refused: 31 January 2012- Appeal Dismissed: 4 September 2012

### **4. ENFORCEMENT HISTORY**

- 4.1 There is a history of planning enforcement action in respect of this site dating from 2006 further to complaints regarding the construction of the building and concern that it was to be used as a separate dwelling. This culminated in the following enforcement notice:
- 4.2 COW/09/0580/5: Unauthorised building and other operations to the building in the approximate position marked X on the attached plan, including the addition of stone cladding to the front elevation, application of render to the side and rear elevations and the insertion of doors and windows. Notice Served: 14 June 2010
- 4.3 This enforcement notice was appealed (APP/P0119/C/10/2132442) with the appeal dismissed on 25 October 2010. As a result of this appeal, the appellant was required to remove the unlawful works (stone and render cladding, doors and windows) within 6 months of the date of this decision. The appeal decision confirmed that the application site now has a nil use as was suggested by the Council in the planning (appeal) statement.
- 4.4 The Councils Enforcement team are aware that this enforcement notice has not been complied with but await the outcome of this application prior to any further action being taken.

## 5. CONSULTATION RESPONSES

### 5.1 Aust Parish Council

Objection:

- o The Parish Council has been very concerned about the development of the building on this site for several years;
- o Overwhelming majority have expressed opinion (at time of previous enforcement appeal) that the new building should be demolished;
- o The previous owner acted in direct contravention of planning advice;
- o The new owner should not be treated differently;
- o The existing building is unlawful- the intention was always to create a separate dwelling which is not permitted development;
- o The issue of whether the building is lawful should be re-examined;
- o Approval would encourage others to act in contempt of planning rules;
- o Change of use policies are not applicable;
- o There is no mains drainage and the application displays ignorance of the locality by suggesting there is;
- o There are serious concerns about both storm and foul water drainage;
- o The applicant cannot argue that there is no alternative use – it should and could be returned to the curtilage of Quarry House and used as ancillary accommodation for that property, or demolished;
- o This application is inappropriate development in the green belt;
- o If approved, the Parish Council wishes to be consulted on conditions.

### 5.2 Other Consultees

Environmental Services: no objections in principle

Highways DC: no objection

Conservation Officer: no adverse comments

Technical Services (Drainage): objection

Historic Buildings Officer: no comments

Landscape Officer: no objection

### 5.3 Summary of Local Residents Comments:

Eight letters received (7 from one family) in support of the proposal:

- o The solution is perfect and will be in keeping with adjoining properties;
- o It has been there for years and can not be left in a breeze block state;
- o It is an existing building that needs a reuse;
- o Local holiday lets/ accommodation are very busy;
- o It would be good for the village;
- o Broadband is not problem;
- o The local pub use to provide holiday accommodation that is missed;
- o A holiday let would provide economic benefits;
- o Lorries delivering to the pub causing no problems;
- o It would be harmful to the village to leave the building unfinished;

- o There can be no Green Belt objection;
- o Drainage concerns can be overcome.

Twenty-three letters (19 households) expressing the following concerns:

- o Villagers have consistently fought applications on this site;
- o The application form contains errors;
- o The existing building is in breach of the current Enforcement Notice;
- o The existing building was neither finished or used;
- o It has been 'cynically conceived to maximise profit';
- o The proposal is contrary to the provisions of the NPPF;
- o It should be considered as a new building in the Green Belt;
- o Approval would establish a precedent in the Green Belt;
- o Further development of this incomplete building and use for tourism would detract from the purpose of the Green Belt;
- o Policy E7 encourages the re-using of existing vacant buildings to help reduce vandalism, dereliction and the demand for new buildings in the countryside and this highlights the very core of local objection due to the fact of the current concrete block does not have permission;
- o If approved, a further application will be submitted for a dwelling;
- o The rural character of the village will be lost if infilling is allowed;
- o There is no mains drainage within Littleton-upon-Severn (to introduce would be difficult as stood on rock);
- o There is no difference between a holiday let and a dwelling;
- o There is no demand for holiday accommodation in the area;
- o It would be unsustainable given the remote location of the village that is accessed via single track roads with no facilities other than the pub;
- o It would adversely impact residential amenity;
- o Broadband is very poor in the area;
- o In the event that permission is granted, conditions are suggested to include a limit on occupation- i.e. no longer than 2 weeks;
- o To comply with Building Regulations, it would need to be pulled down as many corners were cut during development;
- o The applicant is in some way associated with the previous applicant.
- o The Land Registry entry advises that the previous owner has placed a restriction on the land.

## 6. **ANALYSIS OF PROPOSAL**

### 6.1 Principle of Development

The National Planning Policy Framework carries a presumption in favour of sustainable economic development. *'The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future'*. As such, proposals that accord with

- the development plan should be approved *'without delay'*. In this instance, it is considered that the proposal would provide a form of economic development through the building works proposed and through the running of the holiday accommodation in addition to the economic benefits gained through attracting holidaymakers. These benefits should be afforded weight in the assessment of this application.
- 6.2 Notwithstanding the above, the National Planning Policy Framework advises of three dimensions to sustainable development; economic, social and environmental. The social role includes provision of accessible services that are reflective of a community's needs and which support its health, social and cultural well-being. The environmental role includes contributing to protecting and enhancing the natural, built and historic environment and moving to a low carbon economy.
- 6.3 Background to Application  
The application relates to a parcel of land that originally formed part of the residential curtilage associated with Quarry House, a detached two-storey dwelling (that adjoins the north boundary of the application site). In late 2006, works commenced on the construction of an outbuilding; at this time these works constituted permitted development (despite concern that the size, scale and design of the outbuilding which began to resemble a dwelling). Mid-construction the building works ceased and the site was separated from Quarry House by a high wall; this resulted in the loss of permitted development rights for the now application site.
- 6.4 Following sub-division, further construction works took place comprising stone cladding to the front elevation, render to the side/ rear elevations and the insertion of windows and doors. Given the absence of permitted development rights; these works were then the subject of an enforcement notice that has been subsequently dismissed at appeal.
- 6.5 As a result of this appeal decision, the appellant is required to remove these unauthorised works and return the building to its condition as per that built as permitted development (i.e. an unclad shell). The appellant was not required to remove the building completely given that prior to the subdivision of the site, this was lawful having been constructed as permitted development as a domestic outbuilding incidental to Quarry House. The Planning Inspector (enforcement appeal) agreed with the Council that the site (now in separate ownership to Quarry House) has a nil use; i.e. no authorised use can take place. This is considered that this provides a unique set of circumstances that are a material consideration in the assessment of this application.
- 6.6 This application forms the third submission in respect of this structure with the first two applications (PT11/1479/F & PT11/3753/F) seeking planning permission for its conversion to a dwelling. These two applications were refused on sustainability grounds with the first also refused having regard to its impact on the openness of the Green Belt. Both of these decisions were upheld at appeal. The circumstances and outcomes of these appeal decisions are discussed below.



6.7 The Proposal

This application seeks permission for the change of use of this structure to provide holiday accommodation. As part of these works, the existing render, cladding, doors and windows would be retained whilst the floor plans show the creation of a two-bedroom unit with a kitchen, dining room living room and 'snug' at ground floor. The site also includes a detached garage close to the road that previously served Quarry Cottage. It is understood that this garage has been in existence for some considerable time, was lawful and does not form the 'contentious' element of this proposal (it would remain a garage).

6.8 Broadly speaking, the layout remains similar to that of the previous two schemes albeit with one bedroom removed. It is also noted that the area to the rear of the structure is earmarked for dense landscaping 'to improve visual amenity' and would be inaccessible to future occupiers.

6.9 Impact on the Openness of the Green Belt

The application site is located within the hamlet of Littleton-Upon-Severn that is within the Green Belt and devoid of any settlement boundary. Nonetheless, by reason of the appeal decision in respect of PT11/1479/F, this application is to be considered as a conversion:

*' having regard to the Council's view that both structures are lawful, excepting the recent external works to the main building, I am firmly of the opinion that consideration of the Green Belt issue falls squarely within the framework relevant to the re-use of buildings and not new buildings. Paragraph 3.7 of PPG2 set out that ' with suitable safeguards, the re-use of buildings should not prejudice the openness of the Green Belt, since the buildings are already there ' . The main external works, which are unauthorised, were found by the previous Inspector to have had a negligible effect on the openness of the Green Belt. He also found that these works did not conflict with the purposes of including land in the Green Belts. I agree with his findings ' ;*

*Against this background the appeal proposed is not inappropriate development in the Bristol and Bath Green Belt ' ; (PT11/1479/F appeal decision.)*

6.10 Given the above, PT11/3753/F did not attract a Green Belt refusal reason. This issue however reintroduced by the Inspectors decision in respect of PT11/3753/F:

*'The Inspector for the previous appeal gave his firm opinion that the proposal should be treated as one for the re-use of an existing building of permanent and substantial construction, not for a new building. I have decided that for the purposes of this appeal there is no need for me to depart from this position. The re-use of the building as such is not inappropriate development in the Green Belt by reference to the Framework. However, both the Framework and policy GB1 of the Local Plan require the re-use of such a building to preserve the openness of the Green Belt and not to conflict with the purposes of including land on it.*

*In creating a residential use, the proposal would introduce residential activity and the paraphernalia associated with such activity – from parked cars to garden sheds. The presence of the new dwelling would be apparent in terms of coming and goings, deliveries, lighting (including external illumination) and the sounds of domestic life such as lawn mowing and DIY activities. I consider that the physical manifestations and the activity associated with a new residential use on this site would be perceived and intrusive. Together they would harm the openness of the Green Belt and conflict with the purpose of safeguarding the countryside from encroachment, and I attach significant weight to this harm.*

*Since residential use of the appeal site would not preserve the openness of the Green Belt, and would conflict with the purposes of including land in it, the proposed development would be inappropriate development.'*

- 6.11 It is understood that the appellant contacted the Planning Inspectorate on this matter and consequently, the Inspectorate have acknowledged in writing *'that it was wrong for the Inspector to have raised the green belt as an issue in the determination of this appeal. The Council accept in their Officer report completed during the application process that they could not reasonably object on green belt grounds. The report states that only the sustainability arguments remain and their single reason for refusal was that the development was unsustainable in transport terms; the Inspector's main consideration of the appeal should have been limited to this issue'*. It was however noted that *'the only way in which an Inspector's decision may be reconsidered is if it is successfully challenged in the High Court within 6 weeks of the date of the decision letter'*.
- 6.12 Although this decision has not been subject to challenge, this letter forms a material consideration and it is considered that this most recent appeal decision related to PT11/3753/F now carries more limited weight than the appeal decision pertaining to PT11/1479/F. Therefore, it would be unsustainable to refuse this application on Green Belt grounds given the similarities of the scheme. It is however acknowledged that the omission of the previously shown rear garden would aid the openness of the Green Belt. Nevertheless, it is considered that this would be difficult to enforce whilst the Council would also be likely to come under future pressure for its use in conjunction with the proposed holiday let.
- 6.13 Sustainability  
Both previous planning applications were refused given the isolated and unsustainable location of the application site having regard to its intended use for a dwelling; this reason was upheld in both appeal decisions.

*'Despite the fact that LP policies H3, T12 and H10 are not entirely relevant to the main issue, delivering sustainable development is a key underlying principle of national planning policy ∴ (PT11/1479/F appeal decision)*

*'The reason for refusing the subject application related to the location of the proposed dwelling, distant from facilities and services, in a rural area lacking regular bus services and characterised by narrow lanes generally lacking footways. The prospective occupiers would be likely to rely on the use of private motor vehicles, contrary to the principles of sustainable development ; I attach significant weight to this conflict with national and development plan policy.'* (PT11/3753/F appeal decision)

- 6.14 In this instance, the unsustainable location of the site remains unchanged and thus future occupiers would still be heavily reliant upon the private motorcar as their only means of transport. However, the proposal would now only accommodate holidaymakers and thus in theory, it would be more reasonable to expect that they would walk or cycle and would not need to make daily trips for work, school and food etc.
- 6.15 The National Planning Policy Framework provides guidance advising that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. In respect of tourism, it is advised that to promote a strong rural economy, local and neighbourhood plans should support sustainable rural tourism and leisure developments that benefit *'businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres'*.
- 6.16 Officer's have considered this issue carefully and note that the two appeal decisions both attach significant weight to the unsustainable location of the application site given its intended use as a dwelling. In this regard, the new proposal would still be reliant on the private motorcar given the lack of services and facilities that the village provides. However, there are many examples of where holiday let accommodation has been approved in remote locations and thus on balance, it is considered that any associated objection to this application would be difficult to sustain. This is despite concern that it would not provide a sustainable form of rural tourism that would be appropriate to this location and which has not been shown to benefit to the local community.
- 6.17 Conversion of Rural Buildings (Proposed Use)  
Policies E7 and H10 concern the conversion and re-use of rural buildings for employment and residential uses; both policies are considered to be applicable to holiday accommodation. Nevertheless, a holiday let falls within the same use class as a residential use. Therefore, to accord with policy E11 (which advises that the conversion of existing rural buildings for holiday accommodation will only be permitted where it can be demonstrated that a business use, including other tourism related activity, cannot be achieved), it would be anticipated that the application would address other business uses and provide evidence of a need for this size/ type of holiday accommodation in this locality; particularly relevant if the holiday accommodation forming part of the adjoining pub closed. This is in order to satisfy this policy requirement and help safeguard against any abuse of the planning system through a further

successive application seeking a residential use. The application does not include such information thus there is an objection to the proposal.

6.18 The further requirements of these planning policies are addressed below. However, having regard to the structural condition of the building, with it a 'new build', there is no objection to the application on this basis (in accordance with the two previous planning applications).

6.19 Design/ Visual Amenity

The shell of the existing building has been established as lawful. For this reason, previously, on balance it was considered that any 'design' based objection would be unlikely to prove sustainable (concerns focused on the contrived appearance of the building when viewed from the rear). Given the similarities of this new proposal, there is again no objection to the application on this basis.

6.20 Residential Amenity

The site adjoins Quarry House to the north with this now separated by a wall that runs the length of the shared boundary; this wall fluctuates in height owing largely to the differing levels at the application site (it would appear that excavation works were required to help keep the height of the building under 4m- a requirement of permitted development). Adjacent to Quarry House, the wall is some 3m high with the higher ground level to the rear of the host building meaning the wall is some 1.8m in height.

6.21 The host structure aligns with Quarry House, which does not appear to have any side facing windows looking towards the application site. On this basis, and with and no first floor side facing windows proposed, as before it is not considered that any significant adverse impact in residential amenity would be caused.

6.22 The White Hart Inn stands to the south with this inset from the boundary albeit with a number of outbuildings on the boundary. These outbuildings face the pub backing onto the application site at a higher level. As such, as before this relationship is considered to be acceptable.

6.23 All other neighbouring dwellings are positioned at an appreciable distance from the site of the proposal. On this basis, it is not considered that any significant adverse impact in residential amenity would be caused.

6.24 Listed Building Considerations

The site adjoins the Grade II Listed White Hart Inn to the south whilst Quarry House is locally listed. Policy L13 cites that development including alterations or additions that affect the setting of a listed building will not be permitted unless the character, historic form and structural integrity of the building would be retained.

6.25 In this instance, the scale and massing of the building are established as lawful, thus at the time of the previous applications it was considered that it would be difficult to sustain an argument that the change of use of this building would have a significantly harmful impact on the setting of the listed and locally listed

buildings; indeed from this point of view the cladding would assist the lawful situation. Therefore, as before, there is no associated objection to this application.

6.26 Highway Safety

Comments from the Councils Highways Officer in respect of the previous application advised that the access to the proposal incorporates limited visibility but is no worse than a number of neighbouring accesses (and is the historic access to Quarry House) that has been in situ for a number of years without incident. Further a turning area is no longer mandatory where access is onto a class C road and it is not anticipated that reversing vehicles would create any significant safety issues. The level of parking available is also considered to be acceptable.

6.27 Outstanding Issues

A number of concerns have been raised regarding drainage. However, this did not form a refusal reason previously and it is considered that this issue might form the basis of a suitably worded condition in the event that planning permission is granted.

6.28 The comments of the Inspector in respect of PT11/1479/F (addressing the uncertain future of the building) are worth noting:

*'The effect of my decision to dismiss the appeal would bring an uncertain future for the appeal site ; However, the resulting concrete block building would not necessarily look out of place in this rural hamlet. The building is tucked behind the double garage and there are some roadside trees that screen views of the building from the front ; I also note that the owners of Quarry House have expressed an interest in acquiring the site. They would bring the garage back into use and demolish the main building ;'*

## 7. CONCLUSION

7.1 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.

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

## 8. RECOMMENDATION

8.1 Planning Permission is **REFUSED** for the following reason:

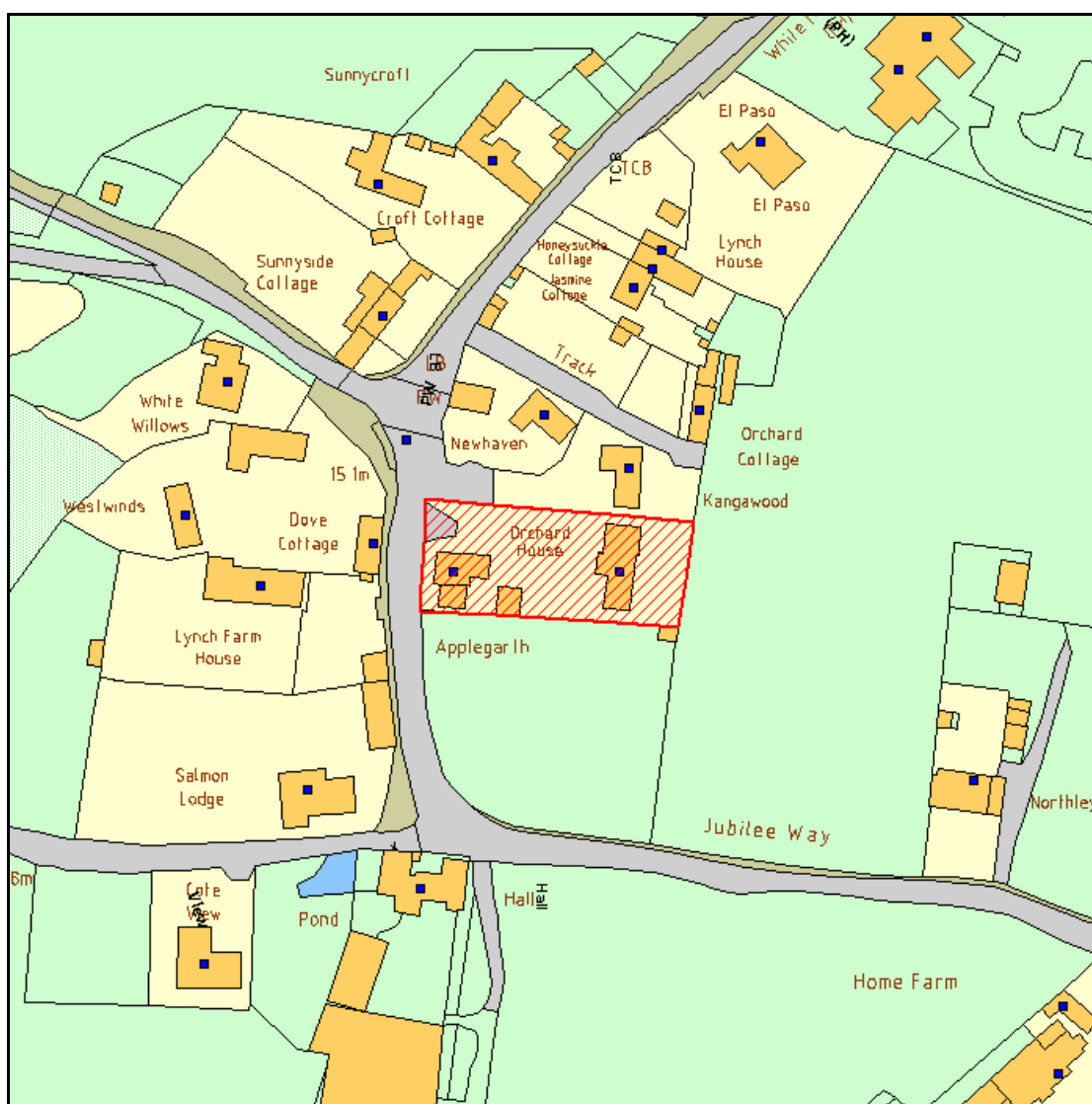
**Contact Officer: Peter Burridge**  
**Tel. No. 01454 865262**

## **REASONS FOR REFUSAL**

1. The application fails to demonstrate that another form of business use would not be appropriate and fails to demonstrate that there is a need for this type and size of holiday accommodation in this area which could be sustained. The proposal is therefore contrary to Planning Policies H10, E7 and E11 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 06/13 – 8 FEBRUARY 2013

<b>App No.:</b>	PT12/4258/RVC	<b>Applicant:</b>	Mrs L Carnaby
<b>Site:</b>	Applegarth Village Road Littleton Upon Severn South Gloucestershire BS35 1NR	<b>Date Reg:</b>	31st December 2012
<b>Proposal:</b>	Application to vary condition 6 no. of PT03/0411/F to allow living accommodation to be used as a separate dwelling by the current occupant on a temporary basis.	<b>Parish:</b>	Aust Parish Council
<b>Map Ref:</b>	359505 189910	<b>Ward:</b>	Severn
<b>Application Category:</b>	Minor	<b>Target Date:</b>	15th February 2013



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100023410, 2008.

**N.T.S.**

**PT12/4258/RVC**

## **REASON FOR REPORTING CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule because concerns have been raised by the Parish Council contrary to the officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the variation of condition no.6 of PT03/0411/F to allow ancillary accommodation to be used as a separate dwelling by the current occupant on a temporary basis. The development has already started therefore; the proposal will be assessed retrospectively.
- 1.2 The application site comprises a 1.5 storey detached domestic outbuilding, which is located in a prominent location on the eastern side of Village Road. The site is located within the open Green Belt outside the defined settlement boundary.
- 1.3 Planning permission was granted under application PT03/0411/F for the conversion and extension of an existing detached garage to form self-contained living accommodation. Condition 6 on the decision notice states that:

*The living accommodation hereby approved shall be used as ancillary living accommodation to the main dwelling only; this approval does not grant consent for a separate dwelling to be created.*

#### *Reason*

*Establishing a dwelling at this location would be contrary to national planning guidance and local plan policy (Policy RP1, RP7 and RP34 of the adopted Northavon Rural Areas Local Plan; and Policies H2, H4 and GB1 of the South Gloucestershire Local Plan (Revised Deposit Draft).*

- 1.4 The application building was originally a garage and, according to the applicant, it was converted under application PT03/0411/F to provide ancillary living accommodation for the applicant's elderly mother. The applicant's mother died in September 2007 and it was let independently from March 2008 onwards. In 2001 the applicant's husband became seriously ill so they moved into Applegarth in April of that year so that a ground floor bedroom and bathroom could be used. The applicant's husband died shortly after, however, the applicant continued to occupy Applegarth. The applicant is now in her 70s and considers Orchard House far too large for her to manage on her own. The applicant has therefore let Orchard House separately rather than allowing it to stand empty.

### **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  
GB1 Development in the Green Belt



H3 Residential Development in the Countryside  
H4 Residential Development within Existing Residential Curtilages  
T12 Transportation Development Control Policy for New Development

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

- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)  
The South Gloucestershire Development in the Green Belt SPD (adopted)

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

- 3.1 P91/1935, erection of detached double garage, approval, 14/07/91.
- 3.2 PT03/0411/F, conversion and extension of existing detached garage to form self-contained living accommodation, and erection of garage, approval, 31/03/03.
- 3.3 PT12/1745/F, erection of first floor dormer on west elevation to provide additional living accommodation in the form of a shower/WC room. (Resubmission of PT11/0995/F), refusal, 16/07/12.

### **4. CONSULTATION RESPONSES**

- 4.1 Aust Parish Council  
The council is sympathetic to the applicant's wish to continue to reside in Applegarth and to let the main dwelling, Orchard House. However, they are very concerned to ensure that the annex Applegarth does not become a separate dwelling that can be separated from the main house. Accordingly, the council does not oppose the application, subject to it being clearly established that the user can only continue during the applicant's residence, and that the condition is properly observed and enforced, especially on a change of ownership.  
You should also make it a condition of the approval that the applicant withdraws any claim that there has been 4 years user in breach of the existing condition.
- 4.2 Transportation DC Officer  
No objection to a temporary consent to ensure that the building goes back to an ancillary status.
- 4.3 Local Residents  
No comments received

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

- 5.1 Principle of Development  
Green Belt

The application site is located within the open Green Belt outside the defined settlement boundary. The proposal is tantamount to the change of use of an existing ancillary residential annexe to a separate dwelling albeit temporary. The applicants propose a condition that is personal to the applicant to ensure that the use is temporary. Circular 11/95 advises that planning permission runs with the land and it is seldom desirable to provide otherwise. However, it states that there are occasions where it is proposed exceptionally to grant planning permission for the use of a building or land for some purpose that would not normally be allowed at the site, simply because there are strong compassionate or other personal grounds for doing so. In this case Circular 11/95 states that permission should normally be made subject to a condition that it shall ensure only for the benefit of a named person-usually the applicant. Circular 11/95 proposes a model condition for such a scenario.

- 5.2 Planning policy GB1 states that within the Green Belt planning permission will only be given for the change of use of land or existing buildings where:
- It would not have a materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purpose of including land in it;
  - The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction;
  - The form, bulk and general design of the buildings are in-keeping with their surroundings.
- 5.3 It is noted that a separate private garden area has been formed for the building and this intensification of the residential use and associated additional paraphernalia has a greater impact on the Green Belt than if the building were used as ancillary. However, no further extension is proposed to the building and given that the garden area is relatively well screened by existing built form and vegetation and is not prominent from views from the public realm, it is not considered that the proposal will have a materially greater impact on the openness of the Green Belt.
- 5.4 The building has already been converted to residential under application PT03/0411/F. Accordingly the building can be converted without major or complete reconstruction.
- 5.5 It is clear that since the building was approved as an ancillary annexe it has been extended to the sides by virtue of a gabled porch and a lean-to conservatory.
- 5.6 Given the above, considering that the building has already been converted to residential under application PT03/0411/F, the proposal will not have a materially greater impact on the openness of the Green Belt than the existing situation.

## 5.7 Sustainability

The application building is located outside any defined settlement boundary and is therefore located in the open countryside. Policy H3 states that in this location planning permission will only be given for affordable housing on rural exception sites; housing for forestry workers; replacement dwellings. Accordingly, policy H3 does not allow for new residential development in the countryside. The main emphasis of the policy is to direct new residential development into existing urban areas defined in the South Gloucestershire Local Plan Proposals Map (adopted) January 2006. This is in the interests of sustainability so that new dwellings are located closer to existing facilities, services and employment in order to reduce isolated dwellings that are car reliant. However, in this instance the applicant is seeking a personal consent and has provided supporting compassionate grounds. The applicant is an elderly person in their 70s who is unable to manage in the larger main dwelling. According to the details submitted the applicant only wishes to stay in the building for the time being and intends to sell the application building and host dwelling as a single planning unit. It is therefore, considered that these compassionate grounds should be given material weight. Weight is also given to the comments of the Highway Authority who recognise that the application may be considered to be tantamount to the generation of a new dwelling, albeit for an unknown temporary period and therefore, contrary to policy. However, the Highway Authority states that a personal permission limiting the independent use of Applegarth to the current occupier, thereafter resorting back to ancillary status, is a reasonable and appropriate conclusion. Therefore, subject to an appropriately worded condition the Highway Authority raise no objection to the proposal.

5.8 Accordingly, considering the individual compassionate grounds put forward in the application, subject to a condition to tie the use of the building to the current occupier, on balance, it is considered that the principle of the proposal is not in conflict with policies GB1 or H3 of the South Gloucestershire Local Plan (adopted) January 2006. Circular 11/95 contains six tests that a condition should pass to be valid. The tests are that a condition should be: necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects. After careful consideration, it is considered that a condition to restrict occupation to the current occupier in this instance is not in conflict with Circular 11/95.

5.9 It is also pertinent to consider matters relating to appearance/form; residential amenity and highway safety.

### 5.10 Appearance/Form

The building has already been converted to residential under PT03/0411/F where issues relating to the design and appearance of the conversion were considered. The proposal will not materially affect the appearance of the building, therefore, there are no objections in terms of appearance/form.

### 5.11 Residential Amenity

Given that the application building can function lawfully as ancillary living accommodation, it is not considered that the proposed intensification of use will

have a materially greater affect on the residential amenity of neighbouring occupiers.

5.12 Transportation

The Highway Authority have raised no objections to the proposal provided that a condition is applied to any consent should permission be granted to ensure that the use reverts back to ancillary. Accordingly, given that such a condition is considered to be reasonable, then there are no objections to the proposal.

5.13 Review of Planning Conditions

The planning conditions attached to the original permission for the conversion (PT03/0411/F) have been reviewed, and it is considered that it is necessary to copy conditions 2 over to the new consent. Other conditions relating to landscaping and the demolition of a former car port related to the conversion of the former garage to residential and are not considered to be pertinent to the new permission.

5.14 Further Matters

The concerns of the Parish Council are noted. For clarification, according to the Council's Enforcement Officer, the applicants have not accrued a breach of condition for a period of four years. The granting of permission for the variation of condition will end the accumulation of the current breach. The application building benefits from a gabled porch on the northern side elevation and a single storey lean-to extension on the southern rear elevation. The Council does not have any record of planning permission being granted for these extensions, therefore, the Council's Enforcement Team will be notified to investigate whether the extensions are lawful.

## 6. CONCLUSION

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

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

Subject to a condition to tie the proposed use to the current occupier, on balance, the principle of the development is concluded to be acceptable and not in conflict with policies GB1 and H3 of the South Gloucestershire Local Plan (adopted) January 2006.

Subject to a condition to tie the proposed use to the current occupier, on balance, the proposal will not bring about any significant adverse issues in terms of appearance/form, residential amenity or transportation. The proposal therefore, accords with policies D1, GB1, H4 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

#### Reason

To protect the appearance of the area and openness of the Green Belt; and to accord with Policies GB1, D1, L1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

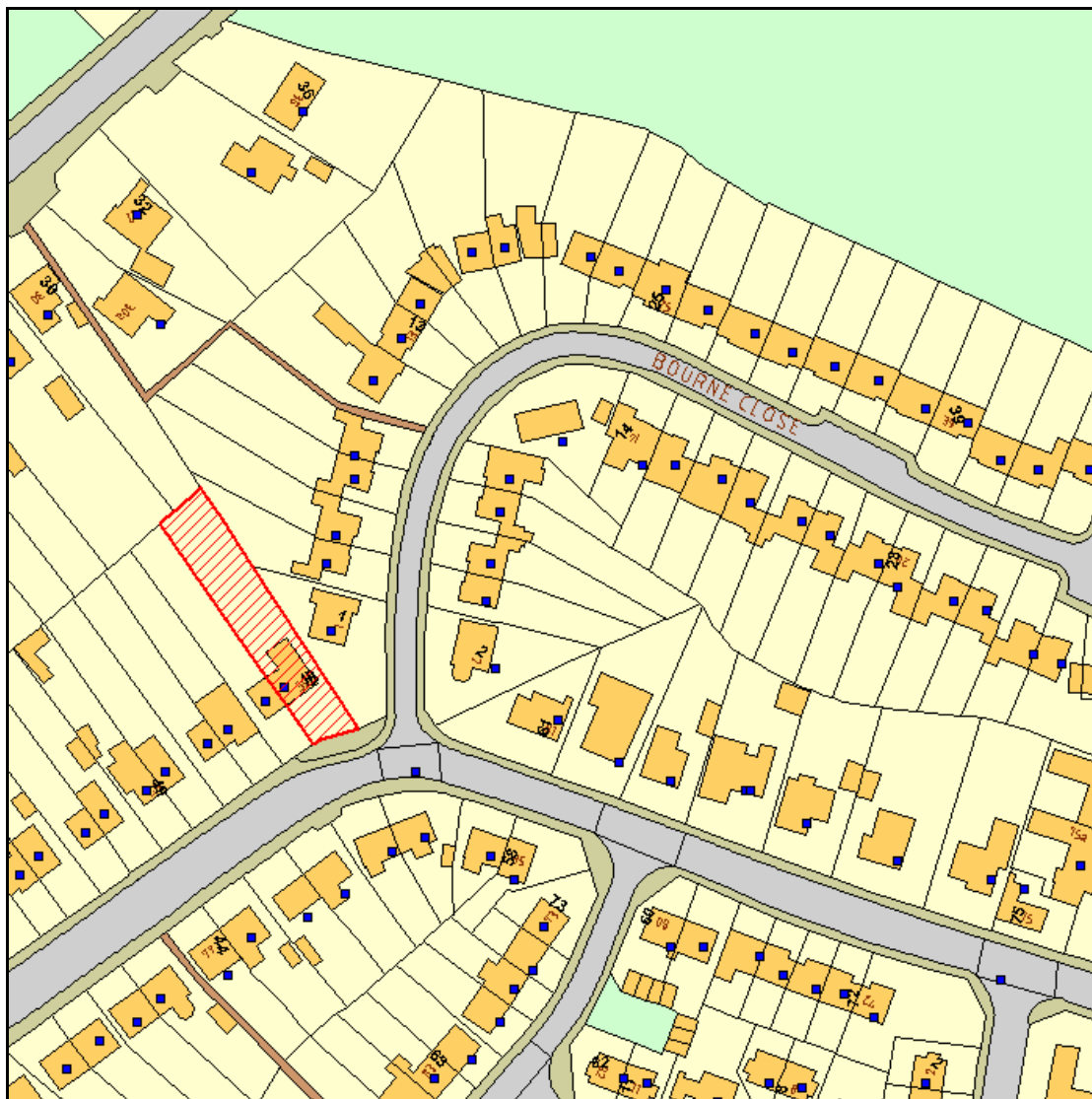
2. The living accommodation hereby permitted shall only be occupied by Mrs L Carnaby (the current occupier); otherwise it shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Orchard House. (For the avoidance of doubt, this approval does not grant consent for a separate dwelling to be created on a permanent basis).

#### Reason

The site is located in an unsustainable location within the open countryside and outside of any defined settlement boundary where occupiers will be reliant on private car use. Temporary consent is granted based on the individual compassionate grounds put forward in the application; the permanent use of the building as a separate residential unit is contrary to policy H3 of the South Gloucestershire Local Plan (adopted) January 2006.

### CIRCULATED SCHEDULE NO. 06/13 – 8 FEBRUARY 2013

<b>App No.:</b>	PT12/4294/F	<b>Applicant:</b>	Mr Robert Ayres
<b>Site:</b>	59 Watleys End Road Winterbourne Bristol South Gloucestershire BS36 1PH	<b>Date Reg:</b>	31st December 2012
<b>Proposal:</b>	Erection of single storey rear extension to form additional living accommodation	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365379 181358	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	15th February 2013



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100023410, 2008. **N.T.S.** **PT12/4294/F**

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

This application has been referred to the Circulated Schedule owing to concerns received from a local resident.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the erection of a single storey rear extension to form additional living accommodation. The proposed extension has a width of 8 metres, a depth of 4 metres, and a maximum height of 3.4 metres.
- 1.2 The application relates to a two storey semi-detached residential dwelling within an established residential area of Winterbourne.

### **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  
  
South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) 2007

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

- 3.1 P95/1438 – Two-storey side extension, single storey rear extension and single storey front extension to form porch – **Approved 19<sup>th</sup> May 1995**
- 3.2 P94/2381 – Two-storey side extension, single storey rear extension and single storey front extension to form porch – **Refused 9<sup>th</sup> November 1994**

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection
- 4.2 Other Consultees [including internal consultees of the Council]  
No other comments received
- 4.3 Local Residents  
One letter has been received from a local resident with the following concerns:

- Will the presence of the two high level windows facing our property prevent us for applying for a double storey extension in the near future?
- No concern if neighbours would not object to the light of these windows being restricted.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application seeks permission for the erection of a single storey rear extension. Policy H4 of the South Gloucestershire Local Plan (Adopted) permits this type of development in principle subject to criteria relating to residential amenity, highways, and design.

### 5.2 Residential Amenity

Policy H4 of the adopted Local Plan ensures that proposals do not prejudice the residential or private amenity of surrounding dwellings, and an adequate level of private amenity space and parking provision must remain to serve the host dwelling. Proposals that would prejudice residential or private amenity, or highway safety will not be permitted.

5.3 The application seeks permission for the erection of a single storey rear extension with a pitched roof. The proposal would extend the width of the dwelling with a depth of 4 metres, and a maximum height of 3.4 metres. The eaves height of the extension would be 2 metres. The application site consists of a two storey semi-detached dwelling. The site has no direct neighbours at the rear of the site.

5.4 It is considered that the erection of a single storey rear extension of this scale in this location would not have an overbearing impact on the neighbouring dwelling; would not result in a significant loss of light to it, and would not unacceptably encroach on privacy. An adequate level of private amenity space would remain to serve the host dwelling and the proposal would not prejudice highway safety or the retention of adequate parking provision. The windows on the rear elevation of the proposal ensure that sufficient light would enter the host dwelling. As such the proposal is considered acceptable in terms of policy H4 of the South Gloucestershire local Plan (Adopted) 2006.

### 5.5 Design/ Visual Amenity

Policies D1 and H4 of the adopted Local Plan ensure that proposals are informed by, respect, and enhance the character and distinctiveness of the site and the locality. Consideration is given to scale, proportions, materials, detailing, and overall design.

5.6 The proposed extension would replace an existing single storey rear extension, which has a width of 4.75 metres, a depth of 4 metres and a maximum height of 4 metres with a hipped roof. The proposal would increase the width of the existing by 3.25 metres, and would be 0.6 metres lower in height. The proposal would have a pitched roof with materials to match the existing site.

5.7 It is considered that the proposal is acceptable in terms of scale and proportions, and would remain subservient to the host dwelling. The overall



design and proposed materials are informed by the existing site and locality. Accordingly the proposal is considered acceptable in terms of policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

#### 5.8 Other Matters

Concern has been raised by a local resident over the impact the proposal may have on a future application on their dwelling. This is not a material consideration for this proposal and as such has not been given weight in the final decision.

### 6. CONCLUSION

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

6.2 It is considered that the proposal, by virtue of its scale, design, and location, would not have a detrimental impact on residential amenity or mutual privacy. Adequate private amenity space would remain to serve the host dwelling and the proposal would not affect highway safety. The design of the proposal has been informed by and respects the character of the site and the locality. Accordingly the proposal is considered acceptable in terms of policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

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 The permission is **GRANTED** subject to the conditions on the decision notice.

**Contact Officer: Sarah Fordham**  
**Tel. No. 01454 865207**

### CONDITIONS

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

Reason

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