



**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. 03/13

Date to Members: 18/01/13

Member's Deadline: 24/01/13 (5pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by the Planning and Transportation Committee on 21 November 1996. The procedure is designed to increase the effectiveness and efficiency of the Development Control Service. Under the arrangement reports are circulated on a weekly basis.

The reports assess the application, consider representations which have been received, and make a recommendation regarding the proposal. The procedure is designed to ensure that Members are aware of any concern expressed by interested parties in their ward and indicate a recommendation.

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **by email within five working days of the publication of the schedule (by 5pm)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee**

PLEASE NOTE: THE CIRCULATED SCHEDULE PROCESS IS ONLY OPEN TO THE ELECTED MEMBERS OF SOUTH GLOUCESTERSHIRE COUNCIL.

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Development Control Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (e.g, if the schedule is published on a Friday, comments have to be received by the end of Thursday) (see cover page for the date).

To refer an application(s) members are asked to email MemberReferral@southglos.gov.uk providing details of

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

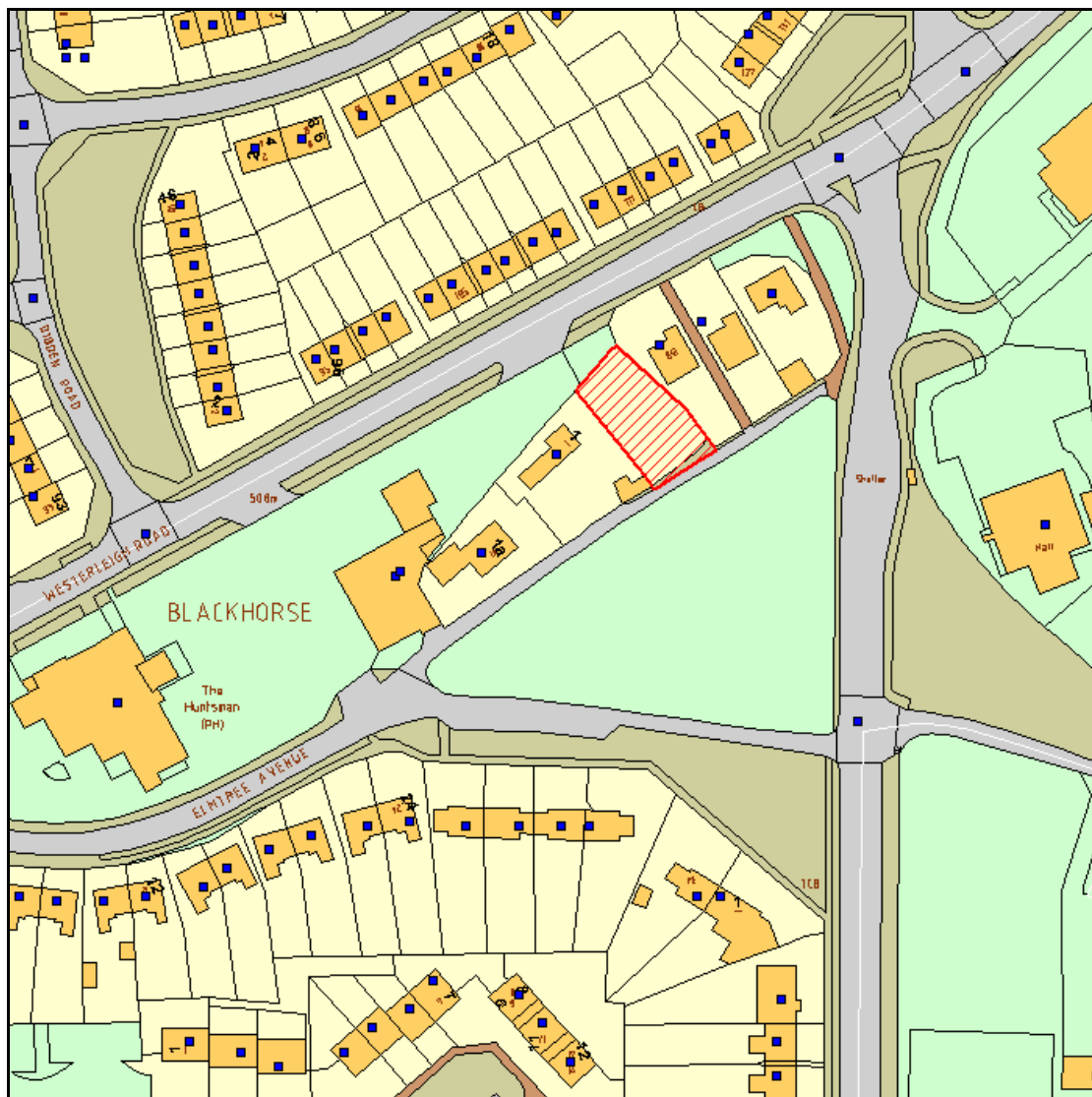
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Management Technical Support Team. If in exceptional circumstances, you are unable to e-mail 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 03/13 – 18 JANUARY 2013

| ITEM NO. | APPLICATION NO | RECOMMENDATION | LOCATION | WARD | PARISH |
|----------|----------------|----------------------------|---|-----------------------------|---|
| 1 | PK12/3108/F | Approve with Conditions | Adjacent 1 Elmtree Avenue Mangotsfield South Gloucestershire BS16 9BW | Rodway | Mangotsfield Rural Parish Council |
| 2 | PK12/3622/F | Approve with Conditions | 88 Cloverlea Road Oldland Common South Gloucestershire BS30 8TX | Oldland | Bitton Parish Council |
| 3 | PK12/3777/RV | Approve with Conditions | 8 Berkeley Road Staple Hill South Gloucestershire | Staple Hill | None |
| 4 | MODK12/0004 | Approved Subject to S52 | 8 Berkeley Road Staple Hill South Gloucestershire | Staple Hill | None |
| 5 | PK12/4011/F | Approve with Conditions | Sarah Cottage 2A Sheepfair Lane Marshfield Chippenham South Gloucestershire SN14 8NA | Boyd Valley | Marshfield Parish Council |
| 6 | PK12/4012/LB | Approve with Conditions | 2A Sheepfair Lane Marshfield Chippenham South Gloucestershire SN14 8NA | Boyd Valley | Marshfield Parish Council |
| 7 | PK12/4025/F | Approve with Conditions | 26 Ravenswood Longwell Green South Gloucestershire BS30 9YR | Longwell Green | Oldland Parish Council |
| 8 | PK12/4110/F | Approve with Conditions | 7 Lodge Road Yate South Gloucestershire BS37 7LE | Ladden Brook | Iron Acton Parish Council |
| 9 | PK12/4138/CLP | Approve with Conditions | 1 Century Cottage Westend Road Wickwar South Gloucestershire | Ladden Brook | Wickwar Parish Council |
| 10 | PK12/4151/CLP | Approve with Conditions | 290 Badminton Road Downend South Gloucestershire BS16 6NT | Emersons | Mangotsfield Rural Parish Council |
| 11 | PT12/2358/CLE | Approve with Conditions | The Platform Co (UK) Ltd Lift House Gloucester Road Almondsbury South Gloucestershire BS32 4HY | Severn | Olveston Parish Council |
| 12 | PT12/2567/MW | Approve with Conditions | Sevenside Energy Recovery Centre Severn Road Hallen South Gloucestershire | Pilning And Severn Beach | Pilning And Severn Beach Parish Council |
| 13 | PT12/3613/F | Approve with Conditions | 6 Strode Common Alveston South Gloucestershire | Thornbury South And | Alveston Parish Council |
| 14 | PT12/3872/F | Approve with Conditions | Bristol Golf Centre Common Mead Lane Hambrook South Gloucestershire BS16 1QQ | Winterbourne | Winterbourne Parish Council |
| 15 | PT12/3948/F | Approve with Conditions | 21 Rossall Avenue Little Stoke South Gloucestershire BS34 6JU | Stoke Gifford | Stoke Gifford Parish Council |
| 16 | PT12/3994/F | Approve with Conditions | 24 Salem Road Winterbourne South Gloucestershire BS36 1QF | Winterbourne | Winterbourne Parish Council |
| 17 | PT12/4037/CLE | Approve | Athelstan House Oakley Green Westerleigh South Gloucestershire BS37 8QZ | Westerleigh | Westerleigh Parish Council |
| 18 | PT12/4086/F | Approve with Conditions | Land Adjacent To 6 The Brake Coalpit Heath South Gloucestershire BS36 2TL | Westerleigh | Westerleigh Parish Council |

CIRCULATED SCHEDULE NO. 03/13 – 18 JANUARY 2013

| | | | |
|----------------------------------|---|-------------------------|--------------------------------------|
| App No.: | PK12/3108/F | Applicant: | Shire Homes (South West) |
| Site: | Adjacent 1 Elmtree Avenue Mangotsfield Bristol South Gloucestershire BS16 9BW | Date Reg: | 18th September 2012 |
| Proposal: | Erection of 1 no dwelling with detached garage and associated works | Parish: | Mangotsfield Rural Parish Council |
| Map Ref: | 366218 177359 | Ward: | Rodway |
| Application Category: | Minor | Target Date: | 9th November 2012 |



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100023410, 2008.

N.T.S.

PK12/3108/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

Objections have been received which contradict the officer recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a detached dwelling, detached garage and associated works on land between Westerleigh Road and Elmtree Avenue. The site is bordered to the south by a private access road serving five other dwellings, which the proposal would infill, and to the north by a car sales site and beyond that Westerleigh Road. To the other side of the access lane is a triangular open green. To the east of the site, no. 156 Westerleigh Road is a render and tile two storey dwelling, with no first floor habitable rooms facing the proposed dwelling. The site is formerly part of the garden of No. 1 which is a locally listed building. This application follows the approval of an outline scheme for one dwelling on the site, which is considered to have established the principle of residential development on the site.
- 1.2 The proposed dwelling would be two storey, set to the rear of the site, with a large front garden, echoing the dwellings on either side of it. A detached, L shaped single garage is proposed to stand at the front of the site, faced with stone on two sides and rendered on the others. The house is proposed to have three bedrooms, form a T shape with a prominent front-facing gable and be rendered under a double Roman tiled roof. Windows are shown facing front and rear, with only a bathroom window and high level secondary windows facing east and a blank western elevation.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within residential curtilages
L15 Locally listed buildings
T8 Parking standards
T12 Highway safety
- South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
CS9 Heritage Assets
- 2.3 Supplementary Planning Guidance
Local List (adopted 2008)

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/0068/O Erection of detached dwelling Outline approval 2012

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council

Recommend approval.

4.2 Other Consultees [including internal consultees of the Council]
Conservation Officer

The revised scheme is considered to respect the setting of the locally listed building. Approval is recommended, subject to appropriate conditions.

Transportation

The application differs from the outline approval through the inclusion of a garage. It is recommended that the new garage is located further back in the site so that its use is not compromised by parking within the turning area in front of it.

Technical Services

No objection in principle, subject to the paving of the parking and turning area being of permeable material and a condition requiring the submission of a drainage plan compliant with sustainable drainage principles.

Environmental Protection

No objection in principle

Other Representations

4.3 Local Residents

4 letters of objection were received, 3 from or on behalf of the same person, citing the following concerns:

- The proposed dwelling is close to full width in the plot, too tall, and would be overbearing in terms of mass and scale,
- The new dwelling erode the setting of the locally listed building next door, with its building line in front of it
- The proposed garage would erode the openness of the historic plot pattern
- The proposal should be for a two bedroom dwelling
- The site boundary on this application does not agree with that shown on PK12/2992/F for an extension to 1 Elmtree Avenue

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of residential development, in the form of one dwelling is considered to have been established through the outline approval of planning permission for a dwelling on this site. This report will therefore concentrate on the design of the dwelling as it would be in close proximity to the locally listed building, as well as its impact on residential amenity, visual amenity and transportation issues, under the headings below. Revised plans were requested and received which amend the design in an attempt to overcome the initial adverse impact on the setting of the adjacent locally listed building.

5.2 Residential Amenity

The amended plans show a dwelling which is broadly in line with the front and rear building lines of the dwellings on either side of it. The height of the building at ridge and eaves level also broadly conforms with the dwelling on either side.

This floorplate and mass is not considered to create any problems for residential amenity in terms of overbearing impact. The windows, with the exception of high level and obscure glazed windows as indicated on the submitted plans, would all face front or rear and this is considered to preclude overlooking issues. With the green at the front and the car sales area to the rear, residential amenity would not be affected. A condition is recommended below preventing the later insertion of side-facing windows and subject to this restriction it is considered that the proposed dwelling would not have an adverse impact on existing levels of residential amenity and accords with policy H4 of the adopted Local Plan in this respect. With regard to the proposed garage, this would stand at the front of the plot and to the front of the row of dwellings, in line with the existing arrangement for No. 1 next door. This is not considered to have any adverse impact on residential amenity.

With regard to the residential amenity of future occupants of the site, it is noted that the back garden would be small, while the front garden is larger and would not benefit from such a degree of privacy. This is a factor of broadly following the existing building lines and any other layout is considered to be likely to cause some degree of overbearing impact. The layout of the garden is therefore recognised as being sub-optimal, but appropriate to the site's context and in terms of amenity space available for future occupiers of the proposed three bedroom house, is considered to be adequate to serve the dwelling's needs.

5.3 Design/ Visual amenity/ Impact on locally listed building

The layout of this proposal has been described above. In general terms it conforms to the site's surrounds and therefore is considered to respect local distinctiveness in this respect. Revised plans have improved the proposed dwelling's setting by bringing it back from the site's boundaries, thereby giving the proposed dwelling an improved setting and, in common with the other dwellings, allowing for pedestrian access to the rear garden from the front. In addition, the revised scheme has scaled down the proposed dwelling. The front elevation has also been simplified to achieve a better proportion of solid to void which is considered to sit more comfortably with the adjacent locally listed building. The proposal remains subordinate to the adjacent locally listed building even though it is wider than the modern detached dwelling to the northeast. The Conservation Officer has no objections to the revised scheme but has recommended conditions shown below to secure details of all external materials and construction detail in order to ensure a quality appearance, befitting the proposed dwelling's relationship to the locally listed building. With regard to the point raised through the consultation process about the proposed garage eroding the openness of the historic plot pattern, this pattern includes an outbuilding in this part of the site at present. The proposal is to replace the existing outbuilding, which includes a stone wall facing the lane, with a partially stone-faced slightly larger outbuilding to be used as a garage. This part of the proposal is considered to bring about an improvement to current levels of visual amenity, given that an apex tiled roof would replace a monopitch corrugated iron roof. The proposal is considered to accord with policy L1 in this regard and takes full account of the site's relationship to the adjoining locally listed building.

5.4 Transportation

The highways comments appear at 4.2 above. No objection is raised, but a revised location of the garage is recommended in order to aid manoeuvring within the site. This requirement has to be balanced against the need to protect the setting of the locally listed building, as identified above. The layout of the adjoining site includes a garage/ outbuilding at the front of the site, in a similar relationship as now proposed on the site. It is considered that the requirement to followed this established pattern of building carries a greater importance than the ease of parking on site, where there is some potential for open parking in front of it to compromise the use of the proposed garage. It is considered that parking could occur within the turning area in front of the garage, but in practice even if this happens, that the garage would not be used or the front garden would be used partially for parking in order to keep the garage entrance clear. The end result in either case would be that the site provides adequate off street parking to satisfy policy T8 of the Local Plan and it is considered that the siting of the garage and configuration of the turning area would not result in overspill parking within Elmtree Avenue to the front of the site.

5.5 Drainage

The Technical Services comments appear at 4.2 above. A condition recommended below requires the submission and approval of a drainage plan to cover the site. The required drainage plan will be expected to show that the turning area within the site is formed of a permeable material, other than unbound gravel.

5.6 Other Issues

With regard to the comment received through the consultation process that the dwelling should have two bedrooms, it is considered that this proposal, for the reasons given above, is acceptable as a three bedroom dwelling. The site is large enough to accommodate a dwelling of the proposed size and reducing the number of bedrooms in itself would not determine the impact on the adjoining locally listed building.

Regarding the point raised that the site boundary on this application does not agree with that shown on PK12/2992/F for an extension to 1 Elmtree Avenue, landownership is a civil legal matter and not a planning matter. The decision notice carries an informative that makes clear that planning permission can only be implemented on land that the applicant owns or controls. There is no particular requirement that the boundaries on this application should tally with any other 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 The proposed dwelling and garage would not have an adverse impact on the setting of the locally listed building, existing levels of residential amenity enjoyed by neighbouring occupiers, the visual amenity of the locality or

highway safety. The proposal is considered to accord with policies D1, H4, 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 conditions shown below.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17, L8 and EP1 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 the building is first occupied, and thereafter retained for that purpose.

Reason

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

4. Prior to the commencement of development samples of the roofing and external facing materials, the materials to be used for the parking and turning area and details of the windows 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. For the avoidance of doubt, the tiles shall be clay double roman tiles and the surfacing of the parking and turning area shall be permeable.

Reason: To ensure a satisfactory standard of external appearance and to accord with Policies D1, L17, L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The windows hereby permitted shall be installed with an external reveal of min.100mm and shall be vertically sliding sash windows, not top hung.

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

6. A sample of the render indicating colour and texture, shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. Development shall be carried out in accordance with the agreed sample.

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

7. No windows other than those shown on the plans hereby approved shall be inserted at any time in either side elevation of the property.

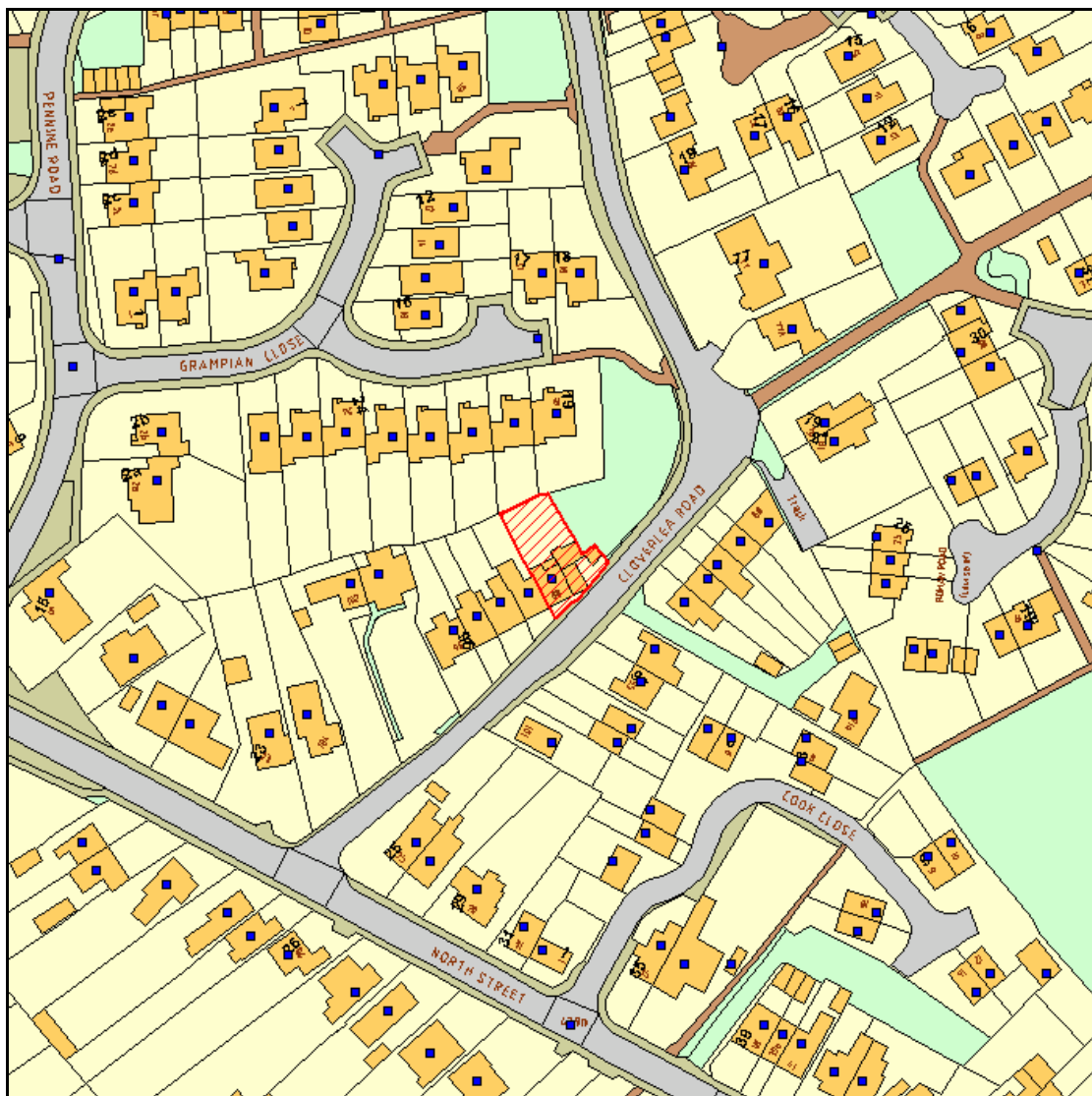
Reason

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

ITEM 2

CIRCULATED SCHEDULE NO. 03/13 – 18 JANUARY 2013

| | | | |
|------------------------------|--|---------------------|--------------------------|
| App No.: | PK12/3622/F | Applicant: | Mr P And N Bewley |
| Site: | 88 Cloverlea Road Oldland Common Bristol South Gloucestershire BS30 8TX | Date Reg: | 7th November 2012 |
| Proposal: | Erection of 1no. attached dwelling with parking and associated works (Resubmission of PK11/4055/F) | Parish: | Bitton Parish Council |
| Map Ref: | 367304 171867 | Ward: | Oldland Common |
| Application Category: | Minor | Target Date: | 31st December 2012 |



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100023410, 2008. **N.T.S.** **PK12/3622/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as the Bitton Parish Council object to the proposal.

1. THE PROPOSAL

- 1.1 This applicant seeks planning permission to erect a two bedroom two storey attached dwelling to the side of an existing end-of-terrace dwelling at No. 88 Cloverlea Road, Oldland Common. The site was part of the garden of 88 Cloverlea Road, and has been fenced off for the proposed development. The houses in the road are mainly semi-detached or small terraced rows, and to the north-east side lies a small area of public open space.
- 1.2 The proposed dwelling would be approximately 6 metres (maximum) wide by 8.2 metres deep and 7.1 metres to its ridge. The new dwelling would have a double-pitched roof, and part of the new dwelling is set back from the main frontage of the new dwelling.
- 1.3 There is documentary evidence of a locally listed small building sited within the side garden of the host dwelling; this has since been demolished.
- 1.4 Previous planning permission PK11/4055/F was refused on 23 December 2011 for the following reasons:

It is considered that the proposed dwelling by reason of its siting would be harmful to the character and appearance of the row of terraces and the street scene and therefore it is considered the proposal is contrary to Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

It is considered that the proposed dwelling, if permitted, would result in a cramped form of development that would detract from the visual amenity of the streetscene and be contrary to Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

Subsequently the application was dismissed by the Planning Inspector who states,

'I consider that the proposal would be out of keeping with the pattern of development,... I accept that it would not be visible on the approach from the southwest. On the other hand, it would occupy a prominent position in views from the northeast across an open area of grass... I consider that that the proposal would appear as a significantly more substantial detached building than those extensions. It would close the gap between converging lines of the houses in Cloverlea Road and Grampian Close to the north and introduce an incongruous element in the street scene. '

'Although the side garden of No. 88 is sizeable, it is somewhat restricted for a dwelling of the size proposed. The garden which would remain for the existing and that proposed for the new dwelling would be relatively small compared with many in the area. However, I consider that the would be adequate and that the development would not, in that respect, be unduly cramped.'

- 1.5 This application therefore is to address the Inspector's concerns. The differences of the current application are: the location and the design of the new dwelling.

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
H2 Residential Development within the Urban Area
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development Control Policy
EP2 Flood Risk for Development
L17 & L18 The Water Environment

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

- CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Environmental Resources and Built Heritage
CS17 Housing Diversity
CS16 Housing Density

- 2.3 Supplementary Planning Guidance
Design Checklist (adopted 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 PK08/0822/F Erection of two storey side and rear and single storey rear extensions to provide integral garage and additional living accommodation.
Withdrawn 25-APR-08.

- 3.2 PK11/2334/F Erection of two storey side extension to form dwelling. Erection of single storey rear extension to existing dwelling. Withdrawn September 2011.
- 3.3 PK11/3274/F Erection of 1 no. attached dwelling with associated works and erection of single storey rear extension to existing dwelling to form additional living accommodation. (Re-submission of PK11/2334/F). Approved December 2011
- 3.4 PK11/4055/F Erection of 1no. detached dwelling with parking and associated works
Refused and subsequently dismissed by the Planning Inspector.

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Councillors continued to object to the proposals, with many of their previous objections remaining outstanding. Only a very small rear garden, totally enclosed, remains for the existing dwelling so restricting amenity space. The access from the property for cars was considered dangerous, on a bend in the 2way stretch of road. It is felt that the proposals continue to represent an over-intensification of use at the site.

Other Consultees including internal consultees of the Council

- 4.2 Sustainable Transportation
No objection.
- 4.3 Environmental Protection
No objection.
- 4.4 Drainage Engineer
No objection, subject to conditions regarding drainage being attached to the decision notice (if approved)
- 4.5 Coal Authority
No objection.

Other Representations

- 4.6 Local Residents
None comment.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

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

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

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

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

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

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

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

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

5.2 Design / Visual Amenity

Policy D1 of the Local Plan requires all new development to be well designed. Planning Inspector considered that the previous proposal would be out of keeping with the pattern of development as it would occupy a prominent position in views from the northeast across an open area of grass and the proposal would appear as a significantly more substantial detached building than those extensions. The new dwelling would close the gap between converging lines of the houses in Cloverlea Road and Grampian Close to the north and introduce an incongruous element in the street scene.

In order to address the Inspector's concerns, the current proposal shows that the new dwelling would be attached to the existing dwelling. The proposed location is considered to be acceptable as the planning permission, PK11/3274/F, was already granted for the erection of an attached dwelling to the side of No. 88 Cloverlead Road.

The existing dwelling is two-storey and has a double pitched roof and the new dwelling would have a similar roof shape and detailed design also reflects the character of the existing dwelling, although the main frontage of the new dwelling would be set back from the frontage of the existing dwelling by approximately 1.2 metres (and part of the new dwelling would be further set back by approximately 4 metres). As such it is considered that the proposal would be in keeping with the character of the existing dwelling

It is proposed to use matching stonework on the frontage of new dwelling and to render the sidewalls of the new dwelling. The roof would be finished with plain tile. Officers consider that the proposed materials would be acceptable.

Overall, it is therefore considered that the proposal has overcome the Inspector's concerns and would not be harmful to the character and appearance of the principal dwelling and street scene and therefore it is considered the proposal accords with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.3 Residential Amenity

The proposed dwelling would be attached to No. 88 Cloverlea Road. Directly to the other side lies a small area of public open space. Beyond the boundary of the rear garden lie the rear gardens of the dwellings sited in Grampian Close. The distance from the proposed dwelling to the nearest dwelling in Grampian Close is approximately 21 metres. Additionally, there is a 1.8 metre high close-boarded fence on the rear boundary.

The proposed dwelling would project beyond the rear elevation of existing dwelling, No. 88, by approximately 2 metres and there would be no windows on the side elevations.

It is therefore considered that the proposed dwelling would not result in an overbearing impact on the occupiers of either the host dwelling or the adjacent dwelling at No. 90 Cloverlea Road. As there would not be any windows on the side elevation, it is considered that the proposed dwelling would not create any material loss of privacy through over looking or inter-visibility.

With regard to the adequacy of the garden sizes, the revised plans show that the rear garden has been split. As the proposed dwelling would only have two bedrooms, it is considered that both the proposed and the existing dwellings would be left with gardens of a sufficient size to serve the current and future occupiers. The proposal is therefore considered to accord with Policy H4 in this regard.

5.4 Transportation Issues

There is a lot of planning history on this site. The most recent planning application (PK11/4055/F) was refused planning permission and the decision appealed and later dismissed by the Inspector. No transportation objection was raised on this proposal.

The site has extant planning permission (PK11/3274/F) for a two-bed dwelling. This current proposal again seeks to erect a two-bed dwelling. There are some changes to the layout of the site. However, in transportation terms the proposals remains similar to the plans previously approved. On that basis, there is no transportation objection to this proposal.

5.5 Drainage Issues

With regard to drainage, Policy EP2 does not allow for development that would increase the risk of flooding, unless adequate environmentally acceptable measures are incorporated which provide suitable protection, attenuation or mitigation. Policy L18 requires that new development will need to incorporate a Sustainable Drainage (SUDS) system. The Councils Drainage Engineer has requested that a condition is attached to secure the submission of a full drainage scheme for approval before development could commence and that the proposed area of hardstanding is constructed of a permeable material.

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.

- a) Due to its scale and position in relation to the adjacent dwellings, the proposed dwelling is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policies H2, H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) It has been assessed that the proposed dwelling has been designed to respect and maintain the massing, scale, proportions, materials vernacular and overall design and character of the street scene and surrounding area. The development therefore accords to Policies H2, D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.

- c) The proposal would provide adequate off street parking within the site. 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 proposal is considered to be acceptable in relation to surface water and foul waste disposal subject to conditions. The proposal is therefore considered to be acceptable in this respect in accord with Policies L17 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

7. RECOMMENDATION

7.1 That planning permission is approved, subject to the conditions and informatives shown on the decision notice.

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, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To 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/H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatments to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the building is occupied. 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 H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

7. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. Full planning application. A detailed development layout showing surface water and SUDS proposals is required as part of this submission.

Reason

To comply with Policies L17, L18, EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPS25.

8. The parking area is to be constructed of an appropriate permeable design or rainfall to be directed to a permeable soakage area (provided it does not cause flooding of adjacent property) within the curtilage of the dwelling to ensure surface water run-off is retained at source.

Reason

To ensure a satisfactory means of drainage and pollution control in order to comply with Policies L17, L18, EP2 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

| | |
|-------------------|---------------|
| Monday - Friday . | 07.30 - 18.00 |
| Saturday . | 08.00 - 13.00 |

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.

All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.

In periods of dry weather, dust control measure should be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance.

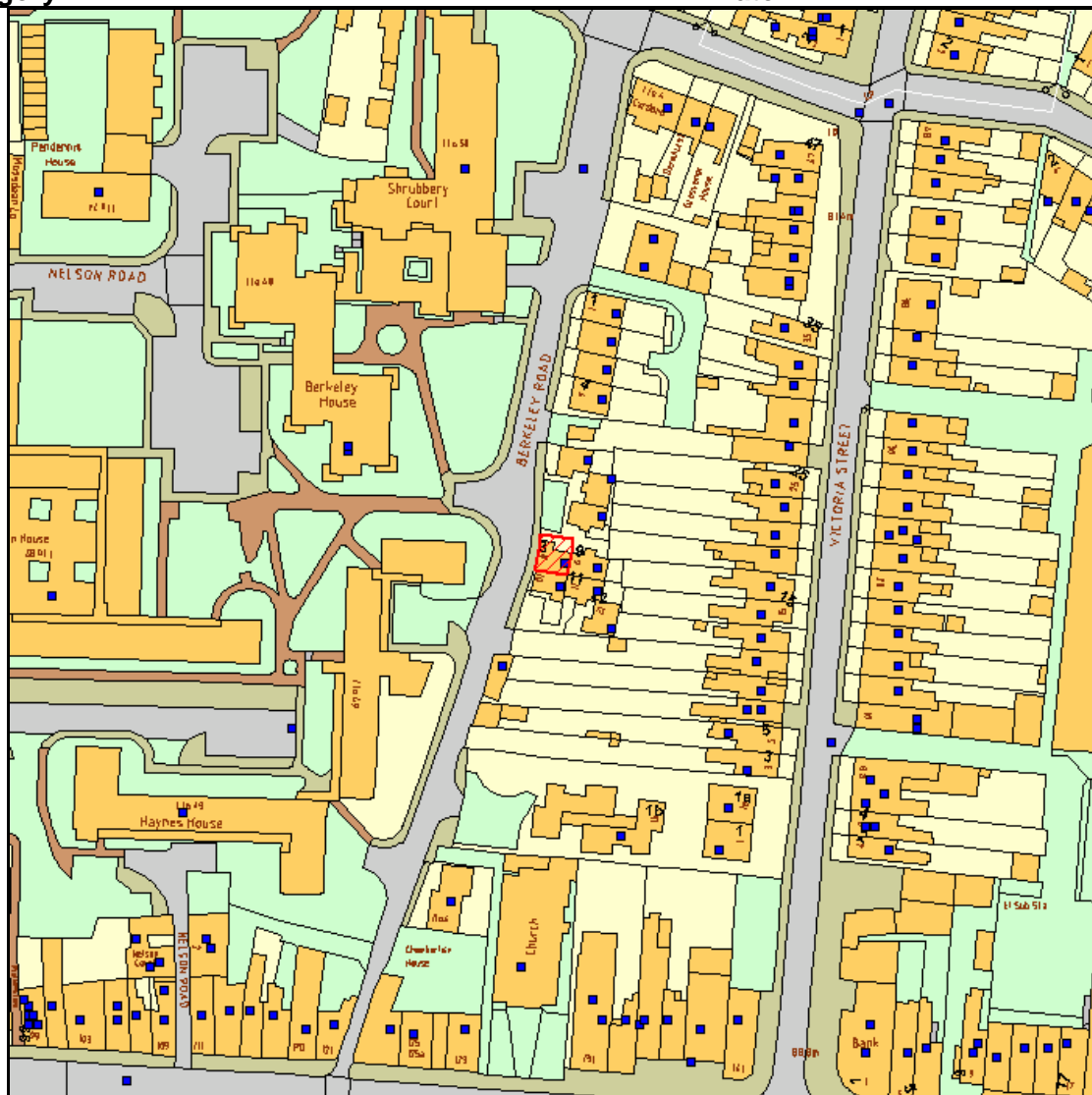
Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 3

CIRCULATED SCHEDULE NO. 03/13 – 18 JANUARY 2013

| | | | |
|------------------------------|---|---------------------|------------------------|
| App No.: | PK12/3777/RVC | Applicant: | Mr Jonathan Carrington |
| Site: | 8 Berkeley Road Staple Hill Bristol South Gloucestershire BS16 5JW | Date Reg: | 19th November 2012 |
| Proposal: | Removal of condition C attached to (part of) planning permission K5069/1 dated 30 April 1987 to remove the requirement for the occupiers of 8 Berkeley Road to be restricted to persons over the age of 60 years. | Parish: | None |
| Map Ref: | 364858 176041 | Ward: | Staple Hill |
| Application Category: | Minor | Target Date: | 11th January 2013 |



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100023410, 2008. **N.T.S.** **PK12/3777/RVC**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been referred to the Circulated Schedule because a consultation response has been received from some local residents that is contrary to the officer recommendation. In addition (but elsewhere on this Schedule) there is an associated request to modify a section 52 legal agreement.

1. THE PROPOSAL

- 1.1 The application concerns No. 8 Berkeley Road, Staple Hill, a one-bed bungalow located within an urban area of Staple Hill. It forms one of a small group of bungalows originally granted planning permission in 1987 under reference K5069/1. The consent was granted subject to conditions and section 52 legal agreement which restricted the occupancy of the bungalows to persons of 60 years and over. In addition to the clause in the legal agreement condition c) of the consent states that "The development hereby permitted shall only be occupied by persons as defined by Agreement dated 24 July 1987." The reason for this is stated as "In view of the restricted car parking the units are considered suitable only for this limited occupancy". Accordingly this condition duplicates a term in the legal agreement.
- 1.2 The site is a bungalow and is bounded to the residential properties and approximately 127 metres from High Street, Staple Hill.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012 (particularly paragraphs 203-206 relating to the use of planning conditions and obligations).

Circular 11/95 Use of planning conditions in planning permission.

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

T8 Parking Standards

T12 Transportation Development Control Policy

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

CS1 High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 K5069 Erection of retirement flats. Approved 09.06.86
- 3.2 K5069/1 Erection of 8 no. retirement bungalows. Approved 11.09.87

- 3.3 K1058 (opposite the application site). Erection of 57 O.A. P. flats with communal facilities, 2 no. wardens flats & garaging for 26 cars. Associated car parking space. Approved 10.12.75
- 3.4 MODK12/004 Modification of section 52 agreement attached to planning permission K5069/1. Not yet determined – associated report is elsewhere on this Circulated Schedule.

4. CONSULTATION RESPONSES

4.1 Parish/Town Council

The site is not situated within a parished area.

4.2 Other Consultees

Highway Officer: No objection.

Other Representations

4.3 Local Residents

An objection letter has been received from two local residents and their concerns are summarised as follows:

- The residents purchased the bungalows as retirement homes and would feel quite intimidated if someone of a young age would be occupying the property.
- The residents have recently had problems with a number of other bungalows, they have all been rented out through letting agents by their deceased families, people below the age limit for the bungalows are renting these properties and these tenants are quite inconsiderate to their needs as older people.
- The residents have a parking bay, which gives residents parking outside of their homes. Resident who has had a hip replacement and needs a walking aid so needs her parking space so that she doesn't have to walk far. Residents have paid for these parking spaces with their property and feel that if younger people move in with more than 1 car this would cause more problems.
- The residents would not have a problem with this restriction to be lowered a little to 50 as some people retire or are thinking about retirement at this age.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site lies within an established urban area, within which residential development is considered acceptable in principle subject to detailed development control criteria. When planning permission was granted for the original development of 8 bungalows it seems the parking standards then in force could not be achieved. IT was further considered that persons over 60 years of age would have lower car ownership and as such the 7 parking spaces available to serve the 8 one bedroom bungalows would be

acceptable on this basis. A Section 52 Agreement was agreed to restrict occupancy to the over 60's in order to reduce the parking demand, and this was duplicated in the planning condition in question. The applicant seeks to lift this restriction in this variation of condition application (and simultaneously to seek a deed of variation to the legal agreement which is separately reported).

The key issue in the determination of the acceptability of this application therefore relates to an examination of the reasons for the original condition, and what material changes there have been to planning policy since the decision in 1987 that might affect the applicability of the decision.

There have been considerable changes to national and local planning policies since 1987. One of the most relevant in this case is the national guidance that exists in relation to the use of planning conditions in planning decisions. This is set out in Circular 11/95 issued in 1995, which indicates the tests that conditions should comply with before being imposed. These broadly reflect tests established in case law through the courts. The tests are reiterated in the National Planning Policy Framework. This goes on to state that where possible planning conditions should be used in preference to obligations (that is to say legal agreements), but there is certainly no need to duplicate such restrictions as was the case here.

As the original reason for imposing the condition related to parking standards this is considered below.

5.2 Highway issues

Presently, South Gloucestershire Council applies maximum parking standards via policy T8 of the adopted South Gloucestershire Local Plan. This is however likely to revert back to 'minimum' standards signalled in emerging policy CS8 of the Core Strategy, and work on an emerging Residential Parking Standards SPD.

Assessing the parking provision against the current development plan parking standards then this meets the Council's maximum parking standards, and as such a condition could not be justified. Furthermore, even if one were to assess this under the emerging Residential Parking Standards set out in the SPD (which can only attract very limited weight as maximum standards at this stage prior to adoption) it is unlikely that a transportation objection could be sustained. The site is in a very sustainable location as it is within easy walking distance to Staple Hill shopping area and local facilities. The High Street in Staple Hill is approximately 150 metres walking distance to the application site and there is good access to bus services at this location.

In addition Berkeley Road is subject to waiting restrictions. Directly outside the application site, there are double-yellow lines, which prevent on street parking but some parking can still take place outside the restricted area.

The 1987 decision was also based on the assumption that persons over 60 generate lower car ownership. Whilst this assumption generally still holds some weight, things are probably not quite as clear-cut as they were in 1987. Certainly for a small scale development it would be difficult to demonstrate that there would be a material impact arising from the age of the occupiers that would materially affect the parking arrangements in the locality. Moreover, it is

much more likely that the small one bedroom nature of the property is likely to curtail the car ownership of the occupant rather than the age of the individual occupant.

Having considered all the issues, officers consider that there are no substantial highway safety issues to justify the necessity of this condition. It therefore fails one of the tests in Circular 11/95 and should be lifted.

It is not considered that there are other material changes to planning policy that would justify the retention of the condition for other planning reasons.

5.3 Other issues

Concerns have been raised with regard to the occupation of younger families upon increased disturbance and individual inconsiderate behaviour. Such assumptions about the behaviour of a class of persons do not attract weight in this planning decision. The likely impacts on parking have been considered in the above section.

5.4 Other conditions on the 1987 consent

There were 5 conditions pertaining to planning permission K5269/1. In considering the variation to remove condition c) it is appropriate to consider whether the fresh decision should reiterate all the other conditions. One was a condition relating to implementation which will be replaced; 2 related to the consideration of details prior to the commencement of the development which clearly no longer apply. Finally, one condition removed permitted development rights under the 1977 General Development Order because the council "wished to retain control" over permitted development rights due to the restricted nature of the development.

Aside from the fact that the 1977 General Development Order is no longer in force, it is appropriate to consider whether any fresh decision should seek to restrict permitted development rights afforded today. Again Circular 11/95 (issued since the original decision) gives clear advice. It states that it is only in exceptional circumstances that permitted development rights should be limited. Such a condition would be regarded as unreasonable unless there were clear evidence that unless controlled there would be a serious adverse effect – and that the planning purpose of the condition was clear. Therefore the threshold for imposing such restrictions is materially higher than was the case in 1987. It is not considered upon reflection that this could be said to be the case here. Accordingly, it is not proposed to reiterate such a restriction in this decision.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning 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 to vary the condition has been assessed against the standards in policy T8 of the South Gloucestershire Local Plan, and emerging policy. It not considered that there will be material harm to highway safety as a result of lifting the restriction. The conditions have been assessed against the test set out in Circular 11/95.

6.3 The recommendation to vary the conditions on consent K5069/1 has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That consent is granted to vary the conditions associated with planning consent reference K5069/1 such that the limitations on occupancy and permitted development rights are removed subject to the condition set out below.

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.

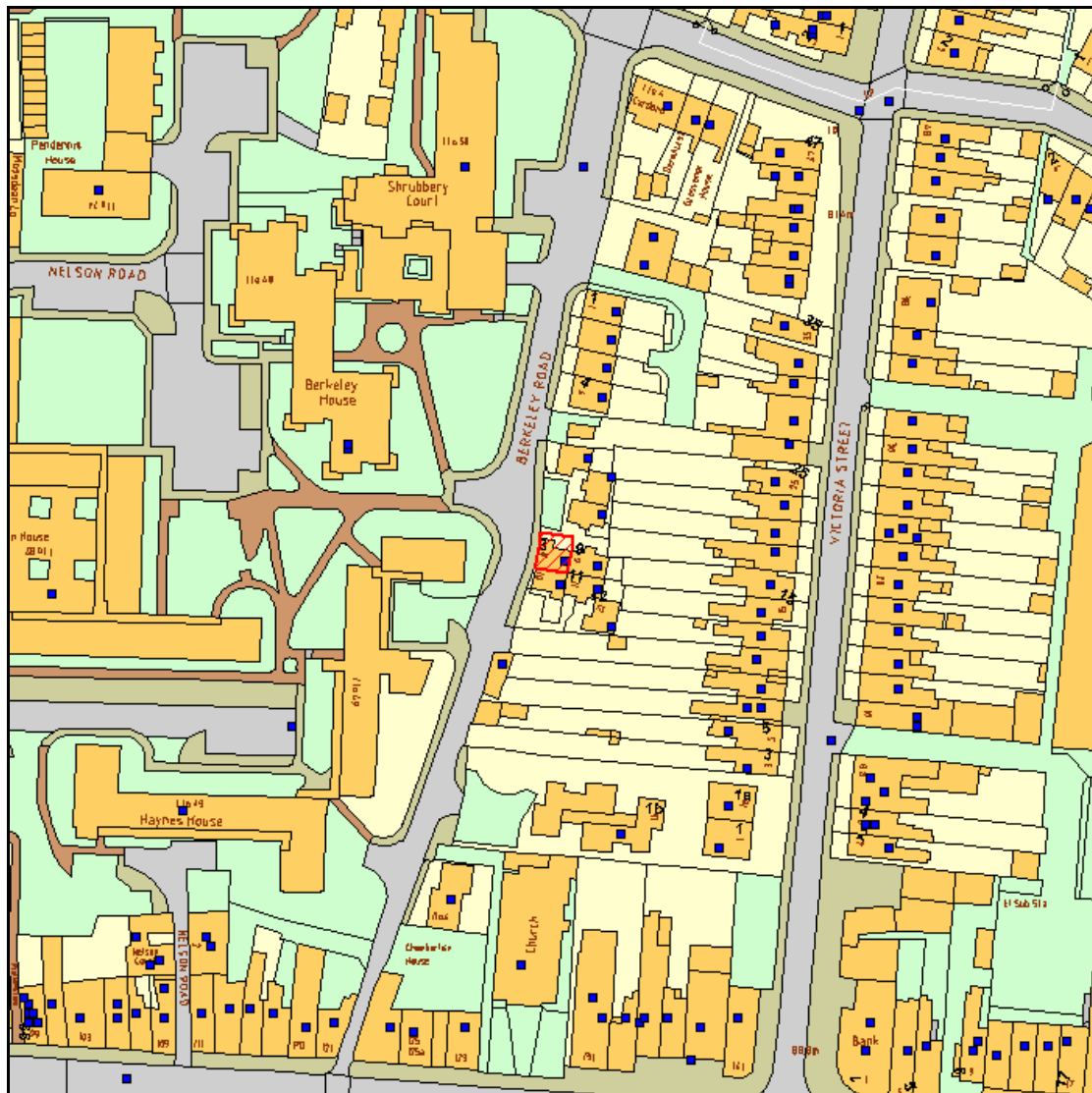
Reason

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

ITEM 4

CIRCULATED SCHEDULE NO. 03/13 – 18 JANUARY 2013

| | | | |
|------------------------------|---|---------------------|------------------------|
| App No.: | MODK12/0004 | Applicant: | Mr Jonathan Carrington |
| Site: | 8 Berkeley Road Staple Hill Bristol South Gloucestershire BS16 5JW | Date Reg: | 19th November 2012 |
| Proposal: | Modification of S52 Agreement attached to planning application K5069/1. | Parish: | None |
| Map Ref: | 364858 176041 | Ward: | Staple Hill |
| Application Category: | | Target Date: | |



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100023410, 2008. **N.T.S.** **MODK12/0004**

REASON FOR REFERRING THIS PROPOSAL TO THE CIRCULATED SCHEDULE

This proposal seeks to lift restrictions imposed by a section 52 legal agreement (the equivalent of section 106 agreements today). In accordance with the Council's constitution such proposed modifications are referred to the Circulated Schedule:

1. THE PROPOSAL

- 1.1 The application seeks an agreement for the Director of Environment and Community Services to instruct Legal Services to agree a Deed of Variation to the section 52 legal agreement signed in 1987 to remove the age occupancy restriction under the consent K5069/1.

2. ANALYSIS OF PROPOSAL

- 2.1 Planning permission K5069/1 sought full planning permission for the erection of 8 no. retirement bungalows. The application was approved on 11 September 1987 following the signing a Section 52 agreement dated 24 July 1987. The S52 agreement states that none of the retirement bungalows erected on the land shall be occupied by a person under the age of sixty years.
- 2.2 The planning merits of removing this restriction are set out in planning report reference PK12/3777/RVC as not only did this obligation appear in the legal agreement it also features as a planning condition. In short, the restriction was duplicated. National advice issued since 1987 in the National Planning Policy Framework makes it clear that restrictions should not be duplicated in this way; and wherever possible the restriction should be imposed using a planning condition.
- 2.3 The recommendation for PK12/3777/RVC is that such a restriction is unnecessary when tested against current planning policy and guidance. It is further unnecessary to have a legal agreement covering the same issue. It is therefore considered consistent with national guidance that the restriction on age imposed by the section 52 agreement is lifted by way of a deed of variation.

3. RECOMMENDATION

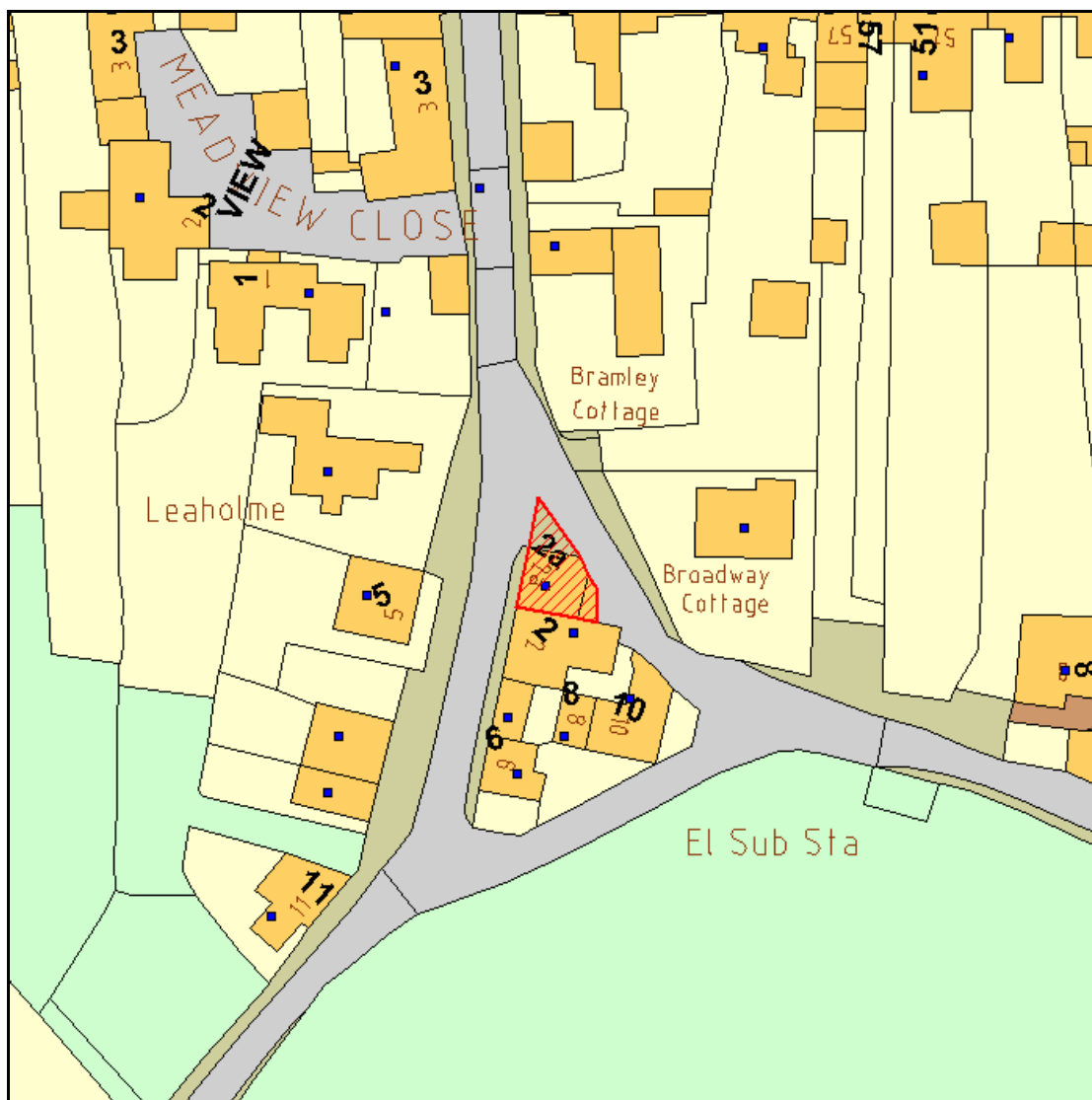
- 3.1 That authority is granted to the Director of Environment and Community Services to instruct Legal Services to execute a Deed of Variation to remove the age occupancy restriction from the section 52 agreement attached to planning consent K5069/1.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

ITEM 5

CIRCULATED SCHEDULE NO. 03/13 – 18 JANUARY 2013

| | |
|--|---|
| App No.: PK12/4011/F | Applicant: Mrs Annette Bond |
| Site: Sarah Cottage 2A Sheepfair Lane Marshfield Chippenham South Gloucestershire | Date Reg: 4th December 2012 |
| Proposal: Demolition of existing garage to facilitate the erection of single storey side extension to provide additional living accommodation. | Parish: Marshfield Parish Council |
| Map Ref: 377859 173654 | Ward: Boyd Valley |
| Application Category: Householder | Target Date: 25th January 2013 |



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100023410, 2008. **N.T.S.** **PK12/4011/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application site is situated to the end of a terrace of modest two storey cottages south of the centre of Marshfield. The building lies adjacent to the junction of Sheepfair Lane and Weir Lane and is set within a very prominent location with three elevations open to public views. The application site comprises a modest two storey end terraced cottage with single storey lean to corrugated building at the rear

The building is located within the settlement boundary of Marshfield, Marshfield Conservation Area and the Cotswolds AONB. The house is a Grade II Listed Building.

- 1.2 The application proposes demolition of existing garage to facilitate the erection of single storey side extension to provide additional living accommodation.

This application is a resubmission of application PK03/1827/F which is not extant.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Design
- H4 Development within Existing Residential Curtilages
- L2 Cotswolds AONB
- L12 Conservation Areas
- L13 Listed Buildings
- T8 Parking Standards

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

- CS1 High Quality Design
- CS9 Environmental Resources and Built Heritage
- CS34 Rural Areas

- 2.3 Supplementary Planning Guidance
Marshfield Conservation Area SPD – March 2004
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK02/2371/F Erection of single storey extension to form kitchen. Erection of chimney stack. Refused 09.09.2002
- 3.2 PK02/2376/LB Erection of single storey extension to form kitchen. Erection of chimney stack. Internal & external alterations and refurbishment. Refused 09.09.2002
- 3.3 PK03/1827/F Erection of single storey extension to form kitchen. Erection of chimney stack. (Resubmission of application PK02/2371/F). Approved 16.12.2003
- 3.4 PK03/1838/LB Erection of single storey extension to form kitchen. Erection of chimney stack. Internal & external alterations and refurbishment. (Resubmission of application PK02/2376/LB) Approved 01.12.2003

4. CONSULTATION RESPONSES

4.1 Marshfield Parish Council

No objection

4.2 Other Consultees [including internal consultees of the Council]

Conservation Officer – This application was given planning permission in 2003 but has since lapsed. The structural survey submitted in 2003 is now out of date and a revised survey should be submitted, subject to a condition. Otherwise the scheme remains acceptable. No objection, subject to conditions.

Archaeological Officer – No objection

Landscape Officer – No objection

Sustainable Transport – No objection

Other Representations

4.3 Local Residents

One letter of objection received from the occupiers of 6 High Street raising the following concerns:

- Over development
- Out of keeping with a traditional workers cottage
- The surrounding area is heavily congested and there is a triangular area of grass which enhanced the aesthetics of the area. It would be detrimental if this were to be reduced.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

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

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

Policy 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 L13 requires for development which affects a listed building or its setting, special regard should be had to the desirability of preserving the building, or its setting, or any features of architectural or historic interest which it possesses. The site is situated within a Conservation Area and policy L12 requires development proposals therein to preserve or enhance the character and appearance of the Conservation Area. Policy L2 is a further consideration and accepts development within the Cotswolds AONB where it would conserve or enhance the natural beauty of the landscape. The application also lies in the Green Belt.

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. Officers will now be making the arrangements for 6 weeks consultation to commence from early October on the Inspector led changes prior to any comments received being passed back to the Inspector. It is expected at this stage the Inspector will issue his final report in December allowing the Council to adopt the Plan in early 2013. This document 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 Heritage matters and visual amenity

2 and 2A are the northern pair of attached cottages within a terrace of 4 cottages fronting Sheepfair Lane. They are both listed under a group listing. There is no evidence that the cottages were ever linked and 2A is therefore believed to always have been a modest one up-one down cottage. It is of two storeys with very low eaves level and has a stone slate roof to the front and part stone slate part welsh slate roof to the rear. At the rear is a twentieth century lean-to garage extension. At first floor of the gable end is a stone mullion window with stone dripmould. The stack has been removed from the northern end at some time in the past. The building is visually prominent being located on a triangular area of land surrounded by roads. The dwelling is therefore visible on three sides from 3 separate roads.

The proposal would remove the unsightly single storey corrugated extension and replace with a traditionally designed and constructed single storey stone built extension. Although the extension would be located at the rear, it would face onto a highway. The design and materials have not changed from the previously approved scheme from 2003 and would be of good quality in keeping with the historic and architectural character of the existing Listed dwelling and would respect the character distinctiveness and amenity of the surrounding conservation area.

Concern has been raised by a local resident that the proposal could erode a prominent triangular area of grass within the application site. This area of grass is located to the north of the building (side elevation). The area of grass is visually prominent but the extension would be located at the rear and would not encroach onto this area of grass.

Concern has been raised that the proposal would result in over development of the site. The site is small, but the proposal would replace an existing rear extension and as such would not result in further development within the site, just a different design of development. As such the proposal would not result in a materially detrimental over development of the site.

5.3 Highway matters

The existing extension marked as 'garage' on the submitted plans is not used for vehicle parking. The garage has only a 2.5m depth and as such is too small to house a car. The garage does not provide the dwelling with any effective off street parking provision and is only used for ancillary storage. On this basis no off street parking would be lost as a result of the development. The development would provide a kitchen and no further bedrooms and as such no additional off street parking is required. There is otherwise no ability to park within the site. On this basis it is considered that the existing on street parking arrangement would remain unchanged and would not be exacerbated as a result of the extension. The proposal is therefore considered to be acceptable in highway safety terms.

5.4 Residential amenity

The proposed extension would be screened from the attached neighbour to the south by the neighbour's two storey rear extension which is would abut. Otherwise, the proposed extension would be situated a minimum of 11m from the nearest neighbour situated to the east. As such the proposed extension would not prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development.

5.5 AONB

The Cotswolds Area of Outstanding Natural Beauty, which is recognised as a nationally important landscape, washes over and surrounds Marshfield village. The development would be situated close to the edge of the village but more closely associated with the built up area to the north rather than the rural landscape to the south. The proposal would therefore conserve the natural beauty of the surrounding AONB landscape.

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 (general development procedure) order 2010 (as amended) is given below.
- a) Due to its scale and position in relation to the adjacent dwellings, the proposed development is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - b) It has been assessed that the proposed extension has been designed to respect and maintain the massing, scale, proportions, materials and overall design and character of the street scene and surrounding conservation area, the historic and architectural character of the Listed Building and the tranquillity and landscape character of the Cotswolds AONB. The development therefore accords to Policy D1, L2, L12, L13 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
 - c) The proposal would result in no additional pressure for on street parking. As such the proposal would have no significant highway safety implications. The development therefore accords to Policy T8 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 the works hereby approved full details of proposed structural works (in respect of which approval is expressly reserved) shall be submitted to the Local Planning Authority for approval. No works shall be commenced until the Local Planning Authority has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason:

To maintain and enhance the character and setting of the listed building, and to accord with Policy L13 of the South Gloucestershire Local Plan adopted 2006.

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

Reason

To maintain and enhance the character and appearance of the Conservation Area and the setting of the Listed Building, and to accord with Policy D1, L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. 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 maintain and enhance the character and appearance of the Conservation Area and the setting of the Listed Building, and to accord with Policy D1, L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No development shall commence until large scale details of the following items have been first submitted to and approved in writing by the Local Planning Authority:
 - a. all new windows (including cill, head and reveal details)
 - b. all new external doors and doorcases

The development shall be constructed in accordance with the details so approved thereafter.

Reason

To safeguard the special architectural and historic character of the building and to maintain and enhance the character and appearance of the Conservation Area to accord with Policy D1, L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To safeguard the special architectural and historic character of the building and to maintain and enhance the character and appearance of the Conservation Area to accord with Policy D1, L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. No development shall commence until samples of the proposed stone slates and Welsh slates have been first submitted to the Local Planning Authority for approval. No development shall commence until; the Local Planning Authority has given written approval, and the development shall be implemented in accordance with the approved samples.

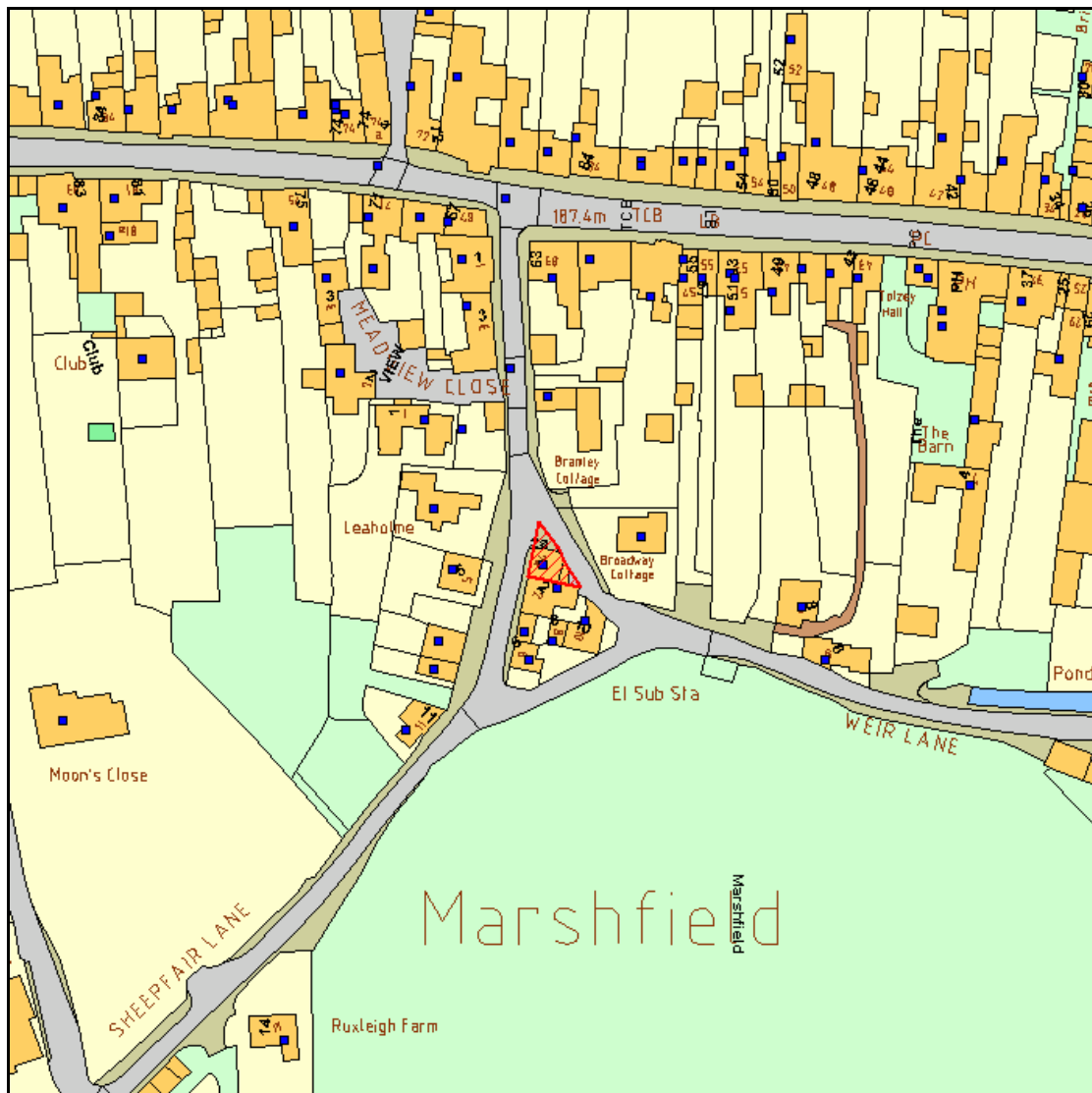
Reason

To safeguard the special architectural and historic character of the building and to maintain and enhance the character and appearance of the Conservation Area to accord with Policy D1, L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 6

CIRCULATED SCHEDULE NO. 03/13 – 18 JANUARY 2013

| | | | |
|----------------------------------|---|-------------------------|------------------------------|
| App No.: | PK12/4012/LB | Applicant: | Mrs Annette Bond |
| Site: | 2A Sheepfair Lane Marshfield Chippenham South Gloucestershire SN14 8NA | Date Reg: | 4th December 2012 |
| Proposal: | Demolition of existing garage to facilitate erection of single storey side extension and internal alterations to provide additional living accommodation | Parish: | Marshfield Parish Council |
| Map Ref: | 377856 173659 | Ward: | Boyd Valley |
| Application Category: | Minor | Target Date: | 25th January 2013 |



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100023410, 2008. **N.T.S.** **PK12/4012/LB**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application site is situated to the end of a terrace of modest two storey cottages south of the centre of Marshfield. The building lies adjacent to the junction of Sheepfair Lane and Weir Lane and is set within a very prominent location with three elevations open to public views. The application site comprises a Grade II Listed modest two storey end terraced cottage with single storey lean to corrugated building at the rear
- 1.2 This proposal for Listed Building Consent proposes demolition of existing garage to facilitate erection of single storey side extension and internal alterations to provide additional living accommodation

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

3. RELEVANT PLANNING HISTORY

- 3.1 PK02/2371/F Erection of single storey extension to form kitchen. Erection of chimney stack.
Refused 09.09.2002
- 3.2 PK02/2376/LB Erection of single storey extension to form kitchen. Erection of chimney stack. Internal & external alterations and refurbishment.
Refused 09.09.2002
- 3.3 PK03/1827/F Erection of single storey extension to form kitchen. Erection of chimney stack. (Resubmission of application PK02/2371/F).
Approved 16.12.2003
- 3.4 PK03/1838/LB Erection of single storey extension to form kitchen. Erection of chimney stack. Internal & external alterations and refurbishment. (Resubmission of application PK02/2376/LB)
Approved 01.12.2003

4. CONSULTATION RESPONSES

- 4.1 Marshfield Parish Council

No objection

4.2 Other Consultees [including internal consultees of the Council]

Conservation Officer – This application was given planning permission in 2003 but has since lapsed. The structural survey submitted in 2003 is now out of date and a revised survey should be submitted, subject to a condition. Otherwise the scheme remains acceptable. No objection, subject to conditions.

Other Representations

4.3 Local Residents

One letter of objection received from the occupiers of 6 High Street raising the following concerns:

- Over development
- Out of keeping with a traditional workers cottage
- The surrounding area is heavily congested and there is a triangular area of grass, which enhanced the aesthetics of the area. It would be detrimental if this were to be reduced.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Section 16(2) of the Planning (Listed building and conservation area) act 1990 states that when determining an application for Listed Building Consent the local planning authority shall have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses. The NPPF recognises that heritage assets (including Listed Buildings) should be conserved in a manner appropriate to their significance and account should be given to the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

- 5.2 2 and 2A are the northern pair of attached cottages within a terrace of 4 cottages fronting Sheepfair Lane. They are both listed under a group listing. There is no evidence that the cottages were ever linked and 2A is therefore believed to always have been a modest one up-one down cottage. It is of two storeys with very low eaves level and has a stone slate roof to the front and part stone slate part welsh slate roof to the rear. At the rear is a twentieth century lean-to garage extension. At first floor of the gable end is a stone mullion window with stone drip mould. The stack has been removed from the northern end at some time in the past. Internally historic fabric includes the principal rafter truss, first floor beam and floor joists, chimney breast and lime plaster to walls. The lintols and door head also appear historic and the door and windows of traditional design. The building has not been inhabited for a number of years and is in a poor state of repair.

- 5.3 The proposal would remove the unsightly single storey corrugated extension and replace with a traditionally designed and constructed single storey stone built extension. The extension would have similar proportions to the existing corrugated building to be removed. The design and materials have not changed from the previously approved scheme from 2003 and would be of good quality in keeping with the historic and architectural character of the existing Listed dwelling.
- 5.4 Concern has been raised by a local resident that the proposal could erode a prominent triangular area of grass within the application site. This application is for Listed Building Consent and as such the consideration related to the impact on the building itself. However, the extension would be located at the rear and would not encroach onto this area of grass.
- 5.5 Concern has been raised that the proposal would result in over development of the site. The site is small, but the proposal would replace an existing rear extension and as such would not result in further development within the site, just a different design of development. As such the proposal would not result in a materially detrimental over development of the site.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Listed building 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 works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

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

2. Prior to the commencement of the works hereby approved full details of proposed structural works (in respect of which approval is expressly reserved) shall be submitted to the Local Planning Authority for approval. No works shall be commenced until the Local Planning Authority has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

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

3. No works shall commence until full details of the proposed new timber floor have been first submitted to the Local Planning Authority for approval. No works shall be commenced until the Local Planning Authority has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

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

4. No works shall commence until large scale details of the following items have been first submitted to and approved in writing by the Local Planning Authority:
 - a. all new windows (including cill, head and reveal details)
 - b. all new external doors and doorcases
 - c. all new internal joinery including doors, doorcases and skirtingsfor the works shall be constructed in accordance with the details so approved thereafter.

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

5. No works shall commence until full details of the proposed floor, ceiling and internal wall finishes have been first submitted to the Local Planning Authority for approval. No works shall commence until written approval has been given by the Local Planning Authority, for the submitted details and, the materials used shall comply with the details so approved. For the avoidance of doubt all new internal wall plastering of historic stone walls shall be lime plastered.

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

6. Sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

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

7. No works shall commence until samples of the proposed stone slates and Welsh slates have been first submitted to the Local Planning Authority for approval. No works shall commence until the Local Planning Authority has given written approval, and the works shall be implemented in accordance with the approved samples.

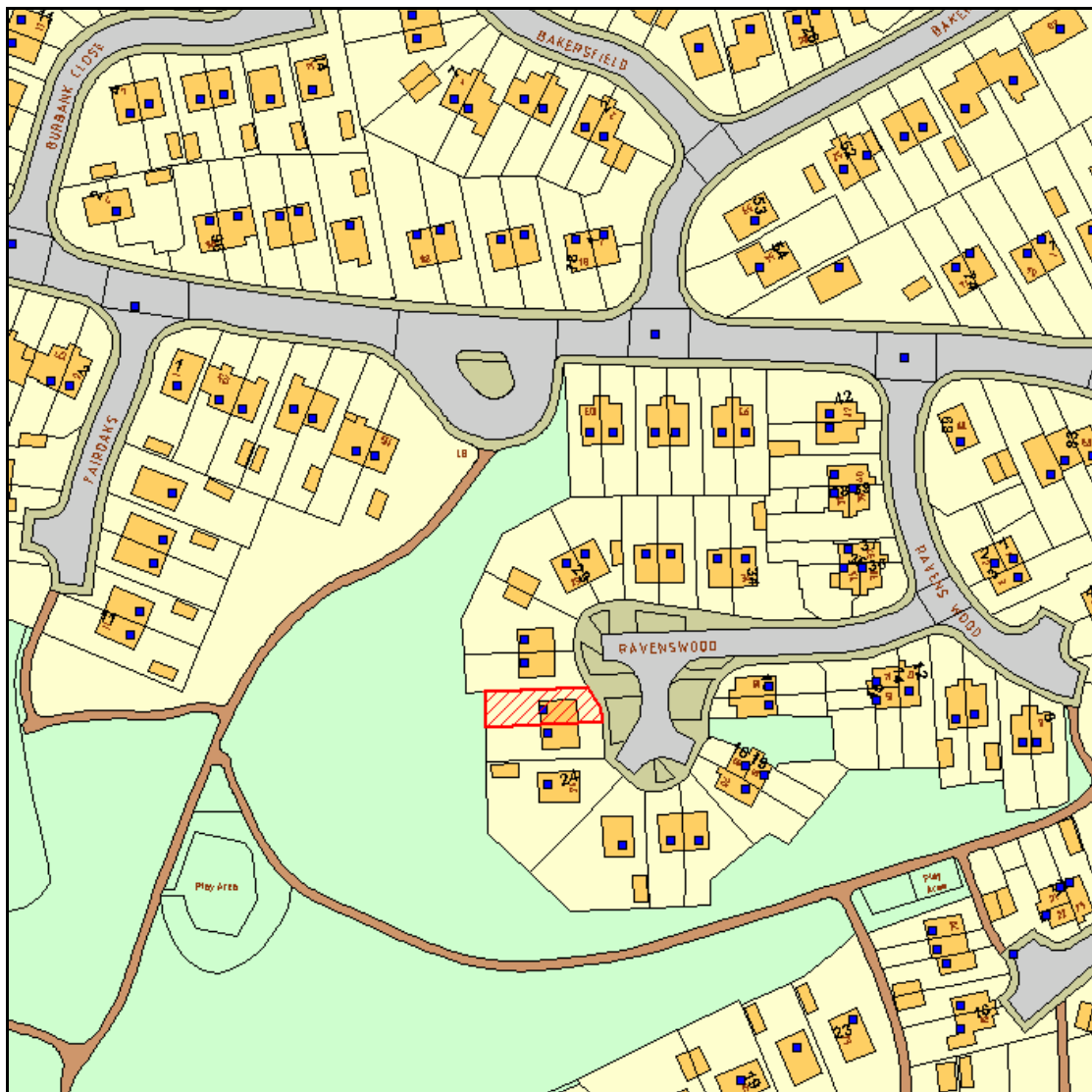
Reason

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

ITEM 7

CIRCULATED SCHEDULE NO. 03/13 – 18 JANUARY 2013

| | | | |
|----------------------------------|--|-------------------------|---------------------------|
| App No.: | PK12/4025/F | Applicant: | Mr R Fey |
| Site: | 26 Ravenswood Longwell Green Bristol South Gloucestershire BS30 9YR | Date Reg: | 5th December 2012 |
| Proposal: | Erection of two storey side extension to provide additional living accommodation | Parish: | Oldland Parish Council |
| Map Ref: | 366441 171199 | Ward: | Longwell Green |
| Application Category: | Householder | Target Date: | 28th January 2013 |



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a two-storey side extension to form additional living accommodation.
- 1.2 The application site refers to a two storey semi-detached dwellinghouse situated within the established settlement boundary of Longwell Green.

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

GB1 Green Belt

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 None relevant

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

No objection

Other Representations

4.2 Local Residents

One letter of concern has been received from a neighbour stating no objection providing the extension does not block light through their bedroom window closest to the proposal

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design and Visual Amenity

The existing dwellinghouse is positioned at the end of the cul-de-sac of Ravenswood. It is of modest design, of pale brown brick with white uPVC windows. It benefits from a small porch to the front elevation.

5.3 The proposal would create a two-storey side extension, positioned to the north of the existing dwellinghouse. Windows would be located in the east and west elevations only at both ground and first floor levels. The proposed roof line would be slightly lower than the existing roof line and the front building line would be set back from that existing. These are considered appropriate design features making the proposal subservient to the host property and clearly readable as an extension. The proposed extension would be of good quality and of materials to match those of the existing dwellinghouse.

5.4 The immediate area is characterised by both semi-detached and detached properties varying slightly in size, design and materials. It is considered that the proposal would be of an acceptable scale and design and appropriate to the character of the host dwellinghouse and area in general. Given the above it is considered that the proposal accords with Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.

5.5 Residential Amenity

Closest neighbours are to the north at No. 27 Ravenswood. The front building line of this property is set back to the west from the application site and the two properties are currently separated by their respective open-plan driveways. To the east neighbours are separated by the highway and turning area at the end of the cul-de-sac and to the west the property is adjacent to public open space.

5.6 Concern has been expressed by a local resident regarding the issues of the proposal block light into a bedroom. This matter has been considered by the case officer. It is acknowledged that the proposed extension would be directly to the south of the neighbouring property. However, given that the neighbouring property already sits slightly to the west of the application site and coupled with the fact that the proposed extension would be set back from the existing building line of the application site with a slightly lower roof line and thereby within the existing outline created by the property, it is considered that the neighbours would not experience any significant change to the amount of light/sunlight entering the property over and above that already existing. Given

the orientation of the properties in the immediate vicinity there would be no issues of inter-visibility or overlooking or privacy. Following the development sufficient garden space would remain to serve the property. in light of the above the impact on residential amenity is subsequently deemed acceptable and the proposal accords with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed erection of a two storey side extension to form additional living accommodation 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 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That the application be **APPROVED** subject to the conditions 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.

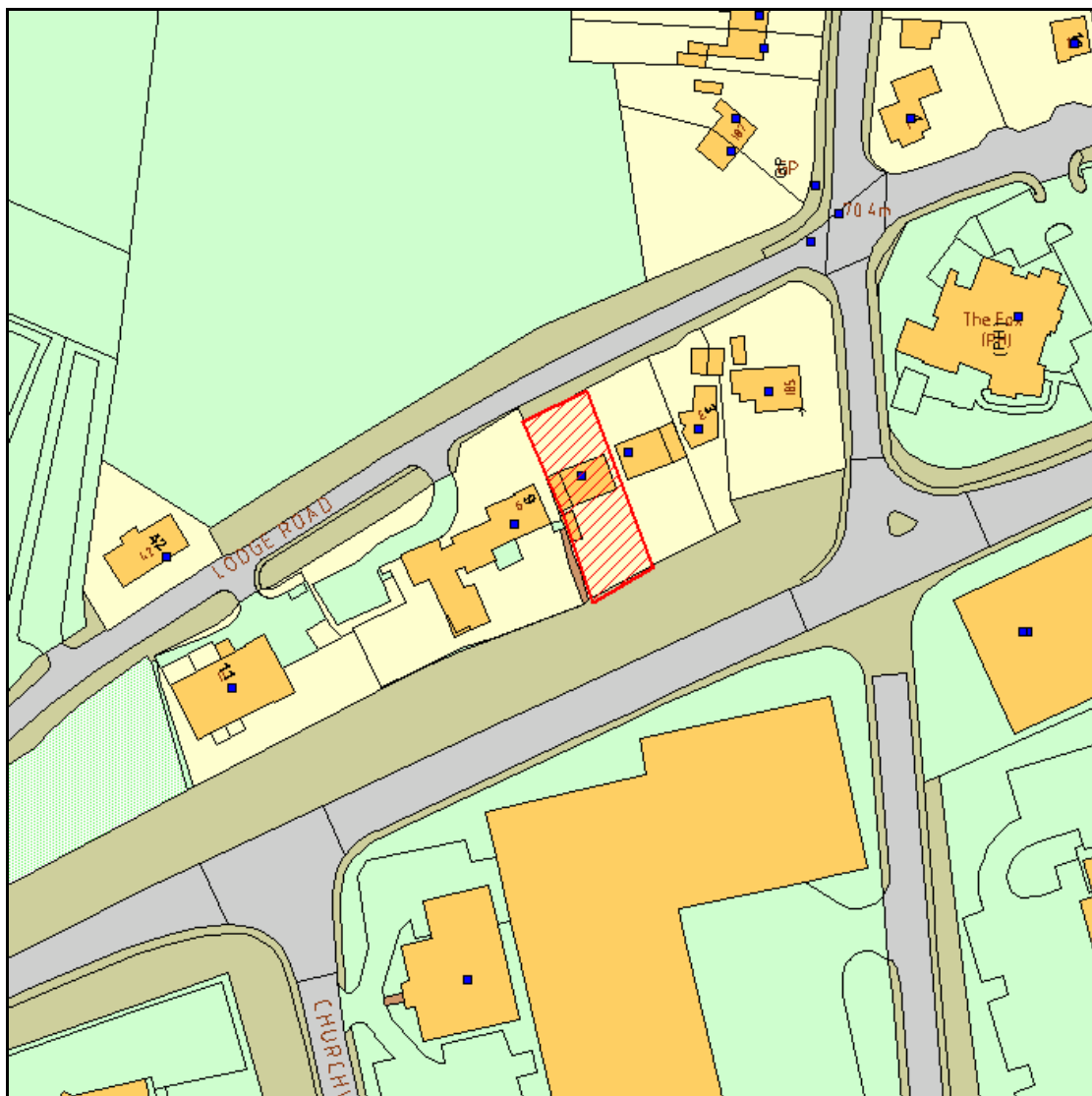
Reason

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

ITEM 8

CIRCULATED SCHEDULE NO. 03/13 – 18 JANUARY 2012

| | | | |
|------------------------------|---|---------------------|--|
| App No.: | PK12/4110/F | Applicant: | Mrs Jeanette Mullen Cherry Tree Day Nursery |
| Site: | 7 Lodge Road Yate Bristol South Gloucestershire BS37 7LE | Date Reg: | 11th December 2012 |
| Proposal: | Erection of single storey rear extension and rear dormer extension to provide additional play areas | Parish: | Iron Acton Parish Council |
| Map Ref: | 369862 183462 | Ward: | Ladden Brook |
| Application Category: | Minor | Target Date: | 4th February 2013 |



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of an objection from a local resident; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to Cherry Tree Day Nursery (D1), which is located on the southern side of Lodge Road, Yate. The site lies just outside the Established Settlement Boundary but is flanked by residential dwellings to the east and a Care Home to the west. Open fields lie to the front (north) beyond Lodge Road whilst to the south, beyond Goose Green Way, is Great Western Business Park. Lodge Road is a narrow cul-de-sac at the end of which, lies Yate Town Football Club. The road is a Major Recreational Route as defined in the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and links into a designated cycle way at its western end. The property has an enclosed garden area to the rear and staff parking to the front.
- 1.2 It is proposed to demolish an existing single-storey rear conservatory and replace it with a more permanent single-storey rear extension. It is also proposed to erect a rear dormer extension to provide a sleeping area for the children. The proposed ground floor extension and an existing room that is currently used for sleeping, would be utilised as play areas. The proposal would result in a net increase in floor space of 18.1sq.m. which would facilitate an increase in the level of childcare by 12 additional children to a maximum of 42. The Nursery currently provides employment for 2 full-time and 9 part-time employees but this would not increase. The existing times of opening would also remain as present i.e. 08.00hrs to 18.00hrs Mon – Fri with no opening at weekends or bank holidays.

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

EP1 - Environmental Pollution

T7 - Cycle Parking

T8 - Parking Standards

T12 - Transportation Development Control Policy for New Development

E6 - Employment Development in the Countryside

LC12 - Recreational Routes

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

CS1 High Quality Design

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 P94/1718 - Change of use to Children's Day Nursery. Construction of new vehicular access.
Approved 12 Oct. 1994
- 3.2 P99/1370 - Continued use of premises for day nursery. Erection of conservatory.
Approved 13 April 1999
- 3.3 PK03/0990/F - Erection of two-storey side and single-storey rear extension to form additional nursery accommodation and variation of condition 3 attached to planning permission P99/1370 to allow the use of the site for 32 children.
Approved 7 May 2003

4. **CONSULTATION RESPONSES**

- 4.1 Iron Acton Parish Council
No response
- 4.2 Other Consultees [including internal consultees of the Council]

Sustainable Transport

The site is located on Lodge Road, a cul-de-sac, which is in close proximity to local schools in the area. Given the location of the nursery, it is considered, in transportation terms, that the impact of the additional children would not be significant. On that basis, there is no transportation objection to the proposal.

CYP – Early Years & Schools Planning Officer

I support this planning application. The proposed extension to Cherry Tree Day Nursery will allow expansion of the number of places available for disadvantaged two-year-old children in the area when a new entitlement for free childcare comes into force from September 2013.

CYP-Senior Finance Officer

I write to confirm my support for this application. Cherry Tree is a well supported provider of early years education and has a good track record of delivering the 3 and 4 year old free entitlement. The group also takes placements of disadvantaged, funded 2 year olds.

We need to expand the early years sector significantly over the next 2 years to meet the anticipated growth in the 2-year old funding offer. Accordingly, the 2-year old funding panel has approved a capital grant to part-fund this expansion at Cherry Tree.

CYP – Development Officer

This proposal is very effective from our point of view:

- modest physical size creates a valuable additional number of childcare places both through new space and enhancing use of existing.
- it is particularly valuable in providing new places for A2YO and is very helpful to South Gloucestershire Council in pursuing our statutory duty to secure provision, with an experienced provider.
- we are very happy from a service provider viewpoint to support this proposal.

Police Community Safety Officer

No response

Ofsted Early Years

No response

Other Representations

4.3 Local Residents

One letter of objection was received from the occupant of 185 North Road who is also a director of Yate Town Football Club. The comments raised are summarised as follows:

- The building itself poses no problem.
- The increased client base will worsen the current traffic issues on Lodge Road, which is a narrow dead end lane.
- There is no space available for off street parking for clients bringing and picking up their children. The majority of clients drive to the Nursery.
- Parking by clients reduces the remaining road space to just one car width.
- Yate Town F.C. situated at the end of Lodge Road, require access to their car park for club members, match spectators, delivery lorries and coaches. Unfortunately such access is made very difficult due to on-street parking by clients of the Nursery and visitors to the next door Care Homes.
- Increased on-street parking.

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 The NPPF has recently superseded various PPS's and PPG's, not least PPS4 – Planning for Economic Growth. The NPPF carries a general presumption in favour of sustainable development. Para.2 of the NPPF makes it clear that applications for planning permission must be determined in accordance with the development plan and this includes the Local Plan. Para 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise. At para. 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.

- 5.2 Para 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.
- 5.3 In this case the relevant Local Plan is The South Gloucestershire Local Plan, which was adopted Jan 6th 2006. The Council considers that the Local Plan policies referred to in this report provide a robust and adequately up to date basis for the determination of the application.
- 5.4 The South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept. 2012 has now been through its Examination in Public (EiP) stage; the Inspector has given his preliminary findings and stated that the Core Strategy is sound subject to some modifications. The policies therein, although a material consideration, are not yet adopted and can therefore still only be afforded limited weight.
- 5.5 Cherry Trees Day Nursery is a long established rural business, albeit lying just outside the Established Settlement Boundary. The NPPF supports sustainable economic development and at para. 28 states that planning policies should support the expansion of all types of business enterprise in rural areas and promote the retention of local services and community facilities.
- 5.6 Policy E6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, at para.7.62 of the supporting text, acknowledges the economic benefits of allowing existing employment generating uses in the countryside to flourish and permits development provided it does not have an unacceptable impact on the environment, on residential amenity or in terms of traffic generation. Amongst other policies that are also relevant are Policies D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and CS1 of the South Gloucestershire Core Strategy seek to secure good quality designs in new development.

Justification for the Additional Nursery Accommodation

- 5.7 The applicant has provided the following in justification for the additional floor space sought:
- The proposal is in response to National Government policies to increase child-care provision.
 - The application supports the central government drive to provide Nursery Grant Education spaces for disadvantaged two year olds. The application to increase space and child numbers will directly meet this aim and is part of a capital bid through South Gloucestershire Council, which has gained funding success.
 - The application meets current environmental requirements and improves access to meet obligations under the Disabilities and Discrimination Acts thus enabling children with greater needs to use the provision.

- 5.8 Officers have noted that the Day Nursery was established in 1995 and meets the demand from a diverse group of families across a wide area, be it local residents, business working families or commuters. The Nursery provides for children aged birth to eight years with flexible sessions and grant funding for pre-school children. The proposal is strongly supported by the Council's CYP officers as evidenced by the consultation responses listed in para.4.2 above.
- 5.9 Design Issues
The existing property comprises a 1-1.5 storey building that has been previously extended under planning permission PK03/0990/F. Part of the accommodation is provided by a large, flat-roofed conservatory at the rear of the property. This conservatory is now a somewhat unsightly and thermally inefficient construction. The flat roof is often subject to leaks during periods of rainfall.
- 5.10 The proposed replacement single-storey extension would be a more permanent masonry construction, finished in matching brickwork with a tiled roof. The scale and foot-print of the extension would be much the same as that of the existing conservatory. The first floor dormer extension would be similar to the existing front dormer. The extensions would integrate adequately within the existing built form and would not be visible within the street scene. The ground floor extension would provide a much-improved thermal performance which accords with the principles of sustainability.
- 5.11 The scale and design of the proposal are on balance considered appropriate for this property and would adequately respect the massing, scale proportions, materials, overall design and character of the existing property. The proposal therefore accords with Policies H4(A) and D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept 2012.
- 5.12 Impact Upon Residential Amenity
Due to the orientation and siting of neighbouring properties, the only potential concern is the impact of the proposed extension upon the adjacent neighbouring properties to either side.
- 5.13 Whilst the proposed extension would be close to the boundary with no.5 it would have a similar relationship as the existing conservatory; furthermore no.5 a rear dormer similar to that proposed. There is adequate distance to the boundary with no.9. The proposed extension would not have a significant overbearing impact for neighbouring occupiers. Furthermore, no windows are proposed for the side elevations of the proposal whereas currently the conservatory has glazed sides. Given the existing high boundary treatments to the rear garden, there would be no significant issues of overlooking or loss of privacy.
- 5.14 There would be no significant adverse impact on residential amenity in planning terms. Any disturbance during the building phase would be temporary only. The proposal therefore accords with Policy E6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.15 Highway Issues

There is currently off-road, staff parking provision for 7 cars, located to the front of the Nursery. Given the staffing levels (2 full-time and 9 part-time) this level of staff parking is considered to be adequate. The proposal would facilitate an increase in the maximum number of children attending the Nursery from 32 to 44, however staffing levels would not increase as a result.

5.16 There is unrestricted parking in Lodge Road, where visitors to the Nursery and adjacent properties tend to park. Although located in the countryside, the Nursery is positioned right on the edge of the Established Settlement Boundary, in what is a relatively sustainable location. Furthermore, being located close to schools within the vicinity e.g. North Road, trip generation is kept lower, as siblings of the children attending the Nursery, are likely to attend these schools.

5.17 Concerns have been expressed about the likelihood of increased on-street parking (see para.4.3 above) to result from the increased number of children (12) attending the Nursery and the implications for traffic accessing the Football Club located at the western end of Lodge Road. Given the location of the Nursery, the Council's Highway Officer does not consider that the increased number of children would be significant in transportation terms.

5.18 Lodge Road is a cul-de-sac with no through traffic other than to the cycle path. Whilst it is acknowledged that there is some on-street parking associated with the Nursery, this only occurs when parents drop off or pick up their children, and this only occurs during the times that the nursery operates i.e. 08.00hrs to 18.00hrs Mon–Fri with no opening on Saturdays or Bank Holidays. These hours are controlled by condition, as also would be the maximum number of children attending the nursery.

5.19 Given the hours of operation of the Nursery, it is inconceivable how traffic associated with the Nursery would coincide with that associated with football matches at Yate Town F.C., as these would surely take place at weekends or later in the evening. There may well be other functions that take place at the football club but again these are unlikely to be during the hours of 08.00hrs to 18.00hrs Mon to Fri.

5.20 A condition attached to an earlier planning permission sought to secure some staff cycle parking facilities. This does not appear to have been implemented, so in the event of planning permission being granted for the current scheme, the condition will be re-imposed with a strict time limit for compliance.

5.21 Subject to the aforementioned conditions, there are no highway objections to the proposal, which accords with Policies E6, T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.22 Environmental Issues

The extension would be the subject of Building Regulation Control. The site is not subject to flood; foul waste would be disposed of to the mains sewer with surface water to a soakaway. No concerns have been raised about possible disturbance from noise and given the length of time that the Nursery has been

operating and the proximity of Goose Green Way, it is unlikely that the increased number of children would significantly increase the level of noise already experienced in the vicinity. For most part the children are contained within the building and the proposed increased floor space would be sufficient to cater for the increased numbers proposed. The proposal would therefore accord with Policies E6, EP1, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.23 Landscape Issues

The proposal would not affect any significant trees or any landscape features of note within the site. The proposal would not result in the loss of significant areas of open space and an adequate amount of amenity space would be retained to serve the Nursery. The proposal is therefore in accordance with Policies L1 and L5 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.

The proposal would make a positive contribution to the continued success of a well established Nursery and provide additional capacity for child care provision, which is supported by the Government and the Council's CYP officers.

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

1. Consideration has been given to the proposal's scale and design and is considered to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept 2012
2. The scheme is not considered to adversely affect residential amenity in terms of overlooking, loss of privacy, overbearing impact or loss of amenity space and therefore accords with Policies D1 and E6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
3. The proposal would have no adverse highway implications in accordance with Policy E6, T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
4. Consideration has been given to the drainage implications of the scheme and its impact upon the environment in accordance with Policies E6, EP1, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5. The proposal would not adversely affect any features of the landscape and accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
 6. The proposal would not result in the loss of an open area of significant amenity value and is therefore in accordance with Policy L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. No windows shall be inserted at any time in the side elevations of the extensions hereby approved.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The Day Nursery the subject of the development hereby approved, shall open for business only between the hours of 08.00 to 18.00 hours Mondays to Fridays incl. and shall not be open at any time outside these hours or on Saturdays, Sundays and Public Holidays.

Reason 1

In the interests of the amenities of the adjoining residents in accordance with Policy E6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Reason 2

To control the level of on-street parking associated with the Nursery in the interests of highway safety, in accordance with Policies E6 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4. Prior to the commencement of the development hereby approved, detailed plans showing the provision of staff cycle parking facilities shall be submitted to and agreed

in writing by the Local Planning Authority. Thereafter and prior to the first use of the extensions hereby approved, the cycle parking facilities shall be provided in full accordance with the approved details and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of staff cycle parking facilities in the interest of highway safety and to encourage sustainable forms of transport in accordance with Policy T7 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

ITEM 9

CIRCULATED SCHEDULE NO. 03/13 – 18 JANUARY 2013

| | | | |
|----------------------------------|--|-------------------------|---------------------------|
| App No.: | PK12/4138/CLP | Applicant: | Mr J Davis |
| Site: | 1 Century Cottage Westend Road Wickwar South Gloucestershire | Date Reg: | 12th December 2012 |
| Proposal: | Erection of single storey front extension to provide additional living accommodation | Parish: | Wickwar Parish Council |
| Map Ref: | 371448 188480 | Ward: | Ladden Brook |
| Application Category: | Householder | Target Date: | 6th February 2013 |



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100023410, 2008. **N.T.S.** **PK12/4138/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

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

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

None

4. CONSULTATION RESPONSES

- 4.1 Wickwar Parish Council
No objection
- 4.2 Other Consultees [including internal consultees of the Council]
No Response

Other Representations

- 4.3 Local Residents
No Response

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Location plan 1, Existing ground floor plans 2 proposed ground floor plans 3, existing north elevation 4, proposed north elevation, section as proposed 5, and south elevation as proposed 6, Site plan 7, all received on 16th November 2012.

6. EVALUATION

The application for Certificate of Lawfulness is purely an evidential test and is a formal way to establishing whether or not the proposed development can be implemented lawfully without the need for planning consent. Accordingly there is

no consideration of planning merit, the decision is based on the facts presented. The submission is not a planning application and thus the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

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

A1 Development is not permitted by class A if –

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

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

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

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

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

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

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

The proposed extension is sited on the principle elevation, which does not front a highway.

- (e) the enlarged part of the dwellinghouse would have a single storey and-**

- (i) **extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
- (ii) **exceed 4 metres in height ;**

The enlarged part of the dwellinghouse would have a single storey. The property is semi detached and the proposed extension would not extend beyond the rear wall of the original dwellinghouse.

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

The extension would not have more than one storey.

- (g) **the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**

The front extension would be within 2 metres of the boundary but the height of the eaves would not exceed 3 metres.

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

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

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

The extension would not comprise any of the above

Conditions

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

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

7. RECOMMENDATION

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

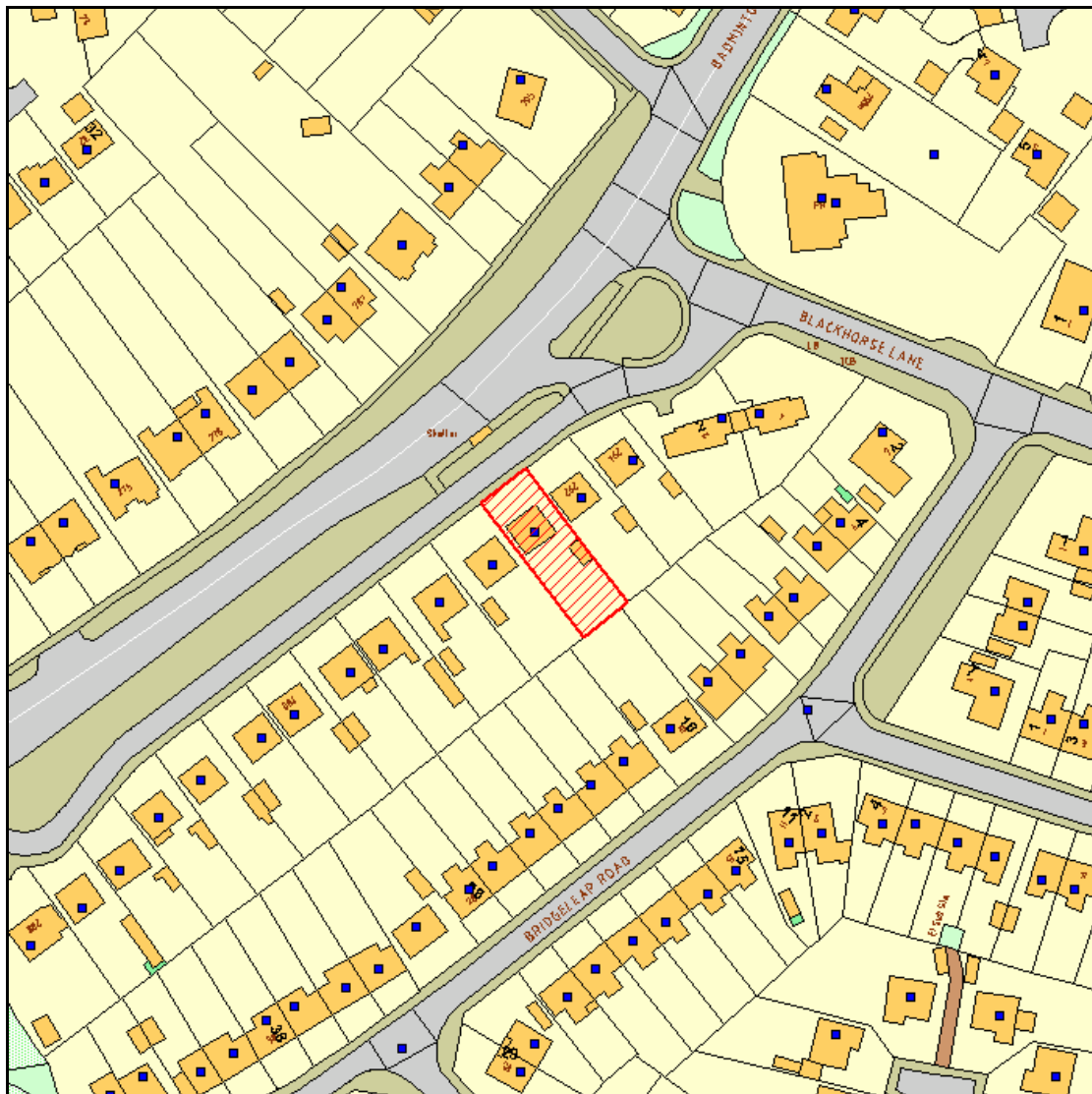
Evidence has been provided to demonstrate that on the balance of probability the development meets the criteria set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and is therefore permitted development.

Contact Officer: Melissa Hayesman
Tel. No. 01454 864769

ITEM 10

CIRCULATED SCHEDULE NO. 03/13 – 18 JANUARY 2013

| | | | |
|----------------------------------|---|-------------------------|--------------------------------------|
| App No.: | PK12/4151/CLP | Applicant: | Mr L Hill |
| Site: | 290 Badminton Road Downend Bristol South Gloucestershire BS16 6NT | Date Reg: | 14th December 2012 |
| Proposal: | Application for certificate of lawfulness proposed for the instalation of rear dormer window to facilitate loft conversion | Parish: | Mangotsfield Rural Parish Council |
| Map Ref: | 365880 177987 | Ward: | Emersons Green |
| Application Category: | Minor | Target Date: | 5th February 2013 |



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N.T.S.

PK12/4151/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer window at 290 Badminton Road would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.
- 1.2 The materials used in the exterior works shall match those of the exterior of the existing dwellinghouse.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

None

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Mangotsfield Parish Council – No objection
- 4.2 Other Consultees [including internal consultees of the Council]
No Response
- 4.3 Local Residents
No Response

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site location plan, 21A001 Plans, Section & Elevations as Proposed, received on 11th December 2012

6. EVALUATION

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

planning application and thus the development plan is not relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a certificate confirming the proposed development is lawful.

6.2 The key issue is to determine whether the proposal falls within the permitted rights afford to householders under Schedule 2, Part 1, Class B of the General Permitted Development Order 2008. The site is in use as a dwellinghouse, and there is no evidence to indicate that the permitted development rights have been removed. Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 allows for enlargements of a dwellinghouse consisting of addition or alterations to its roof, provided that it meets the criteria as detailed below.

B1 Development is not permitted by Class B if—

(a) **any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The proposed rear dormer will not exceed the height of the highest part of the existing roof.

(b) **any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;**

The proposed dormer extension will be on the rear elevation, which is not the principle elevation, and does not front a highway.

(b) **any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;**

The dwelling is a detached property and the totals cubic content of the proposed rear dormer is approximately 32 m³.

(d) **it would consist of or include—**
(i) the construction or provision of a veranda, balcony or raised platform, or
(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

The proposed development will not consist of any of the above.

(e) **The dwellinghouse is on article 1(5) land.**

The application site is not located on article 1(5) land.

Conditions

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

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

- (b) Other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 cm from the eaves of the original roof.**

The edge of the rear dormer is shown to be more than 20cm from the lowest part of the eaves of the original roof.

- (c) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—**
- (i) obscure-glazed, and**
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**

There will be no windows to the side elevation.

7. RECOMMENDATION

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

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

Contact Officer: Melissa Hayesman
Tel. No. 01454 864769

ITEM 11

CIRCULATED SCHEDULE NO. 03/13 - 18 JANUARY 2013

App No.: PT12/2358/CLE

Applicant: Tony Day Handling Executive Pension Trust

Site: The Platform Co (UK) Ltd Lift House Gloucester Road Almondsbury Bristol

Date Reg: 16th July 2012

Proposal: Application for the Certificate of Lawfulness for an existing use as Class B2/B8 (including plant hire) and the location of chimneys at the former paint workshop

Parish: Olveston Parish Council

Map Ref: 361793 185302

Ward: Severn

Application Category: Minor

Target Date: 5th September 2012



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N.T.S. PT12/2358/CLE

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application submitted forms a Certificate of Lawfulness in respect the existing use of land and buildings for Class B2/ B8 purposes and for the installation of chimneys on a former paint workshop.
- 1.2 The application relates to land on the east side of Gloucester Road (A38), Almondsbury. The site is located directly behind the Murco petrol garage and relates to just under 0.8 Ha of land associated with Lift House. The site was, until recently occupied by the Platform Company that was apparent by virtue of the raised cherry pickers stored on the site. The application site is located outside of any settlement boundary within the open Green Belt.

2. POLICY CONTEXT

- 2.1 Because the application is a Certificate of Lawfulness the policy context is not directly relevant and therefore the planning merits are not under consideration. The applicant need only prove that on the balance of probabilities the use has taken place for a continuous period of 10 years up to the date of this application. In respect of the chimneys, it needs to be demonstrated that these have been in situ for a period of 4 years.

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/0089/F: Alterations to existing workshops to provide external floodlights and extended vertical flue. Application Returned.
- 3.2 PT04/0849/F: Change of use from general industrial (Class B2) to storage and distribution (Class B8) (as defined in the Town and Country Planning (Use Classes) Order 1987) (Resubmission of PT03/3635/F). Refused: 24 June 2004
- 3.3 PT03/3635/F: Change of use from General Industrial (Class B2) to Storage and Distribution (Class B8) (as defined in the Town and Country Planning (Use Classes) Order 1987). Refused: 22 December 2003
- 3.4 PT99/0072/CLE: Certificate of Lawfulness for an existing use of stable and paddock for storage of vehicles, plant and parts in conjunction with the hire and repair of fork lift trucks and other activities carried out on the adjoining parts of the land, edged blue on the attached plan. Permitted: 22 February 2000
- 3.5 P98/2765/A: Display of 1 non-illuminated sign on front elevation of building measuring 5.20 metres in length and 1.20 metres in depth. Permitted: 5 February 1999
- 3.6 P98/1588/A: Display of two signs, one illuminated, on front elevation of building and one non-illuminated sign on front boundary fence. Refused: 9 June 1998

- 3.7 P91/1670: Erection of first floor office extension. Refused: 10 July 1991
- 3.8 P90/1440: Erection of lean-to extension to existing building to form shelter for open topped bus (in accordance with the amended plan received by the Council on 24th May 1990). Permitted: 11 July 1990
- 3.9 P90/1094: Continued use of part of the building without complying with condition 2 attached to planning permission P88/3531 dated 2nd February 1989 requiring that the accommodation be used only as a boardroom and associated offices in conjunction with the existing offices on site and for no other purpose. Permitted: 10 April 1990
- 3.10 P88/3531: Erection of single storey extension of 100 square metres (1076 sq ft) to existing offices (in accordance with the applicants letter received by the council on the 16th January 1989). Permitted 1st February 1989
- 3.11 P85/1317: Erection of wall and gate approximately 2.5m (8'3") in height. Permitted: 24 April 1985
- 3.12 P84/2617: Construction of an all weather-riding surface for use in connection with existing private stables. Permitted: 23 January 1985
- 3.13 N159/10: All weather-riding surface at the rear of "The Lift House" Gloucester Road Almondsbury. Withdrawn: 12 November 1984
- 3.14 P84/1730: Erection of extension to existing offices to form board room and two new offices totalling approximately 72.5 sq.m (780 sq. Ft.).In accordance with the amended plans received by the council on 5th July 1984). Refused: 17 October 1984
- 3.15 N327/ADV: Display of internally illuminated sign approximately 1.4m. x 1.2m. (4ft. 6ins. x 4ft.) with the top of the sign 6.1m. (20ft.) above ground level to read Toyota forklift and motif in red and black on a white background. Refused: 10 February 1983
- 3.16 N327/2/ADV: Display of a non-illuminated sign 1.83m. x 1.38m. (4ft. x 4ft. 6ins.) to read Toyota Forklift and motif in red and black on a white background. Refused: 20 October 1983
- 3.17 N159/8: Erection of a building 4500 sq.ft. in floor area for the storage of fork lift trucks together with landscaping the site. Refused: 22 April 1982
- 3.18 N159/7: Erection of a building 228 sq.m. (2534 sq.ft.) in floor area for the storage of used fork lift trucks, together with a landscaping scheme. Refused: 20 June 1980
- 3.19 N159/6: Extension to existing car repair shop to form car/ fork-lift repair shop (outline). Refused: 21 June 1979
- 3.20 N159/5: Use of land for overnight parking of refrigerated vehicles. Refused: 26 April 1979

- 3.21 N159/3: Erection of private stables. Permitted: 12 January 1978
- 3.22 N159/2: Installation of new underground petrol and diesel tanks with replacement pump island. Permitted: 15 December 1977
- 3.23 N159/1: Change of use of premises from cold store to depot for plant repair and maintenance. Refused: 16 September 1976

4. CONSULTATION RESPONSES

4.1 Olveston Parish Council
No objection

4.2 Other Consultees
Landscape Officer: no comment

4.3 Summary of Local Residents Comments

Two letters received expressing the following concerns:

- The planning application in 2003/4 for a change of use to B2/ B8 was refused;
- The site was vacant in 2003/4 for several months (although personnel did occasionally visit the site);
- The Platform Company operated high rise platform equipment that formed part of the refused application;
- The chimneys were installed without planning permission on 2007 on the advice of the Councils Environmental Health Officer to prevent pollution from strong toxic fumes/ the chimneys were increased in size in 2005 and despite objections, no enforcement action was taken;
- The paint shop was subsequently closed down;
- The grassed area to the south of the site was partly removed and used an extension to the B2 site to the west and north of the site;
- Details on the letter notifying of the application are wrong- the Platform Company no longer exists;
- The site is very close to residential properties; use of the premises has proved noisy from as early as 04.30 am until 20.00 pm;
- Comments from the agent in respect of PT04/0849/F talk of the need to bring a vacant site back into use;
- Affidavits can be provided confirming that the site was unoccupied for a period of time in 2003/ 4.

4.4 This correspondence is accompanied the following:

- Photographs of the site and chimneys;
- Copy of notification card;
- Email from the Councils Environmental Health Officer dated January 15th 2008 regarding odours from site;
- A letter from the Councils Enforcement Officer dated January 7th 2005 (in response to a letter from the applicant also included) with advise including the following:
 - Tall lift vehicles understood to have been stored for Christmas period only but could be stored under PT99/0072/CLE;

- There is no planning control over the operating hours;
- A copy of the PT04/0849F site committee report;
- A copy of the decision notice in respect of PT99/0072/CLE.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks a Certificate of Lawfulness in respect of the Lift House site relating to a B2/ B8 use (including plant hire) and to include the location of chimneys at the former paint workshop.

- 5.2 The issue for consideration is whether the evidence submitted proves that on the balance of probability, this land has been utilised for B2/ B8 purposes for a continuous period of 10 years immediately prior to the date of this application. The application is purely an evidential test that is irrespective of planning merit. It is necessary to prove that the chimneys have been in position for a period of 4 years immediately up to the date of this application.

5.3 Site History

Part of the site has previously been the subject of an application for a Certificate of Lawfulness (PT99/0072/CLE) that was granted in February 2000; this related to only a small part of the current site area comprising the eastern corner behind the main building (identified as a gravelled area and stable block on the site walkover plan forming part of this application). The description read *'Certificate of Lawfulness for an existing use of stable and paddock for storage of vehicles, plant and parts in conjunction with the hire and repair of fork lift trucks and other activities carried out on the adjoining parts of the land, edged blue on the attached plan'*.

- 5.4 Subsequently, a planning application was made in 2003 (PT03/3635/F) that sought permission for the change of use of the whole site from General Industrial (Class B2) to Storage and Distribution (Class B8). This was refused for the following reason:

'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. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, Policy GB1 of the South Gloucestershire Local Plan (Deposit Draft), Policy 16 of the Adopted Joint Replacement Structure Plan, and Policy RP34 of the adopted Northavon Rural Areas Local Plan.'

- 5.5 The associated Planning Officer report advised that it was proposed to use the site for the open storage of scaffolding equipment, powered access machines and Rovacabin modular buildings. The report advised that the proposal was not considered compliant with Green Belt policy given that stacked Rovacabins to a height of 6m were proposed; it was considered that this would have had a more harmful visual impact than the fork lift trucks with further, no very special circumstances forwarded.

- 5.6 Application PT04/0849/F sought to address this issue and differed in that the more visible parts of the site would have had either no storage or single

Rovacabins to a height of 3m. However, this second application was subsequently refused for the following three reasons:

'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. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, Policy GB1 of the South Gloucestershire Local Plan (Revised Deposit Draft), Policy GB1 of the South Gloucestershire Local Plan (Revised Deposit Draft), Policy 16 of the Adopted Joint Replacement Structure Plan, and Policy RP34 of the adopted Northavon Rural Areas Local Plan.'

'The proposed development by reason of its position, mass and height would have an overbearing effect on the occupiers of the adjoining property of 2 The Cottages which would be to the detriment of residential amenity and would also be contrary to advice contained within PPG1, Policy RP1 of the Adopted Northavon Rural Areas Local Plan and Policies D1 & E2 of the South Gloucestershire Local Plan (Revised Deposit Draft).'

'The proposed development by reason of the outside storage will have an adverse effect upon the visual amenities of the locality and as such be contrary to advice contained within PPG1, Policy RP1 of the adopted Northavon Rural Areas Local Plan and Policy D1 of the South Gloucestershire Local Plan (Revised Deposit Draft).'

5.7 The supporting statement received in respect of this application states *'The planning history illustrates the ongoing nature of the use for B2/ B8 functions including plant hire from at least February 2000, and earlier...'*

5.8 Evidence in Support of Application

The submitted statement seeks to provide evidence to support the view that this site has been used for B2/ B8 purposes since 1977 for such uses including plant hire, repair and storage. This evidence takes the form of the following:

Schedule of condition report: this report was prepared in December 1997 further to site inspections undertaken in December 1996. In the main, as the title suggests, the report provides a detailed structural analysis of the buildings commenting on condition. These comments in themselves are not considered directly applicable to the assessment of this application although the description of the buildings is helpful given that these include a showroom, paint shop, office, garage, stable, store and ancillary accommodation including toilets and a kitchen. Photographs dated December 1997 also accompany this report. These primarily focus on the buildings but an array of forklift trucks is visible as is an open top bus (advertising Mr Lift). Land at the rear of the site appears to form well-maintained grass with the remainder of the site appearing somewhat unkempt but with no obvious sign of any meaningful outside storage (except for the forklift trucks). Land to the front appears largely given over to car parking. Internally, photos show a raft of equipment that could be considered to suggest maintenance of the forklift trucks also took place here.

Desk Study Interpretative Report (2003): incorporates a site layout plan and identifies various uses inclusive of a workshop maintenance building, an office and forklift showroom, forklift storage against one boundary of the site and a prefab garage used for forklift storage.

Marketing Particulars: marketing particulars were produced by DTZ in 2004 that relate to a 'Depot with workshop/ stores'. As part of these details it is stated 'We understand the permitted use of the property is for use as a forklift truck workshop with ancillary storage and offices all within use Class B2 (General Industrial) for the Town & Country Planning (Use Classes) Order 1987. The attached plan outlines the whole site area but the accompanying photos show a largely vacant site with the exception of a row of forklift trucks parked along one boundary.

Details on leasing agreements: are with these comprising:

- 2008: Let to Nationwide platforms for use of the hire/ repair/ distribution of mobile platforms;
- 2004: Assigned to the Platform Company for the hire/ repair/ distribution of mobile platforms;
- 1997: Let to Kotmatsu (South) for use as fork lift truck sales/ hire/ repair;

Affidavit: from a former employee who worked on site between 1982 and 2004, this advises that the paint spray shop was condemned and refurbished in 1997 with the chimneys installed around this time.

5.9 Conflicting Evidence

The evidence submitted is accepted as true unless any contrary evidence is received. In this instance, conflicting evidence relates to the comments received from a nearby resident as are detailed above.

5.10 Analysis

At the time of the Officer site visit, use of the site had predominantly ceased with the operators having vacated the premises. However, there were remnants of the former site use (inclusive of one hydraulic platform) and it is understood that their lease did not expire until the end of 2012. Notwithstanding this, consideration has been given to the abandonment of this use (with a certificate of lawfulness required to demonstrate that a use has operated for a continuous period of 10 years up to and inclusive of the date of the application). To this extent, planning law states that if non-compliance has ceased by the discontinuance of the offending activity, the breach is at an end. If there is a renewed non-compliance, this would constitute a fresh breach (subject to a renewed 10 year period) thus an application can only be made if non-compliance exists at the time of the application; it should not be granted retrospectively.

5.11 In respect of abandonment, the relevant criteria for this has been set out in the case of Hughes v Secretary of State for the Environment 2000 and is as follows:

- (i) the physical condition of the building;
- (ii) the period of non-use;
- (iii) whether there had been any other use; and
- (iv) evidence regarding the owner's intentions.

5.12 Case law considers the weight to be given to the various factors. Having regard to the period of non-use, if the land has remained unused for a considerable period in such circumstances that a reasonable man might

conclude that the previous use had been abandoned; a tribunal might consider the use to have been abandoned. In this instance, the site has only recently been vacated and there have been no intervening uses. Further, the condition of the site appears as it did when operated (albeit empty) and the submission of the Certificate of Lawfulness application is considered demonstrate the owner's intentions in finding a new user for the site. Accordingly, despite the site now having been vacated, Officer's do not consider this use has been abandoned.

- 5.13 In respect of the period of non-occupation referred to, it is noted that the application form in respect of PT04/0849/F advises that the existing use of the site is as a 'depot with workshop/ stores (B2)' and the covering letter also describes the site as a B2 use. As such, for the reasons outlined above, it is not considered that this possible period of non-use could prevent a Certificate from being granted.

6. CONCLUSION

- 6.1 It is considered that on the balance of probability that the Council is in a position grant a certificate but this would not be for an unrestricted use. In this regard, it is considered that the evidence submitted demonstrates a more limited use than that proposed by the submission; i.e. Officer's are of the opinion that an unfettered B2/ B8 use has not occurred across the whole of the site. Accordingly, it is considered the evidence demonstrates that, on the balance of probabilities, the B2 use extends across the whole site with the exception of the grassed southern corner. The B8 use only reflects that of the 1999 application up to the height of a fork lift truck (i.e. 2m). This will need to be shown on the plan that accompanies the decision notice.
- 6.2 Further, it is considered that the evidence submitted, on the balance of probabilities, does demonstrate that the chimneys have been in situ for in excess of 4 years.

6. RECOMMENDATION

- 6.1 A Certificate of Lawfulness is **GRANTED** subject to those limitations detailed on the planning decision notice.

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

1. The applicant has demonstrated that on the balance of probability, the land identified on the attached plan as outlined in blue, has been used for Class B2 purposes for a continuous period of 10 years up to and including the date of this application.
2. The applicant has demonstrated that on the balance of probability, the land identified on the attached plan as outlined in green, has been used for Class B8 purposes to a height of 2m for a continuous period of 10 years up to and including the date of this application.

3. The applicant has demonstrated that on the balance of probability, the two chimneys on the roof of the former paint shop building (and identified on the attached plan coloured red) have been in situ for a continuous period of 4 years up to and including the date of this application.

ITEM 12

CIRCULATED SCHEDULE NO. 03/13 – 18 JANUARY 2013

App No.: PT12/2567/MW
Site: Severnside Energy Recovery Centre
Severn Road Hallen Bristol South
Gloucestershire

Proposal: Variation of condition 2 of planning permission reference APP/PO009/A/10/2140199 (Local Planning Authority reference PT09/5982/FMW) to revise the approved plans listed as part of the permitted Energy Recovery Centre.

Map Ref: 354771 181326

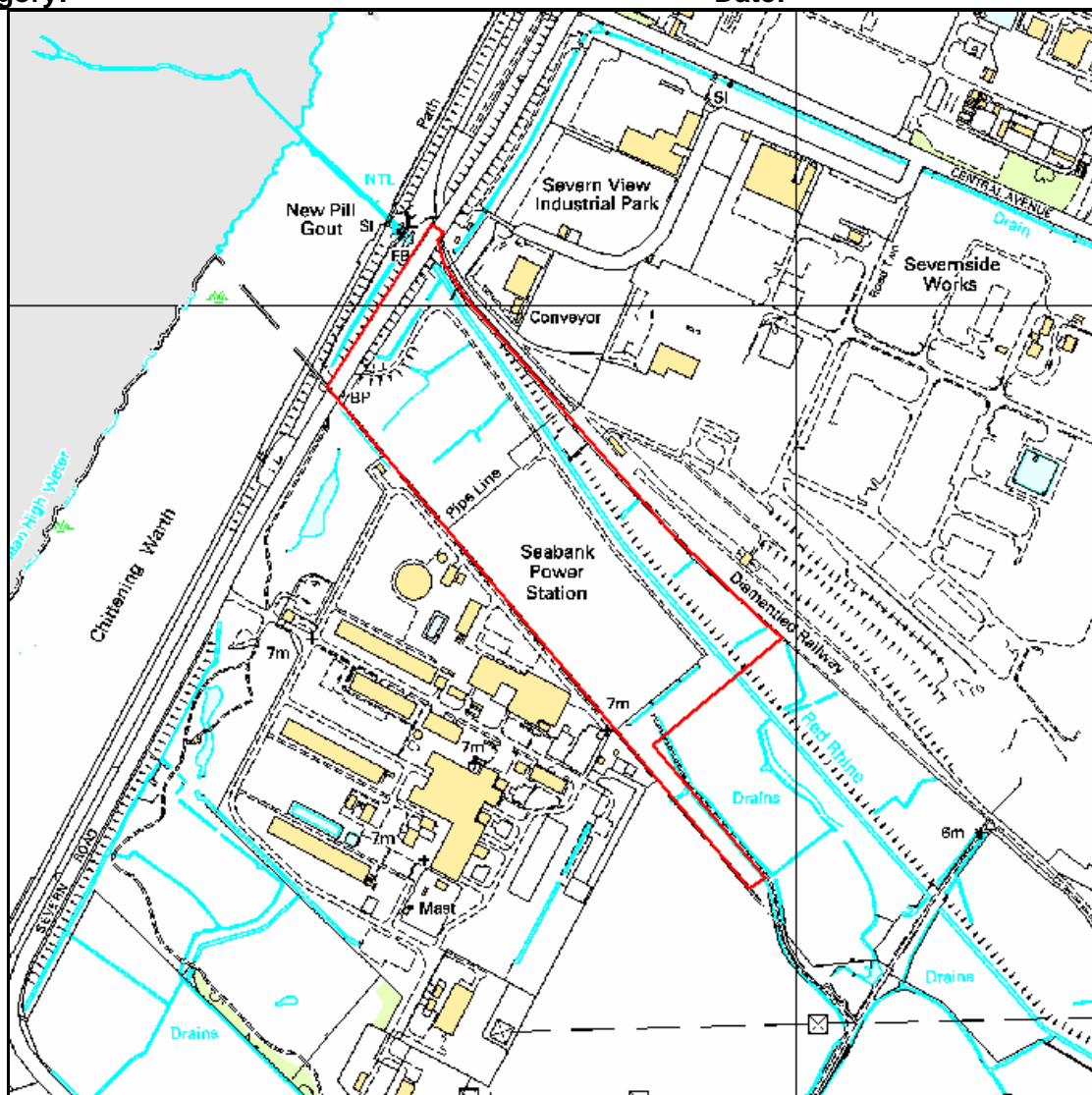
Applicant: SITA UK Limited
Date Reg: 8th August 2012

Parish: Pilning And Severn Beach Parish Council

Ward: Pilning And Severn Beach

Target Date: 6th November 2012

Application Category:



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100023410, 2008. **N.T.S.** **PT12/2567/MW**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks to vary condition 2 of planning permission APP/PO009/A/102140199 (Our ref. PT09/5982/FMW). This permission was granted on appeal in July 2011 for the for the change of use of land for the construction of an Energy Recovery Centre (ERC) for the thermal treatment of non hazardous waste and ancillary development including new road and roundabout on A403 and new railhead and erection of site office and visitor centre with associated works. Condition 2 of that consent listed the approved plans and schedules associated with the development. At detailed design and pre-construction stage it was noted that certain technical requirements meant that amendments to some of the plans would be necessary. This application therefore seek to address these requirements by providing revised plans that accurately reflect the detailed design and construction requirements of the facility. The changes involve only amendments to the existing approved scheme and not the nature of the facility itself. The amendments relate to:
- Air cooled condensers – revision to cladding to facilitate required levels of air flow and increased footprint of building, from 49m by 52m to 52m by 32m.
 - Transformer and Substation – After discussions with Western Power Distribution a change in the size and position of the transformer and substation was considered necessary to meet their requirements. The approved transformer and substation measured 15m by 24m. The size of the revised transformer and substation is proposed to be 60m by 40m.
 - Revision to the emissions monitoring platform on the dual stack
 - Additional bracing at the top of the stack
 - Revised route of flues coming out of the flue gas treatment hall
 - Re-coolers provided on flue lines from the flue gas treatment hall into the stacks to ensure flue gas is not too hot before discharge
 - Inclusion of louvers and roof vents within the building skin to allow for air flow
 - Revision of specified glazing
 - Additional access points required into and out of building for access and fire safety
- 1.2 The energy recovery centre itself covers an area of 10.2 hectares. The area as a whole is covered by the former ICI consents as covered by policy designations E1 and E2 of the South Gloucestershire Local Plan (Adopted) January 2006. The site is also allocated in principle as a suitable location for residual waste treatment use in Policy 5 the West of England Joint Waste Core Strategy (Adopted) March 2011. Existing railtrack bounds the site to the north-eastern length of the site. The Severn Estuary (SPA, SAC, RAMSAR) is located approximately 300 metres to the north and west of the site across the A403 and across Chittingen Warth.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
PPS10 – Planning for Sustainable Waste Management

2.2 Development Plans

West of England Joint Waste Core Strategy (Adopted) March 2011

Policy 5 – Residual Waste Treatment Facilities

Policy 11 – Planning Designations

Policy 12 – General Considerations

South Gloucestershire Local Plan (Adopted) January 2006

E2 – Severnside

E4 – Safeguarded Employment Areas

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

CS1 – High Quality Design

CS35 -Severnside

3. RELEVANT PLANNING HISTORY

3.1 PT09/5982/FMW - Change of use of land for the construction of an Energy Recovery Centre for the thermal treatment of non hazardous waste and ancillary development including new road and roundabout on A403 and new railhead. Erection of site office and visitor centre with associated works. Approved on appeal 18th July 2011.

3.2 PT12/1207/MW - Re-alignment of part of the Spine Road Access which will serve the Energy Recovery Centre approved under reference PT09/5982/FMW. Approved 13th July 2012.

3.3 PT12/1303/MW – Construction of a bottom ash recycling facility, to include processing building, storage areas and bays, access road and associated infrastructure and development of the existing railhead, to serve the Energy Recovery Centre (Approved under reference PT09/5982/FMW). Approved 28th September 2012.

4. CONSULTATION RESPONSES

4.1 Pilning and Severn Beach Parish Council

Object to the proposal. Whilst accepting that permission is granted for the original application, the objection is based upon the following:

This appears to be an underhanded way of increasing the size now that permission has already been granted for a smaller unit, typical of industry in its attitude towards the general public. If the original application was genuine there is no justification for more than doubling the size of the substation and increasing the floor and building size by more than one third.

The building now poses further visual and special pressures on local residents with greater likelihood of unsightly intrusion, further noise and increased possibility of odour pollution. There will be greater pressure on property values, with little chance of compensation from the developers.

Increased sizing will create a precedent, possibly leading to further demands, if and when the whim takes them. The threat of further traffic overload looms, no measures having been taken to improve the traffic infrastructure for the surrounding area.

4.2 Other Consultees

Sustainable Transportation

There is no transportation objection to these minor amendments that essentially relate to the fabric of the building and not vehicle access or vehicle movements.

Highways Agency

There will be no detrimental effect upon the Strategic Road Network resultant from these proposals and on this basis there is no objection.

Environment Agency

The Environment Agency's interests will not be adversely affected by this Variation of Condition proposal.

Fisher German (on Behalf of Esso Petroleum)

Their client does have apparatus situated near to the proposed works. There are no objections to the proposals subject to the information contained in 'Special Requirements for Safe Working' and the covenants contained in the Deed of Grant are adhered to. Further separate contact will be made with the applicant.

Network Rail

In relation to the above application, there are no objections to the proposed scheme which remains subject to feasible rail access solution which SITA and Network Rail have begun jointly to develop.

Coal Authority

Having reviewed the site location plan and confirm that the application site does not fall within the defined coalfield; there is no requirement therefore to consider coal mining issues as part of this planning application or to consult The Coal Authority.

Landscape Officer

It is considered that the amendments to the landscape scheme represent only minor changes and do not compromise the integrity of the overall planting scheme. The proposals are acceptable and consistent with the previously approved scheme.

Ecology

There are no ecological constraints to granting planning permission. The application is purely for the alterations to the detailed design of the centre of minimal significance in the context of the overall consented scheme. That all ecological conditions previously attached to PT09/5982/FMW refer.

Archaeology/Historic Environment

There no historic environment comments on these proposals in addition to those made on the original application.

Other Representations

4.3 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The issue for consideration is therefore whether there would be any material impact from the proposed amendments. In this respect in this instance, given the nature of the proposed amendments in context with the approved site as a whole, the main issue for discussion would be that of visual amenity. No other changes such as different processes or capacity/throughput of the site are proposed, the size or scale of the main facility building are not proposed to be changed and there would be no increase in HGV movements resultant from the proposed changes the subject of this application.

5.2 Landscape/Visual Amenity

The original scheme design has been further refined and certain elements have been considered to require amendment; the landscape elements of the scheme have been updated to the south east of the site to accommodate the revised position of the transformer and condensers. The ramps to the main building have also required minor amendment, but do not affect the landscape proposals.

5.3 The minor amendments to the layout comprise, amendments to the size and layout of the air cooled condenser building (the approved plans were for a building 49 x 25m, giving a floorspace of 1,225m². The amended floorspace now proposed is 1,664m², with a building 52 x 32m, representing an increase of 36%). As this building is located to the rear of the main facility building, and

there is no reduction in the landscape planting proposed, this amendment is considered acceptable. The increased size of the building in its own right is not considered to give rise to any material impact.

- 5.4 There would also be a change to the location, specification and size of the transformer, due to Wessex Power Distribution's requirements, the transformer needs to be increased to 60 x 14m, therefore 840m², giving an increase of 480m² from the originally approved size. Again as the transformer is located in the south east portion of the site, to the rear of the main facility building, the landscape impact should be minimal. Therefore the proposals are considered acceptable.
- 5.5 Due to these amendments, a small amount of existing vegetation will be lost, however the scheme presents an overall increase in the proposed planting for the site. The planting plan indicates that the planting adjacent to the cooled condenser building and transformed has been increased, however the remainder of the scheme remains unchanged and is as previously approved.
- 5.6 It is considered that the amended information submitted still represents a high quality landscape scheme, which should provide a good level of mitigation. This includes proposed species rich grassland, ponds and green infrastructure planting, including the retention of most of the existing vegetation on site.
- 5.7 Whilst the increased requirements for the condenser and substation areas are located to the rear of the site and behind the main energy recovery building, the other slight alterations to the main building in terms of the relatively minor changes to accommodate operational requirements are not considered to contribute to an overall detrimental impact in context with the existing permission for the site or give rise in their own right to significant material impacts.
- 5.8 Conditions
As a variation of condition application it is proposed to include all the conditions of the original consent, as granted at appeal. Notwithstanding this and as indicated in the planning history section applications that relate to the spine road access provision, the bottom ash recycling facility and development of the railhead have been approved and therefore previous conditions relating to these elements are no longer necessary.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The principle of the site as an energy recovery facility is already established through the granting of a previous consent. It is considered that the amendments to the scheme represent only minor changes and do not compromise the integrity of the overall scheme. The proposals are acceptable

and consistent with the previously approved scheme and therefore continue to comply with Policies 5, 11 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011 and Policies E2 and E4 of the South Gloucestershire Local Plan (Adopted) January 2006 .

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

7. RECOMMENDATION

- 7.1 That planning permission is granted subject to the conditions recommended.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and schedule:

L(--)-212 Rev. B (Location Plan), L(--)-213 Rev. B (Application Boundary), LA 12b Rev 1, L(--)-205 Rev. B (3D Visualisations), L(--)-220 Rev. E (Ground Level Plan as Proposed), L(--)-222 Rev. D (Tipping Hall Level Plan as Proposed), L(--)-230 Rev. C (Long Section as Proposed), L(--)-240 Rev. F (North and West Elevations as Proposed), L(--)-241 Rev. E (South and East Elevation as Proposed), 4D01 Rev.1 (Landscape Master Plan), 4D02 Rev.1 (Tree and Vegetation Protection 1 of 2), 4D03 Rev.1 (Tree and Vegetation Protection 2 of 2), 4D04 Rev.1 (Planting Plan 1 of 4), 4D05 Rev.1 (Planting Plan 2 of 4), 4D06 Rev.1 (Planting Plan 3 of 4), 4D07 Rev.1 (Planting Plan 4 of 4), 4D08 Rev.1 (Grass, Meadow and Bulb Planting Plan) 4D12 Rev.1 (Topsoil and Mulch Plan) Plant Schedule Rev. 1, and 4DLM01 Rev.1 (Landscape Management Plan), received by the Council on 6th August 2012 and STH2263-11, STH2263-03 Rev H, STH2263-13 Rev. A, 1001335(63)1000 Rev.00, 4D10 (Pond Details) and 4D11 (Pond Details), received by the Council on the 3rd December 2009.

Reason:

To accord with Policies 5, 11 and 12 of the West of England Core Strategy (Adopted) March 2011.

3. No development shall take place until details of plant and pipework designed to supply heat (pursuant to Condition 4) up to the boundary of the site, including a timetable for installation, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason:

To accord with Policies 5, 11 and 12 of the West of England Core Strategy (Adopted) March 2011.

4. No commercial operations shall take place at the site until a Combined Heat and Power (CHP) Feasibility Review, to assess potential opportunities for the use of heat from the development hereby permitted, has been submitted to and approved in writing by the local planning authority. This Review shall update the CHP assessment submitted in support of the planning application for the development; it shall provide for the ongoing monitoring and full exploration of potential opportunities to use heat from the development as part of a Good Quality CHP scheme (as defined in the CHPQA Standard issue 3); and, it shall provide for the subsequent reviews of such opportunities.

Reason:

To accord with Policies 5, 11 and 12 of the West of England Core Strategy (Adopted) March 2011.

5. No commercial operations shall take place at the site unless the operator is applying the Pre-Sorted Residual Waste Acceptance Scheme. For the purposes of this condition, that Scheme is the most recent of either the version dated May 2011 (submitted as part of the approval under appeal ref. APP/PO009/A/10/1/2140199) or a revision to that version which has been approved, in writing, by the local planning or recommended, in writing, by an arbitrator appointed under the terms of clause 12 to the Scheme.

Reason:

To accord with Policies 5, 11 and 12 of the West of England Core Strategy (Adopted) March 2011.

6. The tree protection measures shown on drawings numbered 4D 02 Rev 1 and 4D 03 Rev 1 shall be put in place prior to the commencement of site clearance works and shall remain in place until construction of the development is complete. A qualified ecologist shall be appointed to oversee all ecological works during the preparation of the site and the construction of the development.

Reason:

To accord with Policies 5, 11 and 12 of the West of England Core Strategy (Adopted) March 2011.

7. The development and management of the site shall be carried out in accordance with the Landscape and Ecology Management Plan issue 01, dated February 2010 (submitted as part of the approval under appeal ref. APP/PO009/A/10/1/2140199), unless the local planning authority gives its written

approval to a variation on the basis of monitoring results obtained pursuant to condition 8, in which case the approved variation shall be implemented.

Reason:

To accord with Policies 5, 11 and 12 of the West of England Core Strategy (Adopted) March 2011.

8. Ecological monitoring shall be undertaken in accordance with the Ecological Monitoring Plan dated January 2011 and shall be carried out during the construction period and for a period of 5 years after the completion of construction, unless otherwise agreed in writing by the local planning authority. The written findings of the monitoring shall be submitted to the local planning authority on an annual basis.

Reason:

To accord with Policies 5, 11 and 12 of the West of England Core Strategy (Adopted) March 2011.

9. Works to construct the access roundabout on the A403 shall not take place before 1 April or after 30 September in any year.

Reason:

To accord with Policies 5, 11 and 12 of the West of England Core Strategy (Adopted) March 2011.

10. Prior to the commencement of development, a scheme to assess the nature and extent of any contamination, whether or not it originates on the site, shall be submitted to and approved in writing by the local planning authority. Such scheme shall include an investigation and risk assessment, in addition to any assessment provided with the planning application. The investigation and risk assessment shall be carried out prior to commencement of development and shall be undertaken by competent persons and a written report of the findings shall be provided and submitted to the local planning authority for approval in writing. The report of the findings shall include:

a survey of the extent, scale and nature of contamination; and

an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

Reason:

To accord with Policies 5, 11 and 12 of the West of England Core Strategy (Adopted) March 2011.

11. Prior to the commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and submitted to and approved in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, programme of works and site management procedures. The scheme should ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

To accord with Policies 5, 11 and 12 of the West of England Core Strategy (Adopted) March 2011.

12. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority shall be given two weeks' prior written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall be produced and submitted to the local planning authority for approval in writing.

Reason:

To accord with Policies 5, 11 and 12 of the West of England Core Strategy (Adopted) March 2011.

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the local planning authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of condition 10 and, where remediation is necessary, a remediation scheme shall be prepared in accordance with the requirements of condition 11 and submitted to and approved in writing by the local planning authority. The approved scheme shall then be implemented in accordance with the approved details. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the local planning authority for approval in writing in accordance with condition 12.

Reason:

To accord with Policies 5, 11 and 12 of the West of England Core Strategy (Adopted) March 2011.

14. Prior to the commencement of development, a scheme for monitoring the long-term effectiveness of the proposed remediation over a period of 3 years from the

completion of the remediation works shall be submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details. The scheme shall include details of such measures as are necessary to maintain the long term effectiveness of the site remediation.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority for approval in writing.

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

Reason:

To accord with Policies 5, 11 and 12 of the West of England Core Strategy (Adopted) March 2011.

15. No development shall take place until details of arrangements for the investigation and reporting of archaeological remains, on the site, have been submitted to and approved in writing by the local planning authority. Those arrangements shall be carried out in accordance with the approved details or with variations to those details that the local planning authority have previously agreed in writing.

Reason:

To accord with Policies 5, 11 and 12 of the West of England Core Strategy (Adopted) March 2011.

16. No development shall take place until details of routing arrangements for heavy goods vehicles have been submitted to and approved in writing by the local planning authority. Those arrangements shall prohibit heavy goods vehicles from using the B4064 through Pilning, and the Severn Road through Hallen, during both the construction and operation of the development. Development shall be carried out in accordance with the approved details.

Reason:

To accord with Policies 5, 11 and 12 of the West of England Core Strategy (Adopted) March 2011.

17. No commercial operations shall take place at the site until a travel plan co-ordinator has been appointed; until the local planning authority have been given written details of that co-ordinator; and, until details of a revised travel plan have been submitted to and approved in writing by the local planning authority. The revised travel plan shall take visitor arrangements into account and it shall be implemented in accordance with the approved details.

Reason:

To accord with Policies 5, 11 and 12 of the West of England Core Strategy (Adopted) March 2011.

18. No development shall take place until details of access arrangements, within the site, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason:

To accord with Policies 5, 11 and 12 of the West of England Core Strategy (Adopted) March 2011.

19. The finished floor levels of the staff offices, the reception hall and the tipping hall shall be no lower than 10.07m above ordnance datum and materials in silos shall be stored above this level.

Reason:

To accord with Policies 5, 11 and 12 of the West of England Core Strategy (Adopted) March 2011.

20. No commercial operations shall take place at the site until there are connections in place to allow the export of electricity, generated by the development, to the national grid and/or to end users.

Reason:

To accord with Policies 5, 11 and 12 of the West of England Core Strategy (Adopted) March 2011.

21. The operator of the development shall review the economic viability of transporting waste, to and from the site, by rail. If the review shows that transport by rail is economically viable, it shall also provide details of works that are needed to enable the transport of waste by rail, including a timetable for carrying out those works. No commercial operations shall take place at the site until the first review has been submitted to and approved in writing by the local planning authority. Thereafter, the review shall be updated and submitted to the local planning authority every two years until such time as it demonstrates that transport by rail is economically viable and the local planning authority has given its written approval to the review. Development shall be carried out in accordance with the approved details.

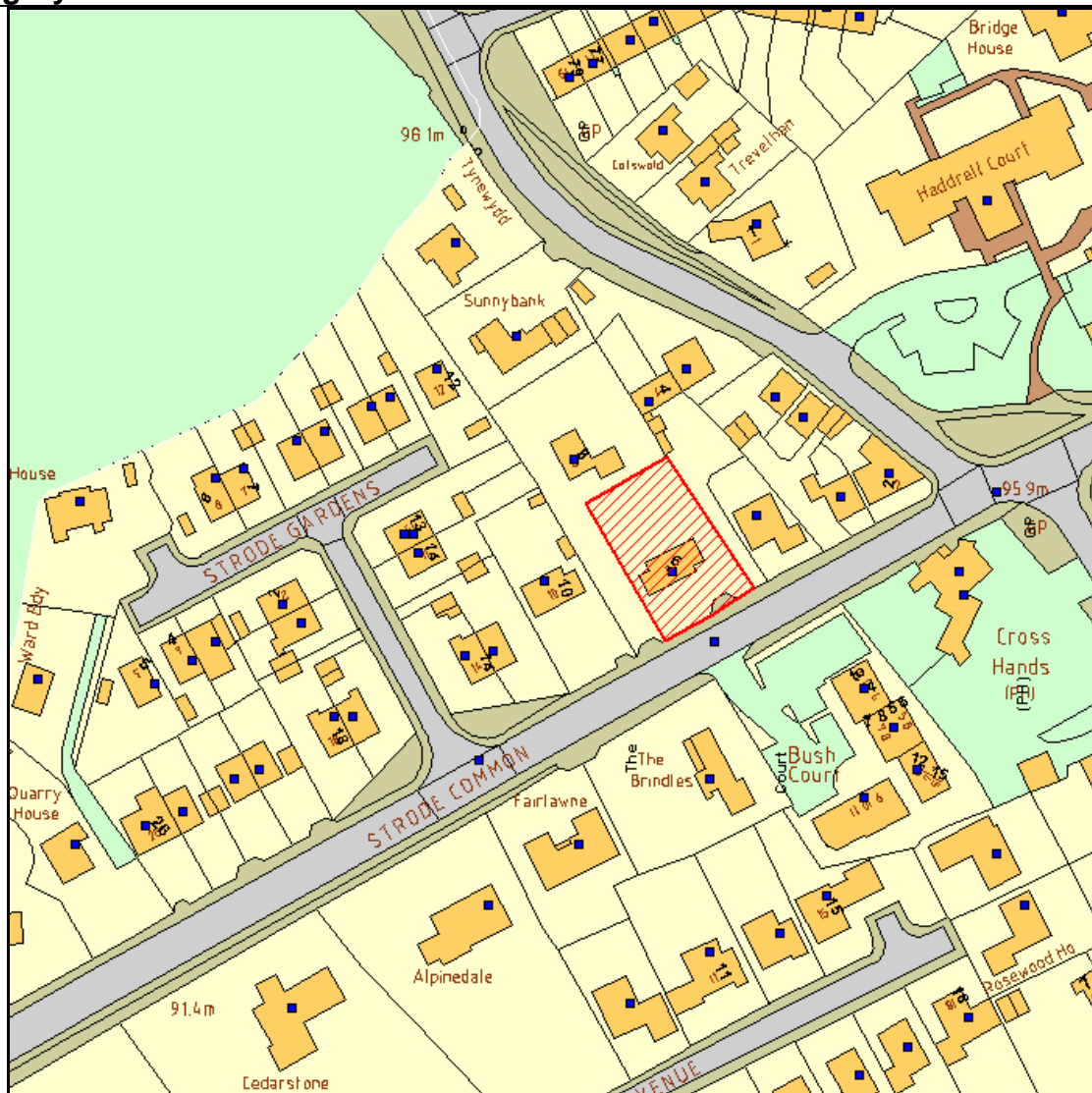
Reason:

To accord with Policies 5, 11 and 12 of the West of England Core Strategy (Adopted) March 2011.

ITEM 13

CIRCULATED SCHEDULE NO. 03/13 – 18 JANUARY 2013

| | | | |
|------------------------------|---|---------------------|------------------------------|
| App No.: | PT12/3613/F | Applicant: | Colman Building Contractors |
| Site: | 6 Strode Common Alveston Bristol South Gloucestershire BS35 3PJ | Date Reg: | 7th November 2012 |
| Proposal: | Demolition of existing dwelling to facilitate the erection of 2no. detached dwellings with new access and associated works. | Parish: | Alveston Parish Council |
| Map Ref: | 362812 188174 | Ward: | Thornbury South And Alveston |
| Application Category: | Minor | Target Date: | 1st January 2013 |



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100023410, 2008. **N.T.S.** **PT12/3613/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been referred to the Circulated Schedule as a result of a consultation response received from the Parish Council.

1. THE PROPOSAL

- 1.1 The application is for the demolition of the existing bungalow dwelling to facilitate the erection of 2 detached dwellings with new access and associated works.
- 1.2 The existing property is a single storey detached 1950's bungalow and includes residential curtilage surrounding the property. The plot of land inclusive of bungalow and curtilage is approximately 0.071. A small rear conservatory and some small ancillary outbuildings are also located on the site. The site is located within the village boundary of Alveston, which itself is washed over by the 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
H2 Residential Development Within Settlement Boundaries
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
GB1 Green Belt
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
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
Green Belt Supplementary Planning Document

3. RELEVANT PLANNING HISTORY

- 3.1 N6560 – Erection of car port. Approved 15th May 1980.

4. CONSULTATION RESPONSES

4.1 Alveston Parish Council

The Parish Council objects to the application on the following grounds: With a shortage of bungalow accommodation in Alveston, we object to the demolition of a perfectly sound property. The proposed development is considered to be an over development of the site. Insufficient car parking space has been planned especially as the road position is totally unsuitable for vehicle parking.

Sustainable Transportation

Whilst the proposed number of parking spaces is limited for 2x4 bedroom houses and does not confirm with our emerging parking standards it does comply with the Councils extant maximum parking standards. As such there is no transportation objection to this proposal.

Landscape

There is no landscape objection to the proposal with regard to policy L1 of the Adopted Local Plan. However to fully comply with policy, we will require a detailed planting plan to be submitted for approval, as a condition of planning. This should detail the size, type and specification of all proposed planting.

Environmental Protection

The historic use of land within 250m of the site as filled ground may have caused contamination which could give rise to unacceptable risks to the proposed development. Recommended conditions addressing this should therefore be included in any approval.

Other Representations

4.2 Local Residents

No comments received

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 T8 and T12 seek to ensure satisfactory parking provision. The site is also located within the designated Green Belt and Policy GB1 is also therefore relevant. Policy H2 also indicates that residential development within the boundaries of settlements where they are washed over by Green Belt, should be limited to infilling. There is no in principle objection to the loss of a bungalow and the mix of development in Alveston as a whole is unlikely to be materially affected by such a smallscale development proposal.

5.2 Green Belt

Green Belt policy states that in terms of residential development limited infilling within the settlement boundaries can be considered appropriate development. The site is located within the settlement boundary of Alveston. Upon demolition the empty plot would be created and allow for the infilling development with the two proposed dwellings, this is therefore considered to be appropriate development within the Green Belt. The proposals are therefore considered to be in accordance and acceptable within the Green Belt context.

5.3 Design / Visual Amenity

There are various types, sizes and ages of property within the vicinity, including a bungalow and a modern cream rendered dwelling on either side of the plot, further detached dwellings and cottages also exist to the rear. It is not considered in this context that the addition of two detached dwellings at this location would have a significant impact upon the streetscene. Further to this the design of the dwellings themselves is considered acceptable at this location. The pair of dwellings would effectively mirror each other in form and design. Materials used would be concrete interlocking slate look roof tiles and a mix of reconstructed bradstone, coloured smooth render and reconstructed stone band course. The plot of land remaining after the demolition of the bungalow is sufficient to accommodate two new dwellings both visually and in terms of providing sufficient space for the two households. The residential density and effective use of the land would be increased to acceptable levels at this location without being considered over development. The demolition in its own right would not require planning consent. In principle, the loss of a bungalow in its own right would not be a matter for which an objection or refusal could be sustained, and its replacement with two dwellings is considered an acceptable use of the land.

5.4 Residential Amenity

The plot is already in residential use. Given the location of the proposed dwellings and their relationship with the nearest surrounding properties it is not considered that the development would give rise to any materially increased amenity issues through overbearing impact or overlooking. The dwellings will be located toward the front of the plot in the approximate location of the existing bungalow and the rear area will remain as private curtilage area. The leylandi trees to the rear of the plot (approximately 4 metres high) will remain and offer and retain a soft boundary and screening from properties located to the rear of the plot. It is not considered therefore that the proposals would have a significant or material impact upon the amenities of the surrounding area.

5.5 Transportation

The area to the front of the proposed dwellings provides for two off-street parking spaces per dwelling. The amount of off-street parking available complies with the Council's current maximum parking requirements for 4 bedroom dwellings. The proposed new drop kerb access can serve the two properties. There are no highways objections to the proposals on the basis of the availability of parking provision.

5.6 Environmental Protection

It is considered that historic use of land within 250m of the site as filled ground may have caused contamination, which could give rise to unacceptable risks to the proposed development. A standard contamination investigation condition is therefore recommended that would investigate this and where necessary address any issues arising.

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 not considered that the proposals would give rise to any issues of residential amenity or visual amenity and the design of the proposals is considered acceptable and therefore accord with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006. The proposals are considered to be acceptable infill development in accordance with Policies GB1 and H2. The proposals are also considered to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 in terms of parking provision and access.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is granted subject to the conditions recommended.

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. Prior to the commencement of development a detailed planting plan shall be submitted to the Local Planning Authority for written approval. This should detail the size, type and specification and timing of all proposed planting. Development shall thereafter be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policies H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. A) Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
- B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
- C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
- D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

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

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

Reason

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

4. The access and 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.

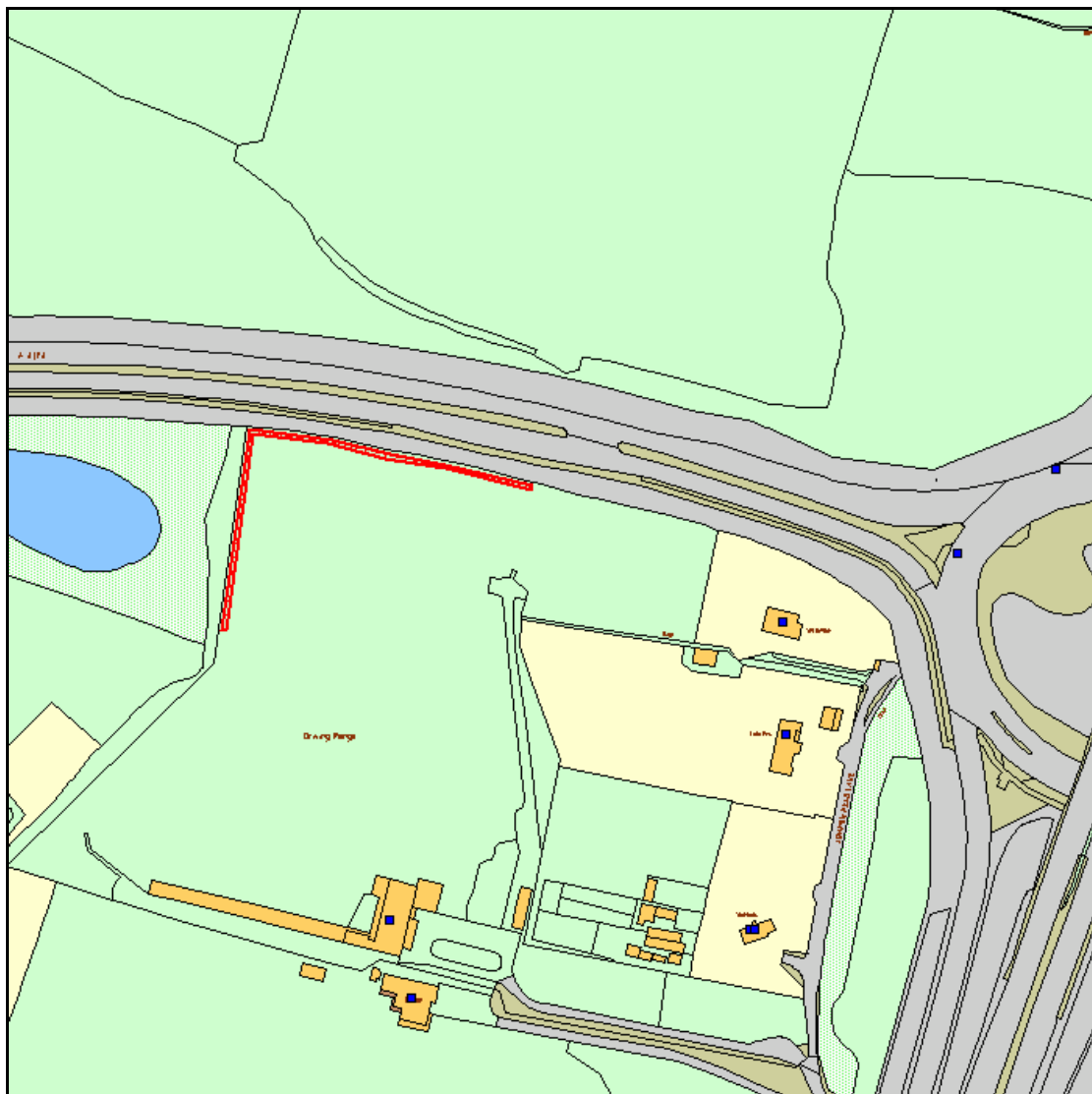
Reason

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

ITEM 14

CIRCULATED SCHEDULE NO. 03/13 – 18 JANUARY 2013

| | | | |
|------------------------------|---|---------------------|--------------------------------|
| App No.: | PT12/3872/F | Applicant: | Mr N Lumb |
| Site: | Bristol Golf Centre Common Mead Lane Hambrook Bristol South Gloucestershire | Date Reg: | 4th December 2012 |
| Proposal: | Erection of 25m high safety fencing | Parish: | Winterbourne Parish Council |
| Map Ref: | 363167 178492 | Ward: | Winterbourne |
| Application Category: | Minor | Target Date: | 28th January 2013 |



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule List because an objection has been received contrary to the officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 25 metre high safety fencing.
- 1.2 The application site comprises Bristol Golf Centre, which is a driving range located to the west of Common Mead Lane. The northern boundary of the site is adjacent to the A4174. The site is located within the open Green Belt outside of any defined settlement boundaries.
- 1.3 According to the applicant the proposal is required as since the erection of the current safety nets, there has been further significant improvement in the design and manufacturing of golf clubs, which has led to the patrons being able to hit the golf balls longer distances.

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
L1 Landscape Protection and Enhancement
LC5 Proposals for Outdoor Sports and Recreation Outside Existing Urban Area and Defined Settlement Boundaries
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 PT11/1293/F, erection of 20 metre high golf safety nets, approval, 30/06/11.
- 3.2 P91/1244, demolition of existing buildings and construction of a golf driving range and associated clubhouse; construction of car park and alterations to existing vehicular and pedestrian access; erection of perimeter fencing and floodlighting (in accordance with the amended plans received by the council on 26TH April 1991 and 26th June 1991), approval, 10/07/91.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

No objection

4.2 Transportation DC Officer

No objection

4.3 Landscape Officer

No objection

4.4 Local Residents

A single letter of objection has been received from a neighbouring occupier. The following is a summary of the objections:

- The proposal indicates an intention to use more regular golf balls with little consideration to the safety of near neighbours;
- A 25 metre high fence should be erected along the length of the neighbouring gardens for their protection;
- The proposal will result in a more industrial appearance to the neighbourhood.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site relates to an established driving range site. Safety fencing is required in order to stop golf balls from being hit out of the site and causing potential damage and injury. Accordingly, the proposal is considered to be an 'essential facility' for outdoor sport and recreation and falls within the limited categories of development that is acceptable in the Green Belt. The form and appearance of the fencing and the impact on the openness of the Green Belt are still pertinent considerations and will be carefully considered in the main report.

5.2 The principle of the development is acceptable by virtue of policies GB1 and LC5 of the South Gloucestershire Local Plan (adopted) January 2006. The main issues to consider are the appearance/form of the proposal and the impact on the character and openness of the area (policies D1, GB1, L1 and LC5 of the Local Plan); the environmental affects (policies L1, L9 and LC5 of the Local Plan); the transportation impacts in terms of levels of vehicular traffic, highway safety and parking (policies T12, T8 and LC5 of the Local Plan); and the impact on the residential amenity of neighbouring occupiers (policy LC5 of the Local Plan).

5.3 Appearance/Form and the Impact on the Character and Openness of the Area

Existing fencing is located on the northern and western boundaries extending for distances of approximately 150 metres and 67 metres respectively. Planning permission was granted under application PT11/1293/F to increase the height of the fencing from 15 metres to 20 metres and the proposal is for a further 5 metre increase in height. The proposal comprises slender upright supports that are spaced approximately 10 metres apart to support plastic

coated mesh fencing. The applicant states that the form and appearance of the netting will match the existing netting and a condition is recommended to ensure this if permission is granted. It is considered that given the slender supports and appearance of the netting, the proposal will provide a high degree of through visibility and will not have a materially greater impact on the openness of the Green Belt or the character of the landscape than the existing situation. It is not considered that the proposal will appear adversely larger in scale than the existing fencing given the relatively spacious context of the site.

5.4 Residential Amenity

The neighbouring properties within close proximity to the site are Northfield House to the west and The Willows and Tudor Rose to the east. The closest neighbouring property is 87 metres (approx) from the fencing, and given the design and nature of the proposal, it is not considered that there will be a materially greater impact on the residential amenity of occupiers than the existing situation in terms of loss of natural light or outlook.

- 5.5 An objector has commented that the proposal indicates an intention of the applicant to use more regular golf balls. However, the use of the site as a driving range is lawful and the Local Planning Authority has no control over the types of golf balls that are used, and according to the applicant it is advances in golf club technology that have led to the proposal. The proposal is therefore, required to be assessed on its own planning merits. The objector has also stated that the fence proposed should extend around the entire length of neighbouring gardens for their protection. However, the Local Planning Authority can only assess the proposals that are put forward. It is not considered that the proposal will have a significantly greater impact on the residential amenity of neighbouring occupiers than the existing situation.

5.6 Environmental Impacts

Given the nature of the proposal it is not considered that there will be significantly greater environmental impacts than the existing situation.

5.7 Transportation

The proposal relates to an established golf driving range and given the nature of the proposal it is not considered that there will be a material impact in terms of traffic generation, parking or highway safety.

6. CONCLUSION

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

The proposal represents an essential facility for essential sport and recreation, which constitutes an appropriate form of development in the Green Belt. The proposal therefore, accords with policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006.

The principle of the development is acceptable by virtue of policy LC5 of the South Gloucestershire Local Plan (adopted) January 2006.

The nature of the proposal is such that it will not result in a significant impact in terms of vehicular traffic, highway safety or parking. The proposal therefore, accords with policies T12, T8 and LC5 of the South Gloucestershire Local Plan (adopted) January 2006.

The appearance and form of the proposal is such that it will not have a significant adverse affect on the character of openness of the locality or landscape. The proposal therefore, accords with policies D1, L1, GB1 and LC5 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not have a materially greater impact on the residential amenity of neighbouring occupiers than the existing situation. The proposal therefore, accords with policy LC5 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not have a materially greater impact on the environment than the existing situation and accords with policies LC5, L1 and L9 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

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

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

1. The 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 colour, type and texture of the materials to be used in the construction of the safety netting (including the steel poles) hereby permitted shall match those used in the existing safety netting and steel poles.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policies D1, LC5 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 15

CIRCULATED SCHEDULE NO. 03/13 – 18 JANUARY 2013

| | | | |
|----------------------------------|--|-------------------------|---------------------------------|
| App No.: | PT12/3948/F | Applicant: | Mr Tom Coleman |
| Site: | 21 Rossall Avenue Little Stoke Bristol South Gloucestershire BS34 6JU | Date Reg: | 4th December 2012 |
| Proposal: | Erection of 1no. attached dwelling with access and associated works. | Parish: | Stoke Gifford Parish Council |
| Map Ref: | 361304 180931 | Ward: | Stoke Gifford |
| Application Category: | Minor | Target Date: | 25th January 2013 |



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has received three letters of objection from local residents.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection 1 no. attached dwelling with access and associated works.
- 1.2 The application site comprises a semi-detached two-storey residential dwelling within an entirely residential area of Little Stoke. The site is located adjacent to the junction of Rossall Avenue and Grange Avenue. The existing site has an existing access at the rear of the property.
- 1.3 A revised proposed site plan was received on 19th December 2012 with minor amendments to the proposed access for the original dwelling. As the amendments were only minor a re-consultation period was not undertaken.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design

H2 Proposals for Residential Development within Existing Urban Areas and Defined Settlement Boundaries

H4 Development within Existing Residential Curtilages

L17 The Water Environment

L18 The Water Environment

EP1 Environmental Pollution

T12 Transportation Development Control Policy

T8 Parking Standards

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

CS1 High Quality Design

CS8 Improving Accessibility

CS16 Housing Density

CS17 Housing Diversity

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (Adopted) 2006

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

No comment received

4.2 Highway Officer

No objection, condition and informative recommended

Other Representations

4.3 Local Residents

Three letters of objection have been received from local residents for the following reasons:

- Siting of the vehicle entrance on Rossall Avenue – no need for access as there is adequate parking at the rear for 4 cars.
- Proposed new access too close to the junction.
- Existing driveways are staggered.
- Street lighting in situ at proposed access.
- Proposed new access would impose on views from neighbouring property.
- Existing trees and hedge have not been shown on plans – reference item 15.
- Proposal could result in over-massing.
- All pavements should be kept clear during construction – previous contractors have caused damage – conditions should be imposed regarding health and safety
- Site working hours should be limited.
- Serious issues with damage to verges, kerbstone and drains.
- Return date does not allow for objections to be raised at the Parish Council.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of 1no. attached residential dwelling with access and associated works. Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highways and design.

5.2 Residential Amenity

The application site comprises a semi-detached residential dwelling set within a large plot adjacent to the junction of Rossall Avenue and Grange Avenue, Little Stoke.

The proposed 1no. dwelling would be attached to the existing and would have a width of 8.1 metres, a depth of 10.6 metres, and a maximum height of 8 metres. The nearest neighbouring properties remain a significant distance from the site. As such it is considered that there proposal would not significantly overlook neighbouring dwellings and would not have a detrimental impact on the residential or private amenity of them.

The application proposes to split the existing site in order to provide private garden space for both the original dwelling and the proposed. The existing garage at the rear of the site would be removed as a result of the proposal. The existing eastern rear garden boundary fence would be retained and a new 1.8 metre fence would be erected to divide the site. Whilst the proposed rear gardens would be on a smaller scale than those found in the locality it is considered that they would provide adequate and useable private amenity space to serve the relevant three-bedroom dwelling. Accordingly the proposal is considered acceptable in terms of policy H4 of the adopted Local Plan. The proposal would represent an “effective use of the land by re-using land that has been previously developed”, and is therefore in accordance with guidance under the National Planning Policy Framework (2012).

5.3 Highways

The existing site is accessed at the rear of the site with an existing garage and hardstanding. The existing garage would be removed as a result of the proposal.

The existing access would be retained to serve the proposed attached dwelling and an additional access would be formed at the front of the site to serve the existing dwelling. The proposed access would come off Rossall Avenue, which is an unclassified (C4R) road, and would cross an existing grass verge and footpath. The application proposes a cycle store for each dwelling on the site. Amended plans were submitted on 19th December 2012 to show the existing trees and hedge surrounding the proposed front access. A re-consultation period was not undertaken as the changes were considered minor and would not effect the proposal.

Whilst it is acknowledged that the proposed front access would be located near the junction of Grange Avenue and Rossall Avenue this is not considered to cause any concern for highway safety. Rossall Avenue and Grange Avenue are entirely residential areas and the vehicle movements generated by the proposal would also be of a residential nature. The Highway Officer raises no objection to the proposal.

In light of current Local Plan policies in terms of maximum parking standards, the provision of two parking spaces for a three bedroom dwelling, with an additional cycle store, is considered satisfactory. The proposal provides adequate, safe, convenient and secure access, which is capable of accommodating the motorised traffic generated by the proposal. Accordingly the proposed access is considered acceptable in terms of policies H4, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 2006.

5.4 Design

The application proposes 1no. dwelling, which would be attached to the existing semi-detached dwelling forming a terrace of three. The application site is characterised by a two-storey semi-detached dwelling with a concrete hipped tiled roof and a mix of render and reconstituted stone finish. The locality is characterised by two-storey semi-detached residential dwellings with a mix of render and brick materials. Similar works, approved on 3rd April 2008, have

been completed opposite the site (19 Rossall Avenue), which have also formed a terrace of three.

The proposed dwelling is two-storey with single storey living accommodation to the side and rear, which have the appearance of a single storey extension. The proposed dwelling would have a maximum width of 8.1 metres, a maximum depth of 10.6 metres, and a maximum height of 8 metres. The proposal would have a hipped roof constructed with Redland Breckland Black Grovembury tiles, and a rendered finish to match the existing site. The proposed windows are white UPVC to match the existing site.

The proposed two-storey section of the proposal has the same width, depth and height as the original dwelling. The proportions and massing of the proposal are therefore considered acceptable in the context of the site and the local area. As such it is considered that the design of the proposed dwelling has been informed by, and respects the character and distinctiveness of the site and the local area. Although the proposal would result in the creation of a terrace in an area characterised by semi-detached dwellings, it is considered that this would not have a detrimental impact on the character or distinctiveness of the locality. Accordingly the proposal is considered acceptable in terms of policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

5.5 Drainage

There are no drainage objections to this application subject to the submission of drainage details including Sustainable Drainage Systems for flood prevention, pollution control and environmental protection.

5.6 Other Matters

Local residents have raised a number of concerns during the consultation period for the application. In respect of concerns raised regarding the parking on site it should be highlighted that Rossall Avenue is an unclassified road and as such planning permission would not be required to drop the kerb to create a new access at the front of the existing site. The drop kerb is subject to permission from the Council's Street Care department. The additional hardstanding area would also be allowed under permitted development provided it is constructed in porous materials and run-off is directed to a permeable or porous area within the curtilage of the dwelling.

In relation to concerns raised over existing landscape features the agent for the application has responded with minor amendments to the proposed site plan (drwg no. 2249/3) to show the existing trees and hedge. It is considered that the proposal would not affect the existing landscape features.

Concerns raised regarding previous damage to pavements, grass verges, and health and safety on site are not a material consideration when determining planning applications and have therefore not influenced the decision for this site. Similarly concerns that the proposal would impact views from neighbouring properties are not a material consideration of the planning system.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 It is considered that the proposal, by virtue of its scale, location and design, would not have a detrimental impact on either the residential or private amenity of the surrounding dwellings. The development site is capable of accommodating the proposed development, and an adequate level of parking provision and private amenity space has been provided to serve both the proposal and the existing site. The proposal raises no concern for highway safety. Accordingly the proposal is considered acceptable in terms of policies H2, H4, T12 and T8 of the South Gloucestershire Local Plan (Adopted) 2006.

The scale of the proposal is proportional to the site and is acceptable in terms of massing, materials and overall design. The design of the proposal has been informed by and respects the character of the site and the locality and as such is considered acceptable in terms of policies H4 and D1 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 That 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).

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

Reason

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

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

Reason

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

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

Reason:

To comply with South Gloucestershire Local Plan (Adopted) January 2006 Policies L17, L18, EP1, EP2 and the Technical Guidance to the National Planning Policy Framework.

ITEM 16

CIRCULATED SCHEDULE NO. 03/13 - 18 JANUARY 2013

| | | | |
|----------------------------------|---|-------------------------|--------------------------------|
| App No.: | PT12/3994/F | Applicant: | Mr Jamie Maggs |
| Site: | 24 Salem Road Winterbourne Bristol South Gloucestershire BS36 1QF | Date Reg: | 4th December 2012 |
| Proposal: | Demolition of existing garage. Erection of two storey side extension to form additional living accommodation. | Parish: | Winterbourne Parish Council |
| Map Ref: | 365778 181096 | Ward: | Winterbourne |
| Application Category: | Householder | Target Date: | 24th January 2013 |



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100023410, 2008. **N.T.S.** **PT12/3994/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule given the letters of objection received from the Parish Council and the neighbouring residents.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a two-storey side extension further to the demolition of an existing garage.
- 1.2 The application relates to a semi-detached two-storey dwelling on the south side of Salem Road, 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 in New Development

H4: Development within Existing Residential Curtilages

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

CS17: Housing Diversity

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)
Winterbourne Village Design Statement (November 2012)

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Objection: *'The proposed extension uses a large part of the garage as a utility room and would therefore be too small to accommodate a car and parking is a real concern in this area.'*
- 4.2 Other Consultees
Highways DC: no objection
- 4.3 Summary of Local Residents Comments
One letter received expressing the following concerns:

- The lack of measurements gives no definitive/ binding detail of how close the extension will encroach towards the neighbouring property;
- The dwelling is considerably higher than the neighbouring property;
- The proposal will restrict light and tunnel in the neighbouring property.

4.4 It is noted that the plans are scaled thus measurements can be taken.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H4 is permissive of proposals for house extensions subject to considerations of design, residential amenity and highway safety.

5.2 Design/ Visual Amenity

The application seeks planning permission for a two-storey side extension to provide a garage, utility and WC at ground level with an ensuite bedroom above. It would measure 4m in width and adopt a subservient appearance when viewed from the front with it stepped back 0.25m. A gable-ended pitched roof would encompass the proposal.

5.3 The proposal would be inset from the boundary and its subservient design would help to retain the balanced appearance of these semi-detached dwellings. Accordingly, there is no design/ visual amenity objection.

5.4 Residential Amenity

The neighbouring property to this side is inset from the shared boundary by virtue of its driveway running through to a detached garage behind. The main outlook from this dwelling is towards the front and rear (i.e. away from the application site) with two small side facing windows; these appear secondary openings. On this basis, and with the proposal also inset from the boundary and aligning with the front and rear of this neighbouring dwelling, it is not considered that any significant adverse impact in residential amenity would be caused. In this regard, the slight change in levels is noted but this proposed relationship is considered to remain acceptable.

5.5 All other neighbouring dwellings stand at an appreciable distance from the site of the proposal thus it is not considered that any significant adverse impact in residential amenity would be caused.

5.6 Highway Safety

Despite the encroachment of the downstairs WC into the new garage, a car could still be accommodated within this garage whilst there is further space to the front of the property for additional car parking (the applicant has confirmed that three cars could be accommodated). On this basis, there is no transportation objection to the proposal.

6. **CONCLUSION**

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

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

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

6.3 The recommendation to GRANT permission is for the following reasons:

1. The design, scale and massing of the extension would be in keeping with the character and design of the dwelling and would accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and H4 (Development within Existing Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposal would not cause any significant adverse impact in residential amenity and would accord with Planning Policy H4 (Development within Existing Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The proposal is considered to be acceptable in highway safety terms and would accord with Planning Policies T8 (Parking Standards) and T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

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

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

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

Reason

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

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

Reason

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

3. No windows shall be inserted at any time in the north west (side) elevation of the property.

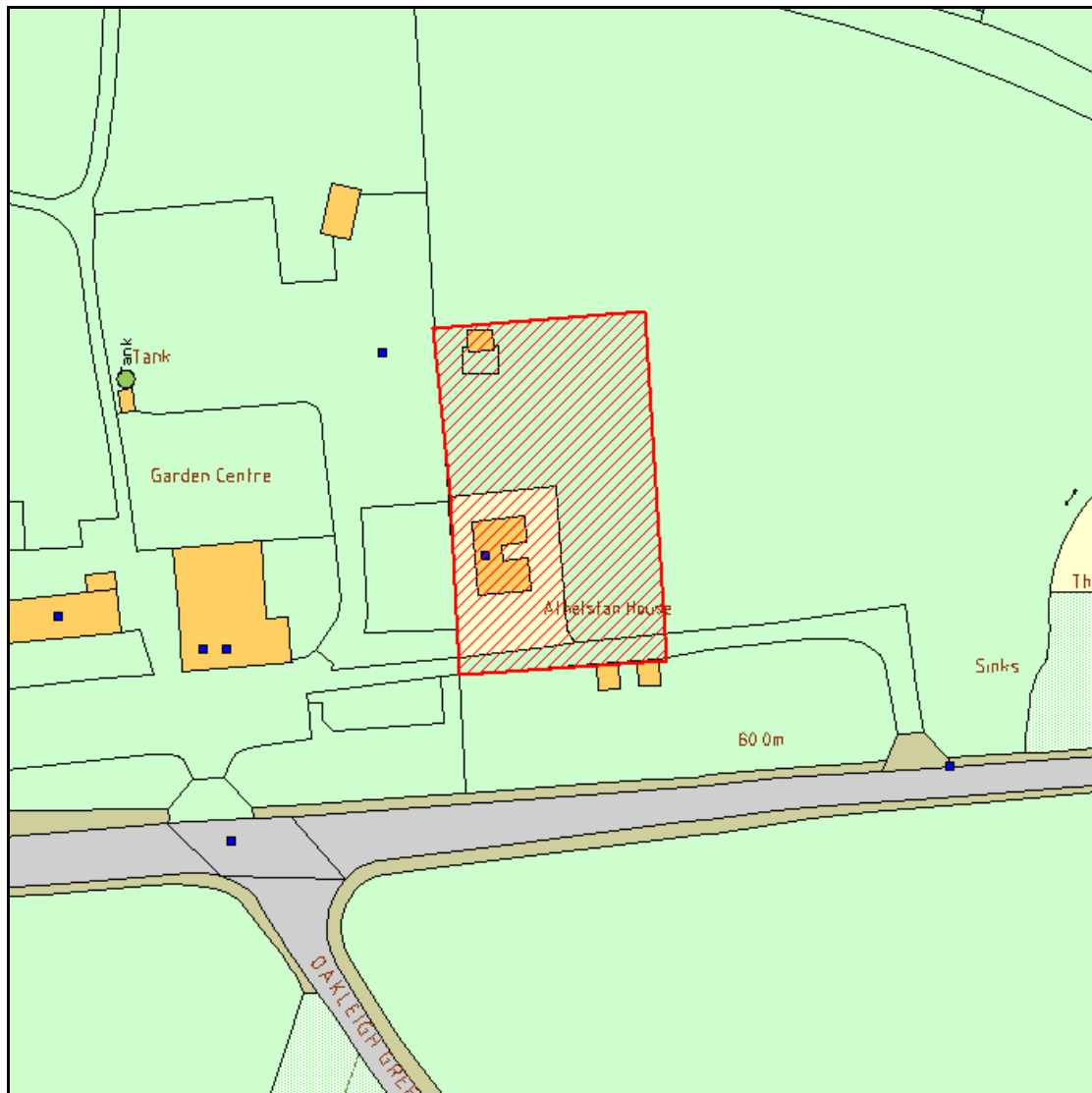
Reason

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

ITEM 17

CIRCULATED SCHEDULE NO. 03/13 – 18 JANUARY 2013

| | | | |
|----------------------------------|--|-------------------------|-------------------------------|
| App No.: | PT12/4037/CLE | Applicant: | Mr M Hooper |
| Site: | Athelstan House Oakley Green Westerleigh South Gloucestershire BS37 8QZ | Date Reg: | 5th December 2012 |
| Proposal: | Certificate of lawfulness for the existing use of land as residential curtilage | Parish: | Westerleigh Parish Council |
| Map Ref: | 368953 179207 | Ward: | Westerleigh |
| Application Category: | Minor | Target Date: | 28th January 2013 |



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been forwarded to the Council's Circulated Schedule for Member consideration in accordance with the adopted scheme of delegation as the application is for a Certificate of Lawfulness

1. THE PROPOSAL

- 1.1 This application seeks a Certificate of Lawfulness for existing use of land as residential curtilage surrounding the dwelling known as Athelstan House, Oakley Green. The test to be applied to this application for a Certificate of Lawful Use is that the applicant has to prove on the balance of probability, that the use of the site/building as described, has occurred for a period of 10 years consecutively, prior to the receipt of the application on the 3rd December 2012.
- 1.2 The application site relates to a detached two storey rural dwelling located in the open Green Belt in Westerleigh.
- 1.3 Details submitted with this application indicate land edged in red to the north of the dwellinghouse and land edged in blue to the south. Although the land edged in blue is mentioned in the accompanying letter, it is taken that the land within the red edge is the application site and therefore for consideration under this application.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990: Section 191
Town and Country Planning (General Procedures) Order 1995 Article 24
Circular 10/97: Enforcing Planning Control.
- 2.2 Development Plans
The application is for a Certificate of Lawfulness and as the land use merits are not under consideration, the policy context is not directly relevant.

3. RELEVANT PLANNING HISTORY

- 3.1 P95/1818 Use of land for stationing of mobile home for occupation of by farm worker. Installation of septic tank. Construction of hardstanding and access road
Refused 13.10.95
- 3.2 P96/2100 Stationing of a mobile home; installation of septic tank and provision of access road
Approved 25.09.1996
- 3.3 P99/2320 Use of land for the stationing of one mobile home
Approved 4.11.99

- | | | |
|-----|--------------------------|---|
| 3.4 | PT00/2006/F Approved | Creation of new vehicular access on to Westerleigh Road (B4465). 06.11.2000 |
| 3.5 | PT01/0505/F Approved | Erection of dwelling to replace existing mobile home. 26.04.2001 |
| 3.6 | PT12/2020/F Withdrawn | Erection of agricultural building for the storage of fodder and machinery 26.07.2012 |

4. **CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council
No objection

Other Representations

- 4.2 Local Residents
None received

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
The application seeks a Certificate of Lawfulness in respect of the parcel of land outlined red, surrounding Athelstan House.
- 5.2 The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probability”. For a certificate to be issued, the land and buildings within the red edged application site plan, must have been continuously used for the purposes described for a 10 year period prior to 3rd December 2012 i.e. the date of receipt of the application. Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. “beyond reasonable doubt.” Furthermore, the applicant’s own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous. The planning merits of the use are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant’s version of events less than probable, should be taken into account
- 5.3 Hierarchy of evidence
When assessing the evidence supplied in support of a Certificate of Lawful Use application, different types of evidence are given different weight. Generally

speaking the weight to be attached to such evidence in order of worth is as follows:

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross-examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence
4. Contemporary documentary evidence, especially if prepared for some other purpose
5. Sworn written statements (witness statements or affidavits), which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above
7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question

5.4 Aerial photography taken for South Gloucestershire Council

Records are available for the years 1999 (before the dwellinghouse was built), 2005, 2006 and 2008-9

- | | |
|--------|---|
| 2005 | Area to the north and east of the dwellinghouse can be seen as having being mown and includes a summerhouse to the northwest of the area in question |
| 2006 | Area to the north and east again shows signs of it having been maintained and mown. The summerhouse is in the northwest corner. |
| 2008-9 | The same area to the north and east of the dwellinghouse can be seen as having been mown. An additional shed like structure can also be seen against the west boundary just below the summerhouse. Footpaths, of some hard surfacing material, lead from the dwellinghouse to these structures. |

5.5 **SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION**

The applicant has submitted photographic evidence in support of the area highlighted in red. The aerial photograph shows a large marquee and summerhouse to the north of the dwellinghouse on a large area of mown grass. This is stated as having been taken in June 2002 at the house warming party.

- 5.6 A letter states that the whole area highlighted in red has been used and maintained as a garden, with trees and shrubs planted therein since the house was built in August 2001.

- 5.7 A delivery note and invoice for the summer house dated 26th May 2002 has been submitted in evidenced.
- 5.8 The officer's site visit confirmed that the land is a large maintained lawned area. It has no permanent boundary treatments to delineate the edges. Other ancillary domestic outbuildings are evident.
- 5.9 With regard to the area edged in blue an accompanying letter states that this piece of land has the septic tank for the house and storage containers for the tools and gardening equipment situated on it. As this is not within the red edge it cannot be assessed under this application.

6. EXAMINATION OF EVIDENCE

- 6.1 Photographic evidence has been submitted in support of the application. The is an aerial photograph for the June 2002 house warming party and shows a large marquee and summerhouse.
- 6.2 An invoice for the log cabin/summer house is dated 26th May 2002.
- 6.3 Photographic evidence obtained from Council records indicates a log cabin/summerhouse and a large area of mown/maintained grass on the site since 2005 (i.e. the date closest to the date the dwellinghouse was constructed and when Council photograph evidence is available).

7. SUMMARY OF CONFLICTING EVIDENCE

- 7.1 The evidence provided is accepted as true unless contradictory evidence indicates otherwise.
- 7.2 No conflicting evidence has been provided to date.

8. CONCLUSION

- 8.1 Given that the overhead photographic evidence holds substantial weight in assessing the use of the land, together with officers' site visits over a number of years confirming the maintenance of the area as lawn, it would appear that on the basis of the evidence submitted and on the balance of probabilities and apportioning the correct weight to the different forms of evidence, that the land highlighted in red submitted with the application has been used as residential curtilage incidental to the enjoyment of the dwelling for a period of ten years or more.

9. CONCLUSION

- 9.1 There is considered to be sufficient evidence weighing in favour of the applicant's claim and no contradictory evidence has been received. Having assessed the evidence provided, it is considered that the applicant has shown it to be more probable than not that the land at Athelstan House has been used

as domestic garden for more than 10 years from the date of this application.
Therefore it is considered that the Certificate should be issued.

10. RECOMMENDATION

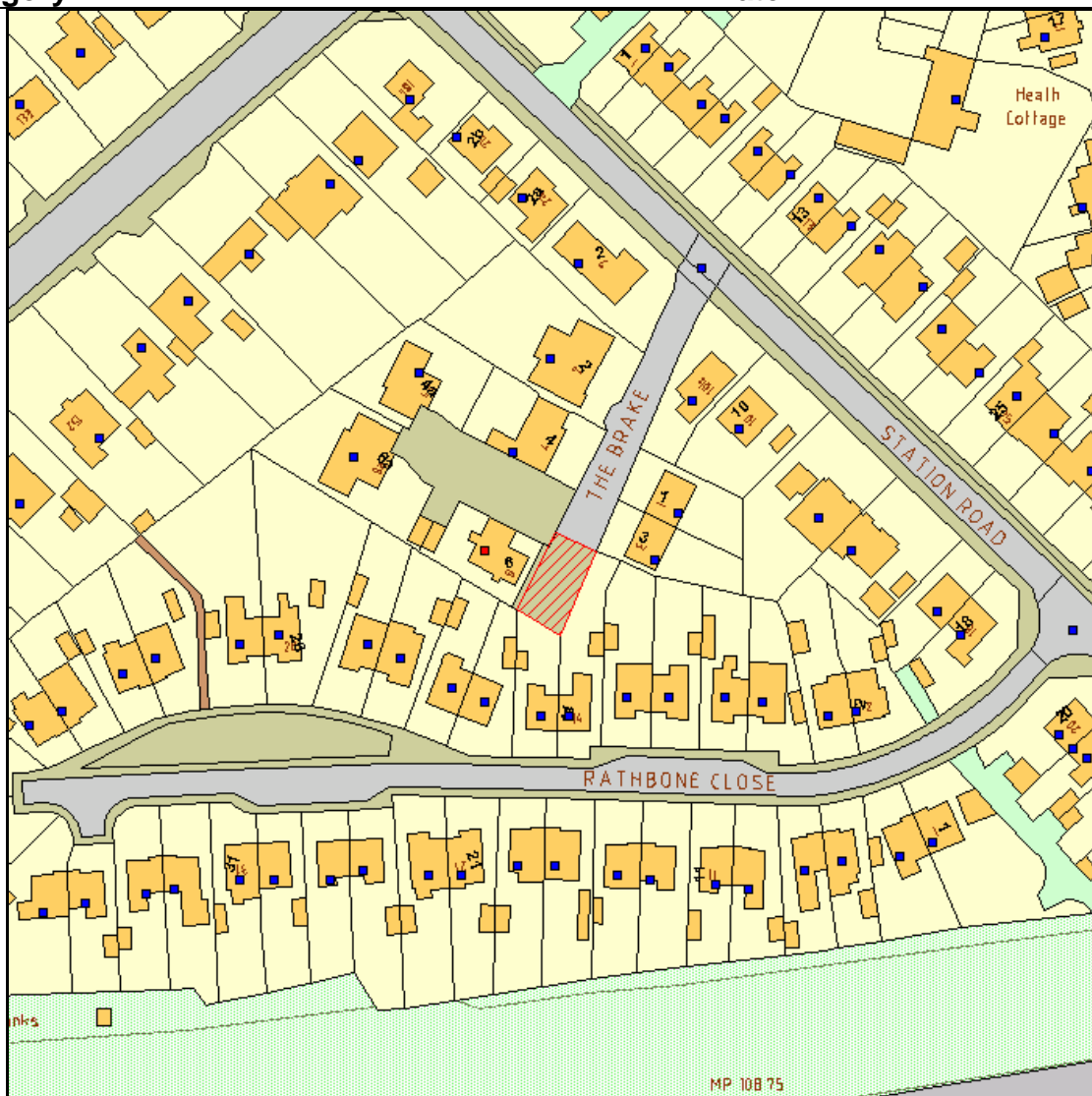
- 10.1 That the Council issue the Certificate of Lawfulness with a description as stated above.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

ITEM 18

CIRCULATED SCHEDULE NO. 03/13 – 18 JANUARY 2013

| | |
|--|---|
| App No.: PT12/4086/F | Applicant: Mr Liam Wilson |
| Site: Land Adjacent To 6 The Brake Coalpit Heath Bristol South Gloucestershire BS36 2TL | Date Reg: 11th December 2012 |
| Proposal: Erection of 1 no. dwelling with access, parking and associated works and erection of 1.8 metre high front boundary wall. (resubmission of PT12/3379/F). | Parish: Westerleigh Parish Council |
| Map Ref: 367218 180364 | Ward: Westerleigh |
| Application Category: Minor | Target Date: 31st January 2013 |



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100023410, 2008.

N.T.S.

PT12/4086/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

Objections have been received, contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two bedroom bungalow on land to the side of No. 6 the Brake. The site has been used as garden area in association with No. 6, but is not authorised as part of its cartilage or even in residential use. It is divided from the bungalows to the rear of the site by tall fences and from No. 6 by a low wall. The site is the focal point in views down the Brake, which is a private road, from Station Road.
- 1.2 This proposal follows previously refused applications for a dwelling and for a residential annex on this site. Of particular relevance is a similar proposal, ref. no. PT12/3379/F, which was refused in 2012 for the following reason:

The proposed development would result in two bedroom windows serving 6 The Brake facing directly onto the proposed boundary treatment to separate the proposed dwelling from No. 6, resulting in overbearing impact to those bedrooms of 6 The Brake, to the detriment of their residential amenity. The proposal would therefore be contrary to Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

The task of this application is therefore to overcome that refusal reason. The applicant owns No. 6 the Brake as well as this site and has inserted a new bedroom window facing the street to serve the front bedroom, as well as taken down an internal wall dividing the rear bedroom from a dressing room, providing the enlarged room with a window facing No. 6's side garden on the opposite side from this site.

- 1.3 This scheme provides for two open parking spaces and an enclosed rear garden to serve the dwelling, which is proposed to be constructed of render and tile, in common with the street in which it stands. The site contains a double garage at present.

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
H2 Residential development
H4 Development within residential cartilages
T8 Parking standards
T12 Highway Safety

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

CS1 High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 PT04/4134/O Erection of 1no. bungalow and 2 garages (outline).
Approved 21 March 2005.
- 3.2 PT04/2702/O Erection of 2 no. bungalows with garages and
replacement garage (outline).
Refused 16 September 2004.
- 3.3 PT05/3281/O Erection of 2 no. dwellings (outline).
Refused 29 December 2005.
- 3.4 PT05/3441/F Erection of 1 no. dwelling.
Approved 9 March 2006.
- 3.5 PT05/3540/F Demolition of existing garage. Erection of single
storey side extension to form integral garage. Installation of
2 rear dormers.
Approved 10 March 2006.
- 3.6 PT06/3535/F Erection of 1 no. dwelling (amendment to
PT05/3441/F)
Refused 18 January 2007 on the following grounds:-
1) overbearing impact;
2) overlooking.
Appeal allowed 2 August 2007.
- 3.7 PT07/2410/O Erection of 1 no. detached bungalow (outline).
Refused 26 September 2007 on the following
grounds:-
1) restricted size of site /cramped form of development;
2) overlooking.

Appeal dismissed 29 January 2008
- 3.8 PT09/0936/CLP Application for Certificate of Lawfulness for the
proposed erection of a detached building within the
curtilage of the existing building for purposes incidental to
the use of the existing dwelling house.
Refused 26 June 2009. This application site is the same as
the current application.
- 3.9 PT11/3931/F Change of use of land to residential curtilage and erection
of residential annex ancillary to the main dwelling. Refused
2012
- 3.10 PT12/3379/F Erection of one dwelling with parking, access and
associated works
Refused 2012

4. CONSULTATION RESPONSES

4.1 Westerleigh Parish Council

Objection. The site is too small for an additional dwelling.

Internal Consultees of the Council

4.2 Sustainable Transport

The ownership of the site allows for appropriate works to be carried out that may otherwise result in a recommendation for refusal, upon grounds of inappropriate access for pedestrians, cyclists, the mobility impaired and service vehicle operatives and the emergency services, subject to a condition requiring construction and surface details for a section of the Brake to be made up to an adoptable standard, from the site to Station Road.

Technical Services

No objection in principle subject to the submission of a drainage plan incorporating sustainable drainage principles and stipulating the parking area to be constructed of a permeable surface.

Environmental Protection

No objection

Other Representations

4.3 Local Residents

1 letter has been received objecting to the proposal on the following grounds:-

- the development would affect the value of houses and land in the locality
- the dwelling will be small and the parking area would be hard up to it
- impact on privacy

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

As can be seen from the planning history above, the site has been the subject of repeated planning applications, in particular PT07/2410/O, which sought to erect a dwelling on this site PT09/0936/CLP, which sought to erect a detached building under Class E of the General Permitted Development Order and most recently PT11/3931 which sought to change the use of the land to residential curtilage and erect an annex on it, followed by the application refused last year for a similar proposal to this one, with a different design of the bungalow. This application was refused for the reason set out at 1.2 above, due to the the impact it would have on the residential amenity of No. 6 the Brake. The current application has been submitted again for a dwelling - a detached bungalow with living area, two bedrooms, a kitchen, toilet and a bathroom. The application also seeks to use of land that was originally part of the private road of The Brake to serve the proposed dwelling. This area of land was noted to be apparently within the ownership of the applicant and has already been enclosed and incorporated into the garden for domestic storage, albeit this use

is not authorised and the land is enclosed separately from No. 6. In assessing the application the main policies to consider are policies H2 and H4 of the adopted local plan. These policies allow for residential development within existing settlement boundaries provided the proposal is acceptable in terms of its impact upon the character and appearance of the area, residential amenity issues and transportation. This application stands to be assessed against the policies listed above, in the light of all material considerations.

5.2 Residential Use of the Site

Regarding the implicit change of use to residential curtilage, it is considered that in policy terms this is acceptable. The area of land in question used to be part of the private road of The Brake, within the settlement boundary of Coalpit Heath, and terminated at the front of this property. The Brake has been greatly altered over recent years with the erection of 2no.detached dwellings in the rear gardens of 4 and 6 the Brake. This part of the road does not serve any other property and has already been incorporated, albeit not as a result of planning permission into the curtilage of 6 The Brake. This area of land cannot reasonably be used for any other purpose and as such its use as domestic curtilage is considered acceptable in principle.

5.3 Design and Visual Amenity

A previous application, for an annex on this site, was refused due to the cramped appearance of the development. With regard to the erection of the detached dwelling accommodation, the proposal is however considered to be acceptable. The surroundings of the site have changed since the houses at 4A and 6A were constructed, increasing the number of houses in the close to 5 and each of them having smaller plots than previously. The response on this site, although larger than the previously refused annex, is still for a small dwelling on a small site. The width of the floorplate has now been extended and an L shaped house is proposed. The original half-hip gave the roof more bulk than would be desirable, and an amendment was requested and received introducing a fully hipped roof which is considered to be an improvement, as is the front door facing the street which aids identification of the dwelling as a house in its own right and not an outbuilding, despite the scale of the proposed dwelling in this location potentially suggesting this.

More critical is the amount of the width of the site that the house would occupy and it is considered that this balance is not overly onerous for a bungalow, with pedestrian access to the rear garden on each side of it. This conforms to many residential sites, even in the Brake itself and therefore respects local distinctiveness as required by policy D1. There are further benefits from the design such as providing a focal point to the street along the main view from Station Road, where at present there is an open gap. This would prevent the space „leaking away „ in this view. In addition, the habitable room windows which would look down the street are considered to offer a greater degree of surveillance on the approach to the site, which is only provided from the sides of the street at present, a factor which would be to the benefit of all occupants of the close. Taking these factors together it is considered that the design of the bungalow, despite being wider than the previously refused annex, would not appear cramped in the local context and recognises the local distinctiveness of

the area, to accord with policy D1 of the adopted Local Plan. It is therefore considered that the previous refusal reason in this regard has been overcome.

5.4 Residential Amenity

Due to the constrained nature of the site, its relationship with its surroundings and the overall context of the site, the proposal is considered to be somewhat contrived. However, in terms of residential amenity provision for the proposed dwelling, the plans indicate 78 square metres of amenity space to serve the proposed two bedroom dwelling. Of this some 65 square metres would be private and useable, to the rear of the bungalow. This would be subject to the provision of a 1.8 or 2 metre boundary treatment between the proposed and existing dwellings. The plans show a 0.9 metre fence proposed to be attached to the existing low wall. This amount of amenity space is considered to be adequate to serve the proposed two bedroom bungalow. Since this site is not currently in an authorised residential use as part of the residential curtilage of No. 6 the Brake, the current residential curtilage of No. 6 would be unaffected by this proposal.

The earlier application, for an annex, was refused due to the impact that it would have on the residential amenity of No. 6, the Brake. The previous application was also refused due to the impact on habitable rooms in No. 6. Under the previous situation, No. 6 had bedroom windows at the front and rear of the dwelling which face the site. The rear bedroom window would have had its view curtailed by the boundary treatment at a distance of 2.8 metres and the front window at a distance of 6 metres. Both rooms were lit solely by these windows. Works have been undertaken as detailed at 1.2 above in an attempt to overcome the previous refusal reason and because the windows that serve those rooms now face away from the site, it is considered that this has been achieved. The introduction of a boundary treatment between No. 6 and the site would not now have an overbearing impact upon habitable rooms in that property. Furthermore, the windows in the proposed bungalow all face front and rear, where they would serve habitable rooms. The proposal therefore, in terms of both the proposed and residual dwelling is not considered to compromise residential amenity and accords with policy H2 of the adopted Local Plan in this regard.

5.5 Transportation

There has been no objection raised to the proposed dwelling by Sustainable Transportation, subject to a condition that would ensure that the Brake is brought up to an adoptable standard as far as the site. The site is accessed from a private road, but the applicant has presented a case for ownership over it and this is shown by the blue line boundary. The two parking spaces shown on site are considered to meet the parking demand for the proposed small residential unit. Furthermore, the proposal would raise no concerns over highway safety and therefore accords with policies T8 and T12 in this regard.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development would widen the range of accommodation locally, providing a small dwelling on a small site which would be a focal point on the approach down the private road, provide increased surveillance of that approach and utilise an appropriate design which respects local distinctiveness. There would be adequate parking provision to serve the dwelling, without any harmful impact on highway safety and would not compromise existing levels of residential amenity. The proposal accords with policies H2, T8, T12 and D1 of the adopted South Gloucestershire Local Plan.
- 6.3 The recommendation to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The off-street parking facilities shown on the plan hereby approved shall be provided using a permeable surface 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, sustainable drainage and the amenity of the area, and to accord with Policies EP1, T8 and T12 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 L17, L8 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to commencement of development, details of the existing construction of The Brake along with details for its make-up to adoptable standards shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the proposed dwelling, the approved works to The Brake shall be completed in all respects with the approved plans.

Reason

To ensure adequate access to a highway maintainable at public expense is provided in the interests of highway safety and to accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.