



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

**CIRCULATED SCHEDULE NO. 24/14**

**Date to Members: 13/06/14**

**Member's Deadline: 19/06/14 (5pm)**

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

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

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

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

## **NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS**

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

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

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

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

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

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

## **GUIDANCE FOR 'REFERRING' APPLICATIONS**

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

- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk), where referrals can be picked up quickly by the Development Management Technical Support Team. If in exceptional circumstances, you are unable to e-mail 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 24/14 – 13 JUNE 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/1956/F	Approve with Conditions	Hanson Concrete Batching Plant Quarry Road Chipping Sodbury South Gloucestershire BS37 6AY	Chipping	Sodbury Town Council
2	PK13/2649/RM	Approve with Conditions	Parcel 9 And 10 Land At Emersons Green South Gloucestershire BS16 7AQ	Emersons	Mangotsfield Rural Parish Council
3	PK14/0340/O	Approve with Conditions	Land At Lower Chapel Road Hanham South Gloucestershire BS15 8SH	Hanham	Hanham Parish Council
4	PK14/0439/F	Approve with Conditions	131 Badminton Road Coalpit Heath South Gloucestershire BS36 2SY	Westerleigh	Westerleigh Parish Council
5	PK14/0479/F	Approve with Conditions	Hammerdown Farm Bath Road Old Sodbury South Gloucestershire BS37 6RR	Cotswold Edge	Sodbury Town Council
6	PK14/0735/F	Approve with Conditions	98 - 100 Cloverlea Road Oldland Common South Gloucestershire BS30 8TX	Oldland	Bitton Parish Council
7	PK14/1096/F	Approve with Conditions	35 Court Farm Road Longwell Green South Gloucestershire BS30 9AA	Longwell Green	Hanham Abbots Parish Council
8	PK14/1122/F	Approve with Conditions	The Coach House Back Lane Wickwar Wotton Under Edge South Gloucestershire GL12 8NN	Ladden Brook	Wickwar Parish Council
9	PK14/1139/F	Approve with Conditions	17 High Street Chipping Sodbury South Gloucestershire BS37 6BA	Chipping	Sodbury Town Council
10	PK14/1140/LB	Approve with Conditions	17 High Street Chipping Sodbury South Gloucestershire BS37 6BA	Chipping	Sodbury Town Council
11	PK14/1470/CLP	Refusal	Charnhill Lodge Charnhill Drive Mangotsfield South Gloucestershire BS16 9JR	Rodway	None
12	PK14/1502/F	Approve with Conditions	6 Alwins Court Barrs Court South Gloucestershire BS30 7AP	Longwell Green	Oldland Parish Council
13	PK14/1652/CLE	Refusal	Wendover House 170 Downend Road Downend South Gloucestershire BS16 5EB	Downend	Downend And Bromley Heath Parish Council
14	PK14/1682/F	Approve with Conditions	3 Mangotsfield Road Mangotsfield South Gloucestershire BS16 9JG	Rodway	None
15	PK14/1731/CLP	Approve with Conditions	8 Westerleigh Road Downend South Gloucestershire BS16 6AA	Downend	Downend And Bromley Heath Parish Council
16	PT13/2003/RVC	Approve with Conditions	Land At Up Yonder Bury Hill Hambrook South Gloucestershire BS16 1SS	Winterbourne	Winterbourne Parish Council
17	PT13/3973/F	Approve with Conditions	137 Watleys End Road Winterbourne South Gloucestershire BS36 1QQ	Winterbourne	Winterbourne Parish Council

18	<b>PT14/0845/F</b>	Approve with Conditions	24 Celandine Close Thornbury South Gloucestershire BS35 1UB	Thornbury North	Thornbury Town Council
19	<b>PT14/0954/F</b>	Approve with Conditions	Churngold Recycling Ltd Unit 1 Severn View Industrial Park Central Avenue Hallen South Gloucestershire BS10 7SD	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
20	<b>PT14/1071/F</b>	Approve with Conditions	43 Arden Close Bradley Stoke South Gloucestershire BS32 8AX	Stoke Gifford	Bradley Stoke Town Council
21	<b>PT14/1184/R3F</b>	Deemed Consent	Bradley Stoke Community School Fiddlers Wood Lane Bradley Stoke South Gloucestershire BS32 9BS	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
22	<b>PT14/1198/F</b>	Approve with Conditions	The Paddocks New Road Rangeworthy South Gloucestershire BS37 7QH	Ladden Brook	Rangeworthy Parish Council
23	<b>PT14/1319/F</b>	Approve with Conditions	5 Hillcrest Thornbury South Gloucestershire BS35 2JA	Thornbury North	Thornbury Town Council
24	<b>PT14/1672/F</b>	Approve with Conditions	16 - 18 Manor Lane Winterbourne South Gloucestershire BS36 1QJ	Winterbourne	Winterbourne Parish Council



## **REASON FOR REPORTING CIRCULATED SCHEDULE**

This application is referred to the Circulated Schedule following an objection to the proposed scheme being received from a local resident.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the construction of 11no. dwellings on 0.49 hectares of land that is currently occupied by the Hanson Batching plant that lies between the north of Quarry Road and the south of Barnhill Road. Positioned at what can be considered the foot of Ridgewood, the ground level rises from south to north with an overall increase in level approximately 7 metres from the Quarry Road to the northern site boundary.
- 1.2 The opportunity to redevelop the batching plant that serves the Hanson Quarry presents opportunities to improve the site visually and environmentally. It also presents an opportunity to improve pedestrian and cyclist permeability by forming a new link to connect Quarry Road and Barnhill Road as promoted by Policy T6 of the South Gloucestershire Local Plan. The site forms part of the wider Barnhill Quarry redevelopment with foodstore and pedestrian link completed and the extra-care housing scheme directly to the north-east currently under construction.
- 1.2 Since submission the scheme has been revised to ensure an attractive mix of units are delivered. What is therefore now proposed are two runs of small terraces cottages at either site end with larger detached units within the site. Materials and boundary treatments have also been considered to ensure that they reinforce local distinctiveness while also creating a development of distinction. The natural stone (lias) to be used will match the natural Purbeck Ragstone stone that has been used for the foodstore, the pedestrian link and the extra-care development that is currently under construction.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Policy Guidance March 2014

#### **2.2 Development Plans**

##### **South Gloucestershire Local Plan (Adopted) January 2006 (Saved policies)**

D1	Design
L1	Landscape protection
L9	Species Protection
L11	Archaeology
L12	Conservation Areas.
H3	Residential Development in the Open Countryside
T6	Cycle and Pedestrian Routes
T12	Transportation

##### **South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)**

CS1	High Quality Design
CS6	Infrastructure and Developer Contributions
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS16	Housing Density
CS18	Affordable Housing
CS23	Community Infrastructure and Cultural Activity
CS30	Yate and Chipping Sodbury

- 2.3 Supplementary Planning Guidance  
 Parking Standards SPD  
 Chipping Sodbury Conservation Area SPD

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

- 3.1 PK10/1675/O: Mixed use development comprising the construction of a new foodstore (A1) and approximately 170no. residential units, both outline with access to be determined: all other matters reserved. Creation of a development platform at the southern end of Barnhill Quarry, from the importation of approximately 350,000 cubic metres of non-polluting materials. Associated works include the creation of a new access off Wickwar Road; alterations to Wickwar Road and Barnhill Road; extension of existing car park; provision of a new footbridge across the River Frome; pedestrian thoroughfare at 31 High Street; provision of public open space and landscaping; proposed rear extension to No. 31 High Street to create additional floorspace and use of buildings at No.31 for retail uses falling within Classes A1, A2 and A3. Approved 20/12/2011
- 3.2 PK12/1311/RM: Construction of foodstore (A1) and associated car park; new pedestrian footbridge across River Frome; and associated landscaping and infrastructure works - implementation of phases 1, 2a and 2b of the approved Masterplan. (Approval of all reserved matters to be read in conjunction with planning permission PK10/1675/O). Approved 15 August 2012
- 3.3 PK12/1828/F: Land Off Barnhill Road - Proposed development comprising of 60no. Extra Care Assisted Living Units (C3) with communal areas with associated works including car parking and landscaping. Approved 19<sup>th</sup> February 2014.
- 3.4 PK14/0612/RM: Land At Barnhill Road (Phase 4 And 5) - Erection of 109no. dwellings with layout, landscaping, appearance, scale, materials and associated works. (Approval of all reserved matters to be read in conjunction with planning permission PK10/1675/O). Still under consideration

## 4. CONSULTATION RESPONSES

### 4.1.1 Sodbury Town Council

No objection but confirmation that a cycle or pedestrian access is included in the plan.

It was been subsequently confirmed that as noted above, the proposed plan will include a pedestrian and cycle route through the site.

### 4.1.2 Yate Town Council

No objection to housing but would express concern where the batching plant is being relocated to.

## 4.2 Other Consultees

### Public Rights of Way

The nearest public footpath to the application site runs along the northern sector of Quarry Road into the Ridgewood. Quarry Road is an existing vehicular access into the Batching Plant and the proposed scheme will also use this point of access, but only to serve 3no. properties.

The proposed link through the site is welcomed. This should be 3 metres through the site for shared use.

There are no objections to the proposed scheme

### Education

There is a projected surplus capacity at both primary and secondary schools within the area of the proposed development and thus no education contribution is required.

### Technical Services

No objection but a condition is recommended so that prior to commencement of development details of the surface water drainage includes SUDS has been submitted to and approved in writing by the local planning authority. A condition also requiring details of permeable surfaces is also required.

### Environmental Protection – Contamination

A preliminary investigation report has been submitted in support of the application and this identified potential contaminations and recommends further investigation, sampling and assessment to adequately characterise the local ground conditions. The approach and conclusions of the report are accepted but further conditions are recommended to ensure the further works are undertaken and any suitable mitigation is carried out.

### Environmental Protection – Noise

In light of the proximity of industrial units, the Environment Protection Team requested an acoustic report to be prepared and submitted. A 'Noise Control



Report' was subsequently submitted and the Council's Environmental Protection confirmed that the submitted report's methodology and criteria are considered appropriate and acceptable. Overall the three proposed properties adjacent to the industrial estate (to the Quarry Road end) will shield the development from any industrial noise and this is an acceptable approach within the criteria. The layout and enhanced acoustic insulation of the terrace of three will satisfy the noise criteria for internal and external noise criteria.

There is therefore no sustainable noise objection.

#### Environment Agency

No objection subject to a number of recommended conditions.

#### Archaeology

A condition is to be attached to require a programme of archaeological investigation to be prepared.

#### Ecology

There are no ecological objections to the proposed scheme, but a mitigation strategy for slowworms and hedgehogs is required along with a wider landscape and ecological management plan.

#### Affordable Housing

No objection following a viability review subject to an off-site contribution being sought.

#### Transportation

Following reviews to access arrangements and confirmation of design and layout of the pedestrian/ cycle access through the site, there are no highways objections to the proposed application.

### **Other Representations**

#### 4.3 Local Residents/Businesses

1no. consultation response was received from a local business which expressed the following summarised objections to the proposed scheme:

- Immediately to the west of the site are large employment premises;
- These premises (and the processes that operate within them) require deliveries of large quantities of raw materials which result in high levels of noise.
- Complaints have been made to these businesses from residents further afield;
- Both national and local guidance looks to ensure sites for residential development are not subject to unacceptable noise disturbance, air pollution, smell, dust or contamination. The crux of the issue is that the future of the employment uses adjacent could be put at risk by the residential development through ultimately causing potential statutory nuisance levels of disturbance that would affect the neighbouring residents' amenity which would in turn lead to complaints to Environmental Protection

- and a subsequent serving of an enforcement notice to restrict the operations.
- This would conflict with the national and local policy context which points to ensuring economic development is protected and opportunities are taken to promote and increase employment;
  - Through permitting development on an existing employment site, these aims are also undermined;
  - The application site is also located outside of any settlement boundary and within open countryside.
  - The proposed scheme does not include provide for a joint cycle and pedestrian route and so is in conflict with local plan policy T6;

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The application site lies outside of the Chipping Sodbury Conservation Area but is also located outside of the settlement boundary as indicated on the South Gloucestershire Proposals Map. The proposed scheme would not accord with the noted exceptions permissible under Policy H3. However this site forms part of the 'New Store/Housing Opportunity Area' identified within fig.11 associated with of Policy CS30 of the Core Strategy. Although this plan is only for illustrative purposes, it can be considered to include the extent of the southern end of the Barnhill Quarry works. Material also this application is the approval of the mixed use redevelopment of the southern end of the Barnhill Quarry being (as noted in planning history above). It is considered that the Proposals Map (which forms part of the Local Plan) will eventually be redrawn to include this site and reflect the developments which have been approved and in some cases already constructed.

5.2 It is considered that also material to the consideration of this application is the provisions of the NPPF, which at its heart sets out a presumption in favour of sustainable development. As argued during the consideration of the outline, the basis of policy H3 is to prevent unsustainable development within the open countryside and to stop existing settlements encroaching into the open countryside. The site at Barnhill can be considered to be in a very sustainable location, being in close walking distance to the High Street, schools, library and town hall and so would accord with the definition of a Town Centres set out within the annexe of the NPPF and with the Glossary of Terms set out within the adopted Core Strategy. Moreover, the site can be considered one of a brownfield nature (again as identified within the NPPF), and so can be considered to represent a sustainable pattern of development, as although currently outside of the settlement boundary, it is not the case that the applications at Barnhill would result in a creeping encroachment of development into the green open countryside.

5.3 The local resident in their consultation response also makes reference to the loss of an employment site. The application site sits outside of a safeguarded employment area, although the safeguarded Bowling Hill employment site lies within close proximity. The current batching plant is located at the south-western corner of Hanson's quarrying operations. With the quarrying operations

in effect slowly moving northwards, the distance between the quarrying operations and the batching plant is increasing. It would be far more efficient to locate the quarry further north of its current position to reduce the distance the quarried stone has to travel therefore reducing vehicular movements in a built up area. Therefore the batching only is to be relocated and so there will not be the loss of employment as implied within the letter of objection from the local resident. The location of the new replacement batching plant is not known at this stage but this is not considered material to this application, as such a development will require a planning application in its own right.

- 5.4 The principle of the residential development on this site is considered to be acceptable.

#### Design/Layout/ Conservation Issues

- 5.5 As submitted, the proposed scheme sought consent for 9no. units. These were all large detached, standard housetype units and the lack of variation failed to maximise the opportunities presented by the character and context of the site. A greater mix of units was therefore required and the result was an increase in 2no. units and although a number of large detached units remain, the most prominent parts of the site – the Quarry Road and Barnhill Road frontages, will be characterised by modest two-storey cottages either in terraces or semi-detached arrangements which will reflect the vernacular buildings present within Brook Street. What can be considered to be far more convincing architecture and materials will also pick up the context to help reinforce a sense of local distinctiveness, although in the centre of the site, the units which will be set back into the site will feature traditional forms but executed in a contemporary way to leave the ‘frontage’ development along the new link visually dominant. Care has also been given to building lines and orientation to ensure active frontages.

- 5.6 Due to the topography of the site the layout options were limited, as any significant development to the rear of the site would require substantial terracing and engineering works. This is also the most sensitive part of the site in terms of landscape and ecology. The need for strong frontages to address Barnhill Road and Quarry Road has been achieved, with 2no. units fronting onto the new link through the site. With only 2no. units set to the rear of the site, the need for terracing/ retaining walls has been minimised. Overall it is considered that the layout will successfully create a distinctive and unique development. More although located just outside of the Chipping Sodbury Conservation Area, it is considered that replacement of the unsightly batching plant with the proposed scheme would help enhance the setting of the Chipping Sodbury Conservation Area.

#### Residential Amenity and Noise

- 5.7 Due to scale of gardens, separation distances between dwellings and orientation, the future residents of the development will be afforded with what can be considered acceptable levels of amenity. Due to the topography of the site, there was some concern over the relationship between plots 10 and 11 and 6 and 5, but plot 6 is turned perpendicular to the building line of plots 10 and 11 and so any views to and from this unit would only be oblique. The separation distance between plots 5 and 11 is approximately 19m and with

garden for plot 11 set to the side. Although this separation distance would usually be sufficient to address any concerns regarding loss of privacy or overlooking the elevated position of plot 5 in relation to plot 11 also will be a factor. It is however considered that the resultant relationship between the two units would not be harmful to amenity as although the garden and rear elevation of plot 11 would be overlooked, it would be within the tolerance levels expected within a suburban development. An area of planting to the rear of plot 11 should also help filter views once the planting has established.

- 5.8 The issue of noise and the potential impact on the amenities of the prospective residents of the development has been raised by a local resident and how the noise generated by the adjacent employment site could lead to enforcement action restricting the operation of the businesses. However, as noted within the 'Consultation Responses', following an acoustic assessment and the recommendation that plots 7 to 9 are constructed using enhanced sound insulation, it is the view of the Council's Environmental Protection Officer that subject to a condition to secure this, the prospective residents would not be subject to an undue disturbance and thus their amenity levels will be safeguarded which in turn should result in the adjacent factory remaining free to operate as it currently does.

#### Affordable Housing

- 5.9 As per policy CS18 of the Council's Core Strategy, an affordable housing requirement was sought on the basis of 35% of the number of units being provided, which with a proposed scheme of 11 units, would equate to 3 units.
- 5.10 The applicant however cited a viability issue, as the land value would be driven down due to the brownfield nature of the site which will require remedial to be undertaken to facilitate a residential development. The Council's Community Infrastructure Levy (CIL) recognises the land value threshold for any brownfield site needs to achieve a certain level.
- 5.11 The DVS has advised the Council that the impact of an affordable housing policy compliant scheme on this site would render the scheme unviable.
- 5.12 Overall, the economic viability case has been assessed independently by the District Valuer and they are satisfied that the financial appraisal confirms that a policy compliant affordable housing requirement would render the scheme unviable. The Council's Housing Enabling Officers have however, in accordance with policy CS18, agreed to an off-site contribution towards affordable housing provision. The final report from the DVS (dated 9<sup>th</sup> April 2014), recommended that an off-site contribution package totally £40,000 should be agreed/secured.
- 5.13 In light of the small scale of the development, a review mechanism is not considered necessary, as if the consent is not implemented within 3 years and or is either renewed or a fresh consent is sought, the opportunity to review the viability situation should be taken at these times.
- 5.14 There is therefore no objection from the Council's Housing Enabling Officer to the proposed scheme, subject to securing part of the £37,167.02 to go towards

off-site affordable housing provision, which is £40,000 minus the library contribution (see para.5.21).

#### Transportation

- 5.15 The site will be served by two vehicular access points from Quarry Road to the south and Barnhill Road to the north. However, as noted above, access from Quarry Road will only serve 3no. properties which all other units being served by Barnhill Road. To prevent vehicles using the development as a rat-run, as indicated on the detailed hard landscaping scheme, a number of bollards will be permanently put in place to prevent vehicular access, but although free pedestrian and cycle access.
- 5.16 Following amendments and confirmation of tracking for service vehicles, there are no objections to the proposed scheme from the Council's Highways Officer. Although the vehicular access from Quarry Road would cut across a public footpath, there is only a limited point of conflict, as it would only be used by 3no. properties. Furthermore, with the layout adopting a 'shared space' principle, it is considered that this would be acceptable. The closure of the batching plant should also see a reduction in the use of Quarry Road by HGV vehicles which would provide betterment for the area.
- 5.17 The proposed Quarry Road and Barnhill Road footpath link would also help improve accessibility from the High Street through to the Barnhill redevelopment and on towards the Wickwar Road eventually via a new pedestrian and cycle route alongside Drovers Way. As noted before, although parts will be a fully shared space with pedestrians, cyclists and cars all using the route, cars will be prevented from driving through the whole site by bollards erected at a point that it will only be the 3 plots fronting onto Quarry Road that will be afforded vehicular access into the site.
- 5.18 The surface for the pedestrian/ cycle route will largely be tarmac and the width (not including accessible grass verges) largely being between 4 and 5 metres wide which would meet the expectations of the Council's PROW team.

#### Trees and Landscaping

- 5.19 A detailed landscaping scheme has been received which has been considered acceptable by the Council's landscape officer. The trees currently occupying the site are not significant enough to be considered a constraint to development and so their removal is acceptable.
- 5.20 The tree protection plan fails however to show any protection for the group of 4no. silver birch trees to the north of the club house to the east of the site. These have not been ear-marked for removal and although lying outside the red-line plan are still likely to be affected by plant movement to and from site and any excavation of adjacent highway. The tree protection plans therefore will need to address this issue which will be subject to a condition of any consent.

- Community Infrastructure
- 5.21 Due to the limited nature of the scheme the only contribution being sought is £2832.98 contribution towards the local library to help off-set any increase demand generated by the new development.

- Education
- 5.22 As per the response from the Council's CYP Department, no education contribution is being sought.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That authority be delegated to the Director of Environment and Community Services to grant permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- 1) A financial contribution of £2832.98 towards local library provision at Chipping Sodbury.

Reason: To accord with policy LC1 of the adopted South Gloucestershire Local Plan.

- 2) A financial contribution of £37,167.02 towards off-site affordable housing provision.

Reason: To accord with policy CS18 of the adopted South Gloucestershire Core Strategy (December 2013)

- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 7.3 Should the agreement not be completed within 12 months of the date of any resolution to approve, in view of the length of time, the application should either:
- (a) Return to the Development Control Area Committee for reconsideration;  
or

(b) The application should be refused due to the failure to secure the Heads of Terms listed above under a Section 106 Agreement, for the reasons listed in section 7.1.

**Contact Officer: Robert Nicholson**  
**Tel. No.**

### **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 development hereby permitted shall be constructed in accordance with the recommendations set out with the External Noise Control report prepared by Acoustic Consultants Ltd (reference 5644/Do/) and dated January 2014.

Reason

To protect the amenities of the prospective occupiers of the dwelling houses hereby approved, and to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006

3. 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. A detailed development layout showing surface water and SUDS proposals is required as part of this submission. All such details as approved shall be fully implemented.

Reason:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, ensure future maintenance of the surface water drainage system and ensure the landscape character of the site is preserved, and to accord with Policy CS9 of South Gloucestershire Local Plan: Core Strategy (Adopted December

4. Appropriate permeable design and construction of proposed and replacement dwelling frontage paving/tarmac exceeding 5 square metres in area is a requirement to ensure surface water run-off is retained at source. Use of permeable surfacing is required or rainfall to be directed to a permeable soakage area (provided it does not cause flooding of adjacent property) within the curtilage of the dwellings.

Reason:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, ensure future maintenance of the surface water drainage system and ensure the landscape character of the site is preserved, and to

accord with Policy CS9 of South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

5. 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 prevent pollution of the water environment, and to accord with Policy CS9 of South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)).

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

Reason

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

7. Notwithstanding the approved landscaping plan (drg. no 1860/1K), prior to the commencement of development sections and elevations shall be submitted for written approval to demonstrate the scale, structure and appearance of any retaining walls required. The development shall then proceed exactly 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 and Policies CS1



and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

8. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
    - a) all previous uses
    - b) potential contaminants associated with those uses
    - c) a conceptual model of the site indicating sources, pathways and receptors
    - d) potentially unacceptable risks arising from contamination at the site.

Reason:

To prevent pollution of the water environment, and to accord with Policy CS9 of South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

9. The results of the site investigation and detailed risk assessment referred to in condition 8 and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Reason:

To prevent pollution of the water environment, and to accord with Policy CS9 of South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

10. A site investigation scheme, based on the finding of condition 9 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

Reason:

To prevent pollution of the water environment, and to accord with Policy CS9 of South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

11. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in condition 10 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason:

To prevent pollution of the water environment, and to accord with Policy CS9 of South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

12. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details

Reason:

In the interests of sustainable development and prudent use of natural resources, in accordance with Policy CS1 of South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

13. Prior to the commencement of any site clearance works, the scheme of tree protection (as per the approved Tree Protection Plan received on 11th June 2013) shall be erected and agreed in writing by the local planning authority. The tree protection shall also be extended to include the group of 4no. silver birch trees to the north of the club house to the east of the site, as these have not been indicated for removal and although outside of the application site, will be affected by plant movement to and from the site and any excavation of adjacent highway. For the avoidance of doubt, the tree protection shall accord with the proposed site layout and shall be in accordance with BS5837 (2012). Thereafter the development shall be implemented in accordance with the agreed details. All tree protection must be left in place for the duration of the development and should not be moved without written authorisation by the local planning authority.

Reason:

To avoid any damage to existing trees to be retained and ensure the existing trees and hedgerows are protected during the works, in accordance with Policy L1 of the South Gloucestershire Local Plan and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

14. Prior to the commencement of development a representative sample panel of natural facing stone (for both buildings and boundary walls), of at least one metre square, showing the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the approved panel, which shall be retained on site until completion of development, for consistency.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

15. 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 CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

16. Prior to the commencement of development, a mitigation strategy for hedgehogs shall be submitted to the local planning authority for written approval. All works shall be carried out in accordance with the approved strategy.

Reason:

To accord with Policies L1 and L9 of the South Gloucestershire Local Plan (Adopted 2006).

17. Prior to the commencement of development, a mitigation strategy for slowworms shall be submitted to the local planning authority for written approval. All works shall be carried out in accordance with the approved strategy.

Reason:

To accord with Policies L1 and L9 of the South Gloucestershire Local Plan (Adopted 2006).

18. Prior to the commencement of development, an ecological and landscape management plan shall be submitted to the local planning authority for written approval. The plan shall accord with the approved landscape and site plan and shall include details of any existing habitat to be safeguarded (trees, scrub and hedges etc); and any new habitat to be created. It should also include a programme of monitoring of all the works for a period of 5 years. All works shall be carried out in accordance with the approved plan.

Reason:

To accord with Policies L1 and L9 of the South Gloucestershire Local Plan (Adopted 2006).

19. A site specific Construction Environmental Management Plan (CEMP) shall be agreed in writing with the Local Planning Authority (LPA) prior to the commencement of work. The CEMP as approved by the LPA shall be fully complied with at all times. The CEMP shall address the following matters:
- (i) Procedures for maintaining good public relations including complaint management and public consultation
  - (ii) Mitigation measures as defined in the British Standard - BS 5228: Parts 1 and 2 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance. Piling will not be undertaken and Best Practice alongside the application of BS 5228 shall be agreed with the LPA.
  - (iii) The use of a 'Considerate Contractors' or similar regime for the site induction of the workforce highlighting pollution prevention and awareness.
  - (iv) Measures to control the tracking of mud off-site from vehicles.
  - (v) Measures to control dust and from the demolition and construction works approved along with land disturbance in general.
  - (vi) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.

Reason

In the interests of residential amenity and to accord with Policy EP6 of the adopted South Gloucestershire Local Plan.

20. The hours of working on site during the period of construction shall be restricted to 07300hrs -1800hrs Monday to Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the

carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

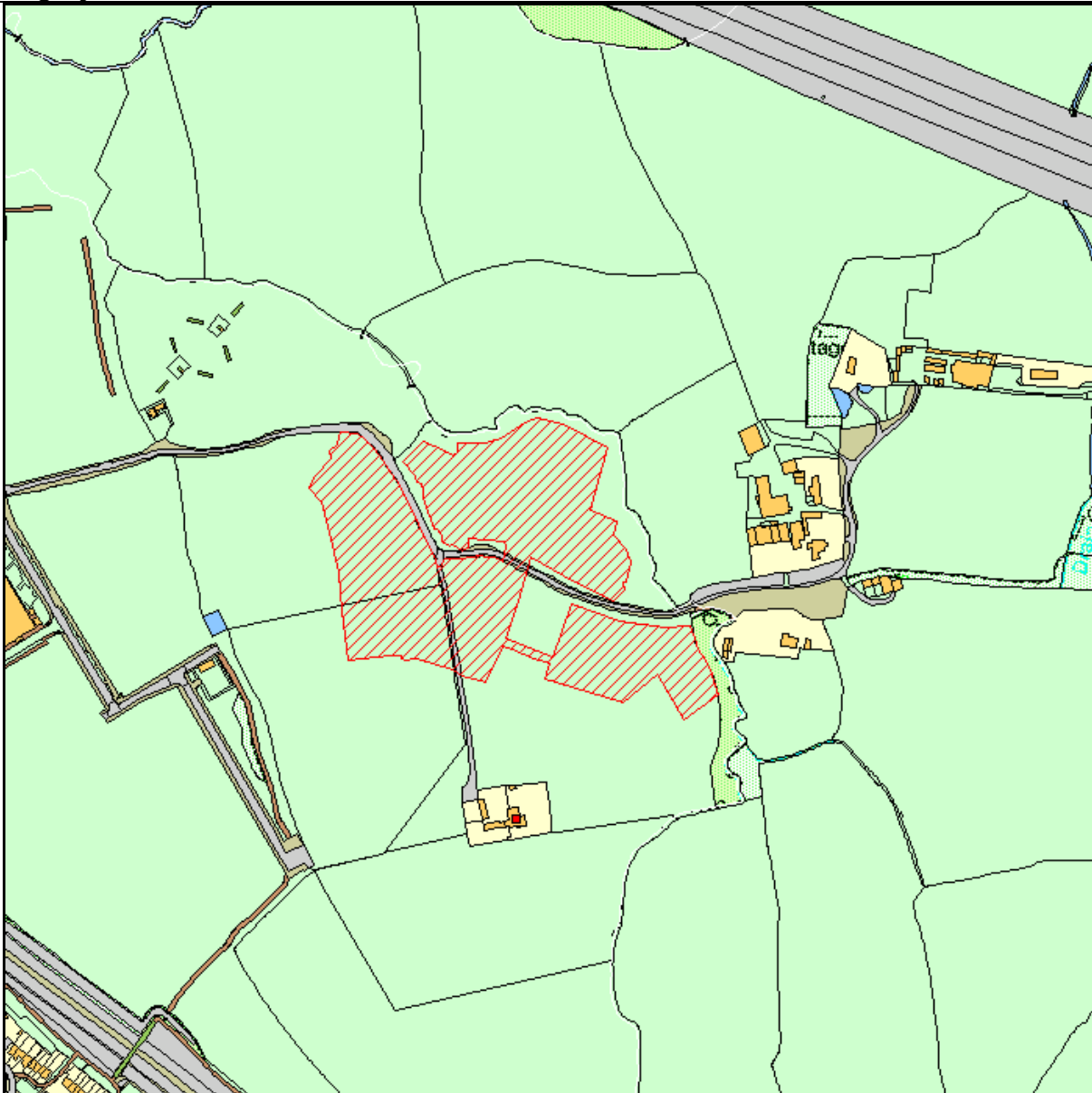
**Reason**

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006

## ITEM 2

### CIRCULATED SCHEDULE NO. 24/12 – 13 JUNE 2014

<b>App No.:</b>	PK13/2649/RM	<b>Applicant:</b>	Taylor Wimpey
<b>Site:</b>	Parcel 9 And 10 Land At Emersons Green South Gloucestershire BS16 7AQ	<b>Date Reg:</b>	23rd July 2013
<b>Proposal:</b>	Erection of 137 units and associated road, landscape and parking (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK04/1965/O)	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	367495 177657	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Major	<b>Target Date:</b>	17th October 2013



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PK13/2649/RM

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

The application for reserved matters approval follows the grant of outline consent for this major mixed use development. The application has been forwarded to the Council's Circulated Schedule of applications in accordance with the adopted scheme of delegation as a representation has been received from the Parish Council raising views contrary to the Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks reserved matters consent for the erection of 137 dwellings, garaging, parking, landscaping and associated works on 3.68 hectares of land.

The reserved matters, which comprise landscaping, appearance, layout and scale, should be read in conjunction with outline planning permission PK04/1965/O for an urban extension on 99 hectares of land including residential development of up to 2550 dwellings.

This outline consent included details of access to the site as a whole off the main spine road (roads 2 and 4) leading from the main access to Emersons Green East from the Rosary roundabout and road 3 which is proposed to connect to the Bristol/Bath Science Park. The site has the benefit of an approved Detailed Masterplan and approved Design Code.

- 1.2 The proposal is for the development of parcels 9 and 10 which are within the first phase of development, on the west and east sides of the spine road to the north of Hallen Farm, an existing listed building within the western part of the Emersons Green East (EGE) urban extension. Parcels 9 and 10 are situated on the north east side of the first phase of development and would be accessed by road 3 which will run on an east to west route connecting Emersons Green East residential development with the Bristol/Bath Science Park and road 4 (forming part of the Spine Road) running south to the A4174 and north to Westerleigh Road

The site has an elaborate shape and comprises two parcels separated by the main spine road. Parcel 9 is situated on the west side of the Spine Road between parcel 8 and the Spine Road and north of Howsmoor Lane adjacent to proposed area of public open space. Parcel 10 is situated on the east side of the Spine Road immediately to the east of the proposed school square between Howsmoor Lane (north) and the proposed primary school (south) and north of Howsmoor Lane

- 1.3 Full planning permission has already been granted for the infrastructure road known as the 'Green Road' leading from the Rosary Roundabout on the A4174 Ring Road to the southern edge of road 2 (Spine Road) and then extending west onto road 3, both subject to current application PK13/2372/RM. Vehicular access into parcel 9 would be as an access point via road 3 shared with parcel 8 (already approved under PK13/2647/RM, and via a single access point west of road 4 (Spine Road) north of Howsmoor Lane

- 1.4 The 137 dwellings, including 34 affordable units, would comprise a mix of 2, 3 and 4 bedroom houses and 2 bedroom flats, ranging from between 2 and 2.5 storey houses with two 3 storey blocks of flats in the north east corner of parcel 10 and on the north side of parcel 9.
- 1.5 In support of the application, the applicant has submitted the following:
- Statement of Compliance
  - Landscaping Details
  - Landscape Management Plan

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Policy Guidance March 2014

### **2.2 Development Plans**

#### **South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies)**

L1	Landscape Protection and Enhancement
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy
M2	Site 5 Major mixed use development at Emersons Green East
EP2	Flood Risk and Development

#### **South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)**

CS1	High Quality Design
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS2	Green Infrastructure
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS29	Communities of the East Fringe of Bristol Urban Area

### **2.3 Supplementary Planning Guidance**

Adopted South Gloucestershire Design Checklist SPD  
Residential Parking Standards SPD March 2013 (endorsed for Development Management purposes).

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PK04/1965/O Urban extension on 99 hectares of land comprising of :- Residential development of up to 2550 dwellings; up to 100,000m<sup>2</sup> of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m<sup>2</sup> of small scale A1, A2, A3, A4

and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavillion (Class D1) and health centre. Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycleways. Structural landscaping. Formal and informal open space. Surface water attenuation areas. (Outline) with means of access to be determined.

Approved 14.06.2013.

- 3.2 Development Control East Committee on 15.02.2013 approved the Detailed Masterplan associated with outline planning permission PK04/1965/O at Emersons Green East.
- 3.3 PK10/0473/F Construction of Multi Modal Interchange, Green Road and access to the A4174 Ring Road from Rosary Roundabout.  
Approved 07.01.2013
- 3.4 Environmental Impact Assessment was carried out for the Outline planning permission for this development and officers can confirm that the current RM application does not raise any issues that would call into question the EIA conclusions.
- 3.5 PK13/2790/RM Reserved matters consent for the erection of 45 dwellings, garaging, parking, landscaping and associated works on 1ha of land (parcel 5) to be read in conjunction with outline planning permission PK04/1965/O.  
Consent granted 23.10.2013
- 3.6 PK13/2646/RM Erection of 58no. dwellings, garaging, parking, landscaping and associated works (parcel 3). (Approval of reserved matters to be read in conjunction with outline planning permission PK04/1965/O).  
Current
- 3.7 PK13/2648/RM Erection of 86 residential units with associated road, landscape and parking (parcel 2) (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK04/1965/O)  
Approved Dec 2013
- 3.8 PK13/2647/RM Erection of 79 no. units and associated roads, landscaping and parking. Approval of reserved matters to be read in conjunction with planning permission PK04/1965/O  
Approved 03.02.2014



## 4. CONSULTATION RESPONSES

### 4.1 Mangotsfield Rural Parish Council

*No Objection. However the Planning Committee are particularly concerned about the safety aspects at the Rosary roundabout, since this development will bring a huge increase of traffic. The Committee requests that any planned safety measures for the Rosary roundabout are in place before any dwellings are occupied. They also ask for the other road entrances to the Emersons Green East development, from the Lyde Green roundabout and Folly Bridge roundabout to be built early on in the development stage since this will also ease the traffic at the Rosary roundabout.*

### Other Consultees

**Archaeological Officer** – Condition 23 of the original outline consent can be partially discharged. Archaeological work is still on-going on site but a substantial area has already been completed. However, the current fieldwork programme, further evaluation and the associated archaeological work remain in progress.

#### **SGC Housing Enabling**

Any provision of Affordable Housing on this parcel must be provided in accordance with schedule 12 of the S106 agreement approved with Outline Planning Permission PK04/1965/O and the Affordable Housing Schedule for Distribution Rev B approved by planning condition.

The affordable housing mix proposed on parcels 9 and 10 are provided in accordance with the approved Affordable Housing Schedule for Distribution Rev B. The parcels comprise of 137 units in total with 34 provided as affordable (20 affordable units for parcel 9 (of 80) and 14 affordable units for parcel 10 (of 57)) which equates to 25% of the total units on the RM application site.

The applicant is required by the S 106 to seek grant for a 4 month period in accordance with the S106 agreement and has submitted a report to the Council showing the steps it has taken to comply with its obligations in paras 1.3.1 and 1.3.2. in Part 2 of the S106 schedule.

The applicant has confirmed they will meet HQI standards and the RP's design requirements. The development standards of the affordable housing as a minimum should be built in line with the same standards as the open market units, as well as the standards required in s.106, Code for Sustainable Homes Level 3, Lifetime Homes and Secured by Design. Parking allocation is sufficient for the affordable dwellings.

**English Heritage** – No objection. The application should be determined using the advice from SGC Officers.

**Public Rights of Way Officer** - No objection in principle, subject to the successful diversion of Public Footpath PMR8, which crosses the site. An

application has been submitted to divert the footpath but the outcome has not been determined.

### **Highways Agency – No objection**

**Wessex Water** – No comment. Scottish and Southern Electricity are the statutory water and sewerage undertaker for the development. If granted by Ofwat, this would result in SSE being the statutory water & sewerage undertaker for the development. Whilst our agreement for bulk supply of sewerage services would dictate connection points for their foul & surface water network to ours, we have no further detailed comments to make on the reserved matters applications.

### **Environment Agency**

The following information/clarification is sought from the developers on surface water drainage to ensure the above Reserved Matters applications accord with the approved Emerson's Green East Development Drainage Strategy and Flood Risk Statement, dated 01 October 2012. This is to avoid an objection on each Reserved Matters applications.

Please ensure all Reserved Matters applications for Phase 1 provide the following information to enable us to provide a supportive response.

- 1) The Reserved Matters site impermeable areas must accord with the Halcrow drainage strategy matrix. Where plots overlap this must be articulated so that this is fully understood. Please provide a drawing showing the red line boundary overlaid on top of the individual catchment plot boundaries (PJF089-574) shown in the Halcrow strategy so that a comparison of impermeable areas can be achieved.
- 2) A key element of the drainage strategy is to increase the capacity of the on-site watercourses (Folly Brook Tributary, Lyde Green watercourse and the Parkfield watercourse) to allow the developments runoff to be conveyed to the downstream reservoir and the other on site attenuation features. For phase 1 the Folly Brook Tributary will need to be enlarged. We are requesting that where a Reserved Matters application is freely discharging into a watercourse or the watercourse is within the red line boundary details must be provided to prove that these works are going to be undertaken but more importantly in accordance with the approved channel modelling included in the Halcrow Drainage Strategy 2012.
- 3) Where technically feasible we require Sustainable drainage systems for water quality improvements within each plot. It is our understanding that all plots within Phase 1 are residential. We require a technical assessment of the SUD techniques that are available for these plots as described in Chapter 6 of the Halcrow strategy. We would expect the developers of each plot take a joined up approach to determine if linkages can be achieved so the scope of SUDs being considered are not confined to the individual red line Reserved Matters boundary. In our opinion there are opportunities for SUDS for e.g. lined permeable paving within jointly owned courtyards and water butts for all properties. We are mindful that you have reservations regarding swales being incorporated along the highways, but if opportunities do present themselves for additional SUD

measures we would welcome further discussions.

- 4) The Phase 1 plots have a direct discharge, via surface water sewers, to a tributary of the Folly Brook. We would expect the developer to undertake hydraulic modelling (Micro-drainage or using similar sewer modelling software) to determine if there are any overland flow routes between the individual property sewers located in the highway to the receiving watercourses. For design exceedance and for sewers adoption the 1 in 30 year event must be contained in the sewer. However are there any properties at risk from a surcharged sewer when considering a 1 in 100 rainfall event? Please provide details demonstrating that the highway system is being designed to contain any surcharged sewer water.

Amended plans received:

The amendments did not include an on-site Sustainable Urban Drainage Strategy (SuDs) for water quality purposes. SuDs features should also be identified and submitted, these should include for example water butts or lined attenuation.

The Emersons Green East strategy identifies that the watercourse needs to be widened to allow the runoff generated to be directed towards the downstream attenuation facility. Clarification and details should be provided of the design and confirmation that the works will be achieved. Objection was raised until these matters are resolved.

Final amendments received:

The watercourse and necessary widening are outside of the application site for parcels 9 and 10 and will be considered as part of a different application in the future. A plan showing additional SuDS measures was subsequently submitted. This was accepted by the EA and the previous no objection is now removed. No objection.

### **SGC Highway Engineer**

*Initial comments:*

- Hammer-head next to plots 121 & 122 can easily be blocked by the residents' second car parking in the hammer-head. The double garage should be removed and replaced with parking spaces only or alternatively, two parking spaces are provided and a garage for each unit.
- Confirmation is required that the footpath which is sandwiched between the parking spaces and those units fronting plot nos. 109 to 112 and 130 to 137 has a minimum width of 1.2m.
- Confirmation is required that vehicles have an adequate reversing distance along the road narrowing which fronts plot nos. 130 to 133.
- The footway along the spine road fronting the proposed location of the heath centre, nursery and the new local centre ought to be minimum of 3m width. Pedestrian activities would be much greater at this location. This is also on the route to school from the north.
- There are typo errors against the parking spaces next to plot nos. 4 and 6.
- The parking space for units 7 & 8 are remote. This could cause on-street parking.
- Auto-tracking is required for all turning spaces with 11.3m long refuse vehicles.

- Details of lighting and drainage are also required.

*Final comments:*

No objection.

**Urban Design Officer -**

*Comments to plans as originally submitted:*

1. The boundary treatment should be improved as per the design code
2. Howsmoor Lane is intended to remain secluded in nature. The masterplan shows dwellings further set back from the hedge line. There are instances where dwellings are unacceptably imposing, e.g. plots 30, 31, 45-50, garage block 122. This relationship should be reviewed.
3. Materials to routes adjoining other parcels (8 & 7) should complement those already approved. The applicant should provide information to demonstrate this.
4. Window, door and rainwater water goods colours should be specified in accordance with the codes. White doors, either front or garage, are not encouraged.
5. Hard surface treatments should be clarified (including in parking courts, where high quality treatments are required including demarcated entrances using granite cobbles or similar) – see Design Codes. Further opportunities should be taken to ‘de-engineer’ some of the monotonous nature of the secondary and tertiary routes, as well as identify further visitor spaces.
6. Overbearing impact from garages. These garages should be pulled forward.
7. Some rear elevations of plots are prominent in the street scene and should be ‘dressed’ accordingly.
8. Plots side elevations facing the streets should have windows in the side elevation to improve surveillance and street scene. Confirmation to this effect should be provided.
9. Plot 70 should front towards the LEAP to the northwest. Apt block 81-86 should be treated as a landmark building in accordance with the master plan and codes.
10. Mid terrace units should have bin storage designed to the front of the property in accordance with the codes.
11. No soft landscape or drainage details appear to have been provided. Drainage runs should be coordinated with proposed tree planting to avoid conflicts. Street lighting details are also required. These should take account of proposed tree planting.

*Comments on amended plans:*

Most issues have been resolved. There were still concerns in relation to the layout of plots 85-90.

A second set of amendments has resolved these outstanding issues.

**Landscape Officer -**

*Comments to plans as originally submitted:*

1. The location of proposed root barriers must be shown
2. The planting of the small Malus trees along the main spine road is generally unnecessary.

3. Where street trees are absent around the road junction tree types should be changed
4. Where street trees are not present on the spine road birch should be planted to the plot frontage
5. The Malus along the spine road should be replaced with extensions to the escallonia hedge between properties to break up the impact of the car parking. There appears to also be scope to extend the size of the garden areas along the spine road, further reducing the dominance of the car parking
6. Where space allows on the edge of the open space network or next to the school the birch should be replaced with oak in order to provide long term structural planting.
7. The amalanchier should be replaced with a larger species
8. Change Malus sp to Tilia cordata streetwise on plots 18-23 to tie in with adjoining development to west.
9. Garden trees, including fruit trees, are needed within rear gardens where space allows

#### *Hedges*

1. Amendments are required to the extent of POS and alignment of the hedgerows adjoining plot 91 and 121.
2. Change acuba hedge to hornbeam to give a better fit with the natural character of the open space network.
3. Replace photonia hedge with box.
4. The planting in front of gable ends adjoining roads needs more variety

#### *Amendments received*

The Landscape Officer was generally comfortable with the landscape scheme as amended. However, additional feature trees should be provided in specific prominent locations within the site, areas of roads built out to slow traffic and provide additional planting and some additional planting varieties in parking forecourts.

The landscape scheme was subsequently amended to accord with these additional requirements.

### **Other Representations**

#### 4.3 Local Residents

None received

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The principle of development has been established with the approval of outline planning permission PK04/1965/O, which covers a substantial part of the Emersons Green East (EGE) development, allocated by Policy M2 in the South Gloucestershire Local Plan. The outline planning permission reserved all matters for future consideration, except means of access off the Rosary roundabout, which has been approved in detail.

The DC East Committee, in February 2013, approved the site wide detailed masterplan, and subsequently officers approved the design code under delegated powers for the whole of the outline application site.

Parcels 9 and 10 are located within phase 1 of the development area. The proposed residential development, with no other proposed land uses on this parcel, is in accordance with the masterplan. It is considered therefore that the proposal for residential development comprising 137 dwellings on parcels 9 and 10 are acceptable in principle.

## 5.2 Urban Design

In accordance with the Design and Access Statement approved at outline stage, the approved design code seeks to deliver a series of three distinct character areas – southern, northern and central, each of which contains sub areas- spine, core or edge. The idea is to provide continuity and consistency in some elements within the character areas and within the sub areas, with the aim of creating a development that is harmonious yet legible and varied.

The proposal is for 137 residential units in a central location within the EGE development, north of road 3 a secondary road connecting the residential development to the science park to the west, north of school square, the local centre and split by the central spine road with runs north to south separating parcels 9 (west) and 10 (east). The site lies within the central character area as outlined in the Design and Access statement and the design codes of the site wide master plan. The site is mainly within the core spatial area within the central character area with frontage development on the spine road being located within the spine spatial area.

The site is relatively flat from east to west and slopes very gradually from south to north by approximately 2m over a distance of approximately 102m. The site contains no landscape features to be retained, although significant and important existing hedgerows are situated within areas of public open space which abut the north and east boundaries, very much defining the character of the parcels as being framed by open space. Howsmoor Lane, an important recreation route runs east to west through the site effectively splitting the site in two. Howsmoor Lane is the original road through Emersons Green East and has been retained to provide vehicular access to the cluster of existing dwellings which will be surrounded by the new Emersons Green East development. Howsmoor Lane will also be retained as a recreation route providing an important transportation link through the wider site for recreation purposes. Howsmoor Lane is characterised by tall hedges either side of the lane. The hedges are situated outside but adjacent to parcels 9 and 10. A further important landscape feature is a mature tree located on the north west side of the crossing of Howsmoor Lane over the spine road.

Condition 6 attached to the outline planning permission requires applications for the approval of reserved matters to be determined in accordance with the approved Design and Access Statement parameter plans, masterplan and design code; and that a compliance statement is submitted with each reserved matters. This submission includes a detailed compliance statement. The design

has been significantly modified since the pre application phase and during the period of assessment of the application to resolve issues of residential amenity impact and encroachment into public open space.

### *Parameters Plans*

The parameter plans approved at outline stage shows parcels 9 and 10 falling within a spatial area of high density residential development ranging of between 40 and 80 dph, other than frontage development onto the spine road where higher density development can be accepted. The parcels would have a combined density of just over 37 dwellings per hectare. This is lower than the range stated on the density plan within the approved design code. This is mainly due to the awkward shape of the parcels which restrict the overall layout. Additionally, the density plan provides a density requirement for each of the 3 character areas. The densities for the other parcels within the character area including parcels 9 and 10 are as follows:

Parcel:	DPH:
3	40
5	45
6 & 7	51
8	44.2
9 & 10	37.7

The average density across phase 1 which includes all parcels above is 43.6. Therefore although parcels 9 and 10 have an individual density of less than the required minimum 40 dph, overall, the parcels provided so far within the character area is in accordance with the density plan within the design code. Parcels 11-16 will also be within this character area and will be brought forward within phase 2.

Dwellings should have a maximum height of 4 storeys on the south side of Howsmoor Lane, but north of Howsmoor this is reduced to 3 storey development. The proposal complies with these parameters

### *Street Hierarchy*

Parcels 9 and 10 include tertiary routes within the residential development areas which are served by the spine road, the main boulevard running north to south separating the two parcels and a main road frontage (road 3) at the south side of parcel 9, designated a secondary route due to its connectivity between the Science Park and main spine road. To the south of parcel 10 and south east of the parcel 9 is School Square, which includes a 'major traffic calming event', and a bus route will run along the spine road between the two parcels. Members should note however that the current application does not include the spine road or School Square, or the secondary route (Road 3) to the north of the site; these roads are the subject of a separate Reserved Matters application, currently under consideration (PK13/2372/RM). The only road types currently under consideration within the application therefore are tertiary. No informal homezones are required as advised in the design code. Although the tertiary road system is not identical to that shown on the parameters plan in the design code, reserved matters are not required to replicate the design code

layout exactly and the design code is considered to be complied with in terms of the detailed design of the tertiary roads within the site.

### *Safe Routes to School*

The approved Design Codes include a network of Safe Routes to School within the EGE area in order to provide a network of pedestrian and cycle friendly routes through the development. Safe routes are selected in order to be directed through urban and open space areas and provide the following additional features:

- Robust surfacing of rolled hoggin or coloured tarmac
- Natural surveillance
- Borrowed light from the surrounding development and lighting columns
- 3m surface width
- to include areas designated as home zones

Parcel 9 includes a safe route connecting the residential area (shared with parcel 8) to the proposed primary school to the south east (east and north side of Hallen Farm) and the secondary school which is proposed to be located to the east of the EGE development. The safe route would run in a north south direction along the tertiary road on the eastern edge of the site. The safe route would direct pedestrians south through the access connecting to road 3 and then across the spine road and school square to the primary school and north with access through the southern hedge on to Howsmoor Lane an important recreational route through the EGE development which is provided for mainly pedestrians and cyclists and to the public open space and proposed equipped play area to the north. Howsmoor Lane which splits both parcels 9 and 10 east to west is also a designated safe route to school. This route connects the POS to the north to POS to the east of parcel 10 and is then routes south along a pedestrian only path to the east side of the primary school before connecting to other safe routes to the south which connect to the wider safe routes network through the EGE development. A further safe route is provided along the spine road connecting to the north of the EGE development.

The safe routes would provide a 3m wide pedestrian path along their full length where they are a footway forming part of a highway. The route would be mainly segregated other than at the north west end of parcel 9 which forms a cul de sac and would be low trafficked. The proposal would provide safe routes in compliance with the criteria listed above (from the design code) and would provide good connectivity for residents to open space and play areas in particular, and local schools.

### *Waste Collection and Storage*

The locations of storage and collection points have been set out on a specific waste plan. Bin storage for apartments and houses are located within 30m of the front door to try and avoid permanent bin storage in front gardens. This is in accordance with the code.

### *Layout and Appearance*

The core of the central character area which covers the majority of both parcels 9 and 10, with the exception of frontage development onto the spine road, are



defined in the design code as providing dense residential development with strong building lines following roads. Front gardens are small and buildings are contemporary in appearance with predominant use of buff brick and render facades.

It is considered that the proposal would provide a good mix of residential dwelling types and contemporary designs which accord with the principles set out for the core of the central character area as defined in the design code. A landmark building is required at the northern edge of parcel 10 abutting the spine road (east side). The landmark building has been designed as a 3 storey flatted block with Juliet balcony features and flat roofed rendered projection which adds interest to the building. The landmark building would be located on the east side of the Spine Road and follows the curve of the road itself. This will ensure the building will appear as a focal point when looking south on the Spine Road, which fulfils its intended purpose in the design code as a landmark building.

The layouts within the parcels have consistent building lines following the route of roads to provide strong, regular street frontages with eaves fronting dwellings comprising consistent roof pitches. The dwellings are predominantly of brick construction with rendered feature buildings and some buildings fronting onto road 3. The dwellings fronting onto the Spine Road are larger and more imposing in scale with more clinical rendered finishes in white or light grey.

The layout and appearance are considered to be of a high quality and would accord with the core central character area as set out in the design code.

#### *Urban Design Conclusion*

Following pre- application discussions, significant improvements to the layout of the scheme were made, and following submission of the application a number of additional changes and clarifications were required by the Council's Urban Design Officer. Following the receipt of revised plans to take account of these, the scheme is now considered to fully comply with the masterplan and design codes as well as Policies D1 of the SGLP and CS1 of the Core Strategy, and officers consider that the proposal would constitute a high quality of design.

### 5.3 Landscaping

Located centrally within the Emersons Green East development on the north side of the local centre, parcels 9 and 10 are situated on a shallow slope from north to south, falling gradually. From east to west there is also a gradual fall by approximately 2m. Although the site. Sections through the site have been provided to show that the impact of the gradient changes would not be significant. The ground level on Howsmoor Lane which runs through the parcels east to west The site contains a large tree located on the south west side of the crossroads between Howsmoor Lane and the Spine Road. This tree is to be retained and has been assimilated into the planning layout to form a key landscape feature at this prominent crossroads.

### *Relationship to recreation routes*

An important feature of parcels 9 and 10 is the connectivity between these green spaces and routes with the built development. Howsmoor Lane which runs from east to west through parcels 9 and 10 is designated as a recreational route through the Emersons Green development. Howsmoor Lane is characterised by tall hedges on either side and provides a tranquil and green route for non motorists connecting to other recreation routes, providing a safe route to schools and to areas of open space and informal play. The adopted design code shows built development located away from the Lane with the aim of preserving this green and tranquil character. The layout has been designed following careful and lengthy negotiations with the applicant to ensure that the dwellings within parcels 9 and 10 are located away from the Lane to protect this green and tranquil character. As a result the layout would not impact adversely on the tranquil and green character of Howsmoor Lane as an important recreational route.

### *Relationship with Public open space (POS):*

It is important that the layout for parcels 9 and 10 creates a good relationship of the houses with the surrounding POS in terms of connectivity, which surrounds the site to the north of parcel 9 and to the east of parcel 10. A path connection has been created between plots 66 and 69 of parcel 9 to the open space to the west. A further connection between parcel 9 and Howsmoor Lane is provided to the north of plot 29. A connection is provided within parcel 10, north of plot 94 to the open space and safe route to school to the east.

### *Boundary treatment and hard landscaping:*

Boundary treatment within parcels 9 and 10 accords with the requirements of the design code with higher quality treatment on boundaries abutting the public open space and parking forecourts and railings to the frontages facing onto the spine. Open frontages which abut open space use a mix of raised mounded boundaries and hedge borders to prevent informal parking outside of designated areas and bollards are used in areas connecting parcels 9 and 10 to the open space areas for pedestrian connectivity whilst still dissuading parking.

### *Planting details:*

The applicant has provided a comprehensive landscape scheme with maintenance schedule. Within the site, tree planting is proposed within front gardens and within 'build outs' in the road and as an avenue of trees on the main Spine Road which separates the two parcels with further tree planting scattered throughout the site. Tree and shrub planting in between frontage on-plot parking areas, to break up the areas of hard surfacing, are in accordance with the code. Revised plans indicating increased planting in the parking courts, breaking up rows of parking spaces, within rear gardens and on the cul de sacs throughout the site have been provided in accordance with the code. A good variety of new trees are proposed including feature trees in prominent locations for example opposite plot 28.

In conclusion, the proposed scheme is considered to be acceptable in landscape terms, having regard to the approved master plan and design code.

#### 5.4 Highway Safety and Transportation

Parcels 9 and 10 are split north to south by the main Spin Road which runs through the Emersons Green East development. The parcels are mainly accessed from the Spine Road which routes traffic north to the Science Park and then Westerleigh Road, and south to the Rosary Roundabout and the ring road. The southern section of parcel 9 would however be accessed via road 3 which runs west from the Spine Road to the Science Park. There is no requirement for homezones in parcels 9 and 10 in the approved masterplan, therefore the proposal does not include one.

The compliance statement includes a parking matrix to identify the number of allocated parking spaces and visitor parking spaces, which include on plot and courtyard parking. Officers can confirm that the correct number of parking and visitor spaces are proposed for the development. The EGE Design Code was drafted at the same time as the Council's Parking Standards SPD, therefore the application complies with the SPD as well as the Design Code. In terms of cycle storage, an external storage shed is to be provided in rear gardens of all houses, where properties do not have an associated garage. An internal secure cycle storage area is proposed for apartment block 55-60 and an external covered and secure cycle store is proposed for apartment block 79-84, in compliance with the code.

As with all of the other Reserved Matters on this site to date, it is noted that Mangotsfield Parish Council have concerns regarding the safety of the Rosary roundabout, and assurances regarding the triggers for safety measures incorporated into this roundabout. Although not the remit of the reserved matters currently under consideration, officers can advise members that the Rosary roundabout access already has full planning permission, granted under the outline consent, as well as the MMI consent and therefore the safety of it was considered at this time. The Section 106 Agreements associated with these applications require that a toucan crossing is installed on the ring road adjacent to the Rosary roundabout. This is required to be implemented at the latest within one year of the first occupation of any dwelling on EGE. The construction of the fourth arm of the Rosary roundabout into the EGE development also includes the formation of a splitter island and toucan crossing on the 'Green Road' and the extension of the ring road cycleway into the site. At a later stage both arms of the Rosary roundabout and the entry arm from Emerson Way will be signalised. There is no necessity to construct the access from the northern part of the Science Park at an early stage, however the developers have indicated that it is likely to be at a relatively early stage to enable two haul routes to be in use. Construction traffic currently solely accesses the development site via Westerleigh Road and the Science Park.

The Council's highway engineer is satisfied that the scheme is acceptable in transportation terms and complied with the code and Policy T12 of the SGLP

#### 5.5 Residential Amenity

Officers have undertaken extensive negotiations with the applicant to improve inter visibility from facing windows for the proposed dwellings within the application site. Since then, revised plans have been received including the relocation of plots to provide adequate intervisibility distances of generally more

than 21m, with some instances of 19m. There are specific improvements in terms of the relationship between plots 98 and 106 for instance. This is considered acceptable.

The scheme has been improved following negotiations with the applicant by removal and relocation of garages and repositioning of dwellings to resolve issues of bulk and overbearing relationships, in particular plots 89 and 90 have been reconfigured. Other improvements include relocation and hipped roofs to avoid an overbearing effect.

There are no existing dwellings located close to parcels 9 and 10. Hallen Farm, the nearest existing dwelling would be located some 85m proposed dwellings, sufficient distance to ensure no material harm to the occupiers of Hallen Farm.

All of the proposed houses are now considered to have reasonably sized gardens, commensurate to the dwelling types to which the gardens relate. The proposed flats would have the benefit of useable balconies in accordance with the code, and shared outside amenity space. It is considered that the scheme would ensure an adequate level of residential amenity in terms of privacy, and without any significant overbearing effect caused by neighbouring dwellings.

It is therefore considered that the proposal would not result in material harm in terms of residential amenity on any existing dwellings and through the interrelationship of the proposed dwellings.

## 5.6 Affordable Housing

As is noted in the consultation section of this report, the proposed 34 affordable units are in accordance with the approved affordable housing phasing plan and comprise 25% of the parcel total. The units would be located in three locations within the site, 3 clusters are proposed comprising apartment block to the north side of parcel 10, apartment block and three dwellings in the northern section of parcel 9, 8 dwellings in the southern section of parcel 9 and 10 dwellings comprising two terraces of 4 and 1 pair of semis in the southern side of parcel 10. The dwellings are also of the correct size and mix of units. Since the application has been submitted, the applicant has clarified that steps have been taken to investigate funding towards 'target affordable housing units' to comply with its obligations in pars 1.3.1 and 1.3.2. in Part 2 of the S106 schedule and provided confirmation from the Homes and Communities Agency and Knightstone Housing Association that no such funding is available for this development. The Section 106 associated with the Outline consent requires evidence to be provided to demonstrate that grant has been sought for a 4 month period carried out to increase the 25% to the target of 33.3%. This included approaching the directly HCA as well as the Housing Associations themselves who also have grant allocations. It was confirmed however that no grant funding was available. The Council's Housing Enabling Team have confirmed that this process has been carried out correctly and therefore the scheme is in compliance with the S 106.

Hence the requirements of the S106 have been carried out. The scheme is therefore acceptable in terms of affordable housing.

#### 5.7 Drainage and Water Management

As noted in the consultation section of this report, the Environment Agency has requested additional information in order to be able to confirm whether the Folly Brook Drainage Strategy for EGE has been complied with. The applicant has now provided this information, and the EA's further comments have been received.

The approved Drainage Strategy and Flood Risk Assessment for the Folly Brook Catchment (October 2012 & April 2013 Addendum) divides the EGE area into 3 sub catchments each discharging into separate tributaries of the Folly Brook. A key element of the Drainage Strategy is to increase the capacity of the on-site watercourses to allow the development runoff to be conveyed downstream to the downstream reservoir and the other on-site attenuation features. For phase 1 the Folly Brook Tributary will need to be enlarged, however Parcels 9 and 10 do not abut this watercourse, so this element of the strategy is not relevant for the current application, although its surface water sewers will lead eventually to the Folly Brook .

The required attenuation for Phase 1 is provided though the extension of the existing attenuation area Pond C3. These engineering works have been implemented.

The Drainage Strategy also requires where technically feasible, SUDS for individual reserved Matters parcels for water quality improvements. This submission includes areas of permeable paving and all properties will have a water butt.

The Drainage Strategy includes a matrix table indicating percentages of impervious area used for each catchment. This matrix is intended as a base line against which all Reserved Matters applications can be checked.

The drainage strategy and SuDS measures submitted are acceptable and the EA raise no objection to the proposal.

#### 5.8 Ecology

The site has already been cleared, apart from trees and hedges to be retained (outside the site mainly within open space on the east and north sides) and earthworks carried out. In terms of ecology, the following activities and surveys have recently been undertaken:

##### *Badgers*

A pre-construction badger survey was undertaken on 6<sup>th</sup> June 2013. The survey showed that some of the setts were still in use. A 20m protection zone was set up around Sett K earlier in the year and marked with poles and bunting. The poles and bunting was replaced by Herras fencing later in the year. A subsequent inspection on 09 Sept 13 suggested that the sett is no longer in use although plans are being formulated to improve the sett to

encourage repopulation when a badger sett on the Gateway site is closed under licence.

A further sett was also in current use. The sett is now protected by tree protection hedges fencing and the earthworks to housing parcels 6, 7 and 8 is now complete. Works were carried out to form the artificial setts in 2013. Further improvement works to the artificial setts, which include improving the drainage at sett B, is scheduled to be undertaken in October 2013.

#### *Slow-worm and other reptiles*

A presence/absence reptile survey was undertaken in July 2013 in the area which was urgently required for the balancing pond C3 extension.

One common lizard was found during the survey and therefore it was recommended that measures were undertaken to avoid harm and disturbance to reptiles. This included strimming the vegetation by hand to 6 inches prior to the soil stripping to discourage reptiles from the working areas. The strimming of vegetation was subsequently undertaken by commencing the balancing pond works.

#### *Great Crested Newt*

A watching brief, which included a hand-search and destructive search whilst the topsoil was stripped, was undertaken on 1<sup>st</sup> and 2<sup>nd</sup> July 2013 in parts of the site that fell within 500m of the great crested newt ponds at Shortwood Quarry. No great crested newts or other amphibians were found during the watching brief.

#### *Breeding birds*

Checks for active nests were undertaken in potential bird nesting habitats prior to the topsoil stripping along the Folly Brook tributary on 1<sup>st</sup> July 2013. No active nests were found. Checks for active nests were also undertaken in the area of trees and scrub which needed to be cleared for the balancing pond extension between 4<sup>th</sup> – 9<sup>th</sup> July 2013. During the checks, a number of active nests were noted in some of the shrubs and therefore these areas were not cleared.

Officers are satisfied therefore that there is no further ecology works required to be included as part of this Reserved Matters application.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That delegated authority be granted to APPROVE the Reserved Matters submitted in accordance with Conditions 1, 2 10 and 27 associated with Outline Planning Permission PK04/1965/O dated 14th June 2013, subject to the following conditions:

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

### **CONDITIONS**

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

#### Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1, CS8 and CS29 of the South Gloucestershire Local Plan: Core Strategy (Adopted Dec 2013).

2. The bin storage shown on the drawings hereby approved shall be provided before the buildings are first occupied, and thereafter retained for that purpose.

#### Reason

To ensure appropriate bin storage for the proposed dwellings and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted Dec 2013)

3. Prior to the commencement of the development hereby approved, a programme for implementation of the hard and soft landscaping hereby approved shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscaping shall be carried out in accordance with the approved details and in accordance with the agreed programme.

#### Reason

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted Dec 2013).

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, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted Dec 2013).

5. Prior to the commencement of development samples of the roof tiles to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The 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 CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted Dec 2013).

6. Prior to the commencement of the development hereby approved, details of street lighting 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 that the lighting scheme does not adversely impact on the landscaping scheme, and in accordance with Policy L1 of the South Gloucestershire Local Plan (adopted 2006) and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted Dec 2013).

7. The development hereby approved shall be implemented in accordance with the approved materials layout (PL-04 Rev E) unless alternative sample materials are submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted Dec 2013).



# ITEM 3

## CIRCULATED SCHEDULE NO. 24/14 – 13 JUNE 2014

<b>App No.:</b>	PK14/0340/O	<b>Applicant:</b>	Mr Rob Dicker
<b>Site:</b>	Land At Lower Chapel Road Hanham Bristol South Gloucestershire BS15 8SH	<b>Date Reg:</b>	21st February 2014
<b>Proposal:</b>	Erection of 6 no. dwellings (Outline) with access, layout and scale to be determined. All other matters reserved.	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	364160 172430	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	15th April 2014



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100023410, 2008. **N.T.S.** **PK14/0340/O**

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

This application has been referred to the Circulated Schedule following the receipt of objections from a local resident and concerns raised by Hanham Parish Council, furthermore the proposal involves a new S106 Agreement.

### **1. THE PROPOSAL**

- 1.1 The application relates to a former builders yard and office buildings and associated outbuildings, located to the north of Lower Chapel Road, Hanham. The yard area has been used as a car sales lot. Vehicular access is currently from Chapel Road. The yard is generally enclosed by high boundary walls, which separate it from commercial buildings to the rear and residential properties to either side, a mix of residential and commercial properties, lie opposite the front of the site, on the southern side of Lower Chapel Road.
- 1.3 The application seeks outline planning permission to demolish the existing buildings and erect 6no. dwellings, with access, layout and scale to be determined at this stage. All matters of external appearance and landscaping would be the subject of a subsequent reserved matters application. The proposed building would comprise three adjoining 2-storey blocks. The residential accommodation would comprise a mix of 4no. three-bedroom houses, 1no. two-bedroom flat and 1no. one-bedroom flat. The proposed parking court and garden areas would be to the rear of the buildings. Vehicular access would be from Lower Chapel Road, through an archway within the building. The existing access from Chapel Road would be closed off. It is also proposed to provide a new footway to the front of the site on Lower Chapel Road.
- 1.4 The application is supported by the following documents:
- Design and Access Statement
  - Coal Mining Risk Assessment
- 1.5 Outline planning consent PK03/1261/O for 13 flats on the same site, with siting and access determined, was previously granted and a subsequent application PK10/0156/EXT for the same scheme was also approved in principle (S106 not signed). The main differences between the previously approved scheme and that now proposed are as follows:
- The number of dwellings has been reduced from 13 (flats) to 6 (houses and flats).
  - The scale of the building has been reduced from 3-storeys to 2-storeys.
  - Scale is now to be approved as opposed to previously being a reserved matter.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

The National Planning Policy Framework 27<sup>th</sup> March 2012.

## 2.2 Development Plans

### The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013

- CS1 - High Quality Design
- CS4A – Presumption in Favour of Sustainable Development
- CS5 - Location of Development
- CS6 - Infrastructure and Developer Contributions
- CS9 - Managing the Environment and Heritage
- CS13 - Non-Safeguarded Economic Development Sites
- CS17 - Housing Diversity
- CS18 - Affordable Housing
- CS23 - Community Infrastructure and Cultural Activity
- CS24 - Green Infrastructure, Sport and Recreation Standards

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

- L1 - Landscape Protection and Enhancement
- L5 - Open Areas within the Existing Urban Areas and Defined Settlements
- L9 - Species Protection
- L11 - Archaeology
- EP2 - Flood Risk and Development
- EP4 - Noise-sensitive development
- T7 - Cycle Parking
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development
- LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
- LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)
- LC12 - Recreational Routes

### South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002 Policy 37 – Waste Management

## 2.3 Supplementary Planning Guidance

- Trees on Development Sites SPG (Adopted)
- The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.
- Affordable Housing SPD Adopted Sept.2008.
- South Gloucestershire Council Residential Parking Standards (SPD) Adopted.

## 3. RELEVANT PLANNING HISTORY

- 3.1 PK03/1261/O - Erection of 13no. one bed flats (outline) with means of access and siting to be determined. All other matters are reserved.  
Approved 15<sup>th</sup> April 2004 Subject to S106 Agreement and provision of 13 car parking spaces as opposed to 10.  
S106 Signed 22 Feb 2007

- 3.2 PK10/0156/EXT - Erection of 13no. one bed flats (outline) with means of access and siting to be determined. All other matters are reserved. (Consent to extend time limit implementation for PK03/1261/O).  
Refused 27<sup>th</sup> Feb. 2012 – S106 not signed.

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

##### Statutory Consultees

- 4.1 Hanham Parish Council  
Whilst it is appreciated that this is only outline permission this council has concerns over the eventual planned access in what is a narrow one way street.
- 4.2 Other Consultees (including internal consultees of the Council)
- 4.3 New Communities  
The proposal for 6 dwellings is below the threshold (10) for contributions towards New Communities.
- 4.4 Education Service  
Based on current pupil projections an education contribution of £21,796 towards additional primary provision is now required in this case.
- 4.5 Affordable Housing  
The site area is below 0.33 hectares and the proposed number of dwellings (6) is below local and national policy guidance on the threshold for requiring affordable housing (10). There is therefore no requirement for the provision of affordable housing in this case.
- 4.6 Sustainable Transport  
No objection subject to a legal agreement to secure highway works, dedication of land and the costs of amending a Traffic Regulation Order (TRO).
- 4.7 Environmental Protection  
No objection subject to standard informatives relating to construction sites.
- 4.8 Landscape  
Landscape is a reserved matter. A detailed planting plan will be required at the reserved matters stage.
- 4.9 Historic Environment  
The site is within the boundaries of the medieval settlement of Hanham. A condition (HC13) for a programme of archaeological work (a watching brief) should be applied to any consent granted.
- 4.10 The Coal Authority  
No objection subject to a condition to secure site investigation works and mitigation measures if shallow mining is found.
- 4.11 Highway Drainage

No objection subject to a condition to secure a SUDS scheme of drainage.

## **Other Representations**

### 4.10 Local Residents

2no. responses were received from local residents. The occupier of 9 Chapel Road supports the application whilst the occupier of 9 Lower Chapel Road objects.

The comments in support of the application are summarised as follows:

- Flats were previously granted on the site.
- The site is a brownfield site that is unused and run down.
- Traffic has been taken into account.
- The design is in-keeping.
- The access is safe as it is not on the main road and cars can enter/exit in forward gear.
- Traffic flow on Lower Chapel Road is now low as a result of the new one way system.
- It is better to have the access off Lower Chapel Road as opposed to Chapel Road where the road is busy and there is a bus stop.
- Some concern about level of parking provision.

The comments against the application can be summarised as follows:

- Object to access from Lower Chapel Road which is narrow and used as a 'rat run'.
- Lorries often block Lower Chapel Road.
- Congestion caused by customers of Lloyds Bank.
- There is a blind corner a few metres from the entrance from High Street.
- Lower Chapel Road is only one-way 50 metres from the top of the Chapel Road end and not all the way up.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The NPPF (para 14) states that; at the heart of the Framework is the presumption in favour of sustainable development. Sustainable development is defined in the Framework as having three dimensions, which lead to three roles – an economic role, a social role and an environmental role. The proposal would lie close to Hanham Town Centre and would create job opportunities for the building trade; as such it complies with the stated aims and objectives of the NPPF. Furthermore The South Gloucestershire Local Plan Core Strategy has now been adopted (Dec 2013) so the policies therein now form part of the Development Plan. Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that

sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible. Council Officers have worked closely with the applicants to amend the scheme from its original proposal to its current design.

- 5.2 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe. Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation and makes specific reference to the importance of planning for inclusive and mixed communities and this policy stance is replicated in Policy CS17 of the Core Strategy.
- 5.3 The site is located within the established urban area and comprises existing office buildings and associated yard. The site is therefore classed as a previously developed, or brownfield site. The site is not safeguarded (under Core Strategy Policy CS12) as economic development land, however Core Strategy Policy CS13 only permits the development of non-safeguarded sites within the urban area where it can be clearly demonstrated that all reasonable attempts have failed to secure a suitable economic development re-use. Where these circumstances occur, then priority will be given to alternative uses in the following sequence:
1. A mixed use scheme.
  2. A residential only scheme.
- 5.4 The acceptance in principle however of the residential development of this site with access off Lower Chapel Road was previously established at the 15<sup>th</sup> Feb. 2007 DC (East) Committee. This decision was subsequently endorsed with the approval in principle of PK10/0156/EXT. The office building is redundant and has been for some time and as such is now in a poor state of repair.
- 5.5 The NPPF para.22 states that:  
*'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.'*
- 5.6 The NPPF para. 49 states that: *'Housing applications should be considered in the context of the presumption in favour of sustainable development.'* and at para.51: *'Local Planning Authorities ....should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.'*

- 5.7 The site is not protected economic development land; land is however allocated as a safeguarded area for economic development at nearby Hanham Business Park. The site is surrounded by residential development which is in close proximity and the access arrangements are not ideal for commercial development, being either from Chapel Road, which is busy and adjacent to a bus stop or alternatively off a narrow one-way street i.e. Lower Chapel Road; officers therefore consider that the site is severely constrained for commercial uses given the likely associated noise and size of vehicles that would use the site. Officers consider that, the fact that planning permission for the residential development of the site was previously granted, is a material consideration of significant weight in the determination of this current application. Furthermore there is an acknowledged need for residential dwellings in South Gloucestershire and the site lies within a highly sustainable location, both supported by the NPPF.
- 5.8 A further consideration of considerable weight is the fall back situation, should this outline consent not be granted. Recent changes to the permitted development rights (see Statutory Instrument 2013 No.1101 relating to The Town and Country (General Permitted Development) (Amendment) (England) Order 2013) mean that under Class J buildings and their curtilage falling under Class B1a (Offices) can be changed to Class C3 (dwellinghouses) without the need for planning permission.
- 5.9 Having regard to **all** of the above factors, officers consider that the proposed residential development of the site could not now be reasonably resisted. In accordance with the NPPF the proposal is acceptable in principle, subject to a number of criteria, which are discussed under the following headings.
- 5.10 Density  
The scheme would provide 6 units of accommodation on the 0.14ha site, which equates to 42.8 dph. It is considered that in this instance, given the site's location in the heart of the urban area, where higher density development is to be expected, its position at the junction between the commercial core of Hanham and the surrounding residential area, and the fact that the site is in very easy walking distance of Hanham High Street with its associated shopping area and regular bus routes, the location is highly sustainable and well capable of accommodating a development of the density proposed. In principle it is considered that the proposal would integrate very well within the locality. Having considered the constraints to developing the site, officers are satisfied that efficient use of the site in terms of density will be achieved by the proposal without the proposal being out of character with its immediate surroundings.
- 5.11 Visual Amenity  
Issues of external appearance of the buildings remain to be determined under reserved matters, nevertheless siting is to be determined under the current application. The proposed footprint of the building is similar to that previously approved and is considered to integrate adequately within the existing pattern of development along Lower Chapel Road and Chapel Road. In the current scheme the scale of the proposed building has been reduced from 3-storey to 2-storey and as such is considered to better integrate with the surrounding development. Guidance contained in the NPPF and South Gloucestershire

Local Plan Core Strategy supports a mix of house types and this is better reflected in the mix now proposed. The architectural vernacular of the location is mixed and officers are satisfied that an appropriately designed building would not adversely affect the visual amenity of the area as demonstrated in the submitted indicative plans. Furthermore the existing buildings on the site are quite unsightly and their loss would not detract from the visual quality of the area.

5.12 Landscaping

Landscaping remains to be determined as a reserved matter. There is no vegetation growing on the site that needs to be retained or protected. The proposed layout is considered to be acceptable, with gardens to the rear and to the side. It is intended to retain the existing boundary walls. The applicant will still need to submit a full landscape proposal for approval at the reserved matters stage.

5.13 Impact Upon Residential Amenity

Officers consider that whilst it is perfectly normal for buildings to be in close proximity to each other in densely populated urban locations, careful consideration still needs to be given to the impact of the development on the residential amenities of neighbours and future occupiers alike.

5.14 For prospective occupiers amenity areas are to be provided, which would provide ample opportunity for sitting out in a relatively private area. Bin storage would be provided within the buildings to the front and a secure cycle store to the rear of the site. The boundary walls, which are to be retained, are high enough to provide adequate screening and privacy for both future and neighbouring occupiers.

5.15 The proposed building would be located in a similar position to the existing office and to that previously approved, with a linear form facing onto Lower Chapel Road. Officers are satisfied that in this case there would be sufficient distance between the majority of facing habitable room windows to the front and rear. There is an existing issue of inter-visibility between the existing office windows and the front windows of the residential flats opposite at 2 Lower Chapel Road. There is potential for this issue to be replicated by the proposed development, however this matter has been addressed by locating the proposed underpass opposite this dwelling.

5.16 Officers consider that some overlooking of neighbouring property is inevitable in this densely populated urban area, where properties are in close proximity to each other. Having regard to the proposed building's siting, any overlooking would be from an acceptable distance to front and rear. There is however the potential for significant loss of privacy for the occupiers of the dwellings to either side; in this respect officers consider it justified to impose a condition to restrict fenestration in the end elevations of the proposed building, to be fixed and obscurely glazed only.

5.17 Having had regard to the current impact of the existing buildings and high boundary walls, officers do not consider that the siting of the proposed building would be so overbearing on the neighbouring properties as to justify refusal of



- planning permission. The current proposal is for 2-storey buildings only as opposed to the previously approved 3-storey buildings.
- 5.18 As regards noise, officers consider that the potential continued use of the site as an office and builders' yard would be likely to create more noise than the proposed residential use. Any excessive noise issues emanating from future occupants would be subject to the usual controls under Environmental Health Legislation.
- 5.19 On balance therefore, officers are satisfied that, subject to conditions to control the fenestration and retain boundary walls, that the impact of the proposed development upon neighbouring residential amenity, would be acceptable, especially given that the scale and density of the scheme is significantly less than that which was previously approved.
- 5.20 Transportation  
Lower Chapel Road is very narrow and there is currently no footway along it. Prior to the submission of the original application PK03/1261/O, the Council was made aware that Lower Chapel Road had become a very popular 'short-cut' between Chapel Road and High Street, Hanham. In response to the concerns raised, the Council secured a Traffic Regulation Order (TRO) to make Lower Chapel Road a one-way street and this has now been implemented. Furthermore, following consultation with the Council's Highway Development Control section, officers consider that the scheme is acceptable. There is however still a requirement for a new 1.5m wide footway along the site frontage on Lower Chapel Road, this can be secured by a S106 Agreement.
- 5.21 The Council's current minimum parking requirements are to be found at Appendix A of The South Gloucestershire Council Residential Parking Standards SPD. The requirements are; for 1-bedroom flats one space per flat, for 2-bedroom flats 1.5 spaces each and for 3-bedroom houses 2 spaces each. As 12no. off-street car parking spaces are to be provided within the parking court, this level of parking provision will satisfy the minimum adopted standards. The development site is well located in respect of it being close to bus routes on High Street and Lower Hanham Road, as well as the shopping area along Hanham High Street. The proposed parking provision is considered to be acceptable in this sustainable location.
- 5.22 Furthermore the scheme will include an adequate turning area to allow vehicles to exit the site in forward gear. Access to the site would be via a one-way road through an underpass, the latter having been widened to 3.75m to create a safer route for pedestrians/cyclists to pass a vehicle. Officers are also satisfied that due to the proximity of the building to Lower Chapel Road, there would be no requirement for emergency vehicles to enter the site.
- 5.23 As part of the scheme, the applicant is proposing a highway improvement along the site frontage. The existing road width on Lower Chapel Road varies between 3 to 3.8m wide and there is currently no footway outside the site frontage. The applicant's scheme includes highway widening outside the development to facilitate the construction of a new 1.5m wide footway along the site frontage. Officers consider the proposed changes to be appropriate in this

case. There is an existing parking restriction (i.e. single yellow line) outside the application site. An amendment to the existing TRO may be necessary and hence, the applicant is expected to meet the cost for this via a S106 Agreement.

5.24 Subject to the above S106 and conditions relating to the provision and maintenance of the parking and turning facilities and the provision of the cycle store, all prior to the first occupation of the building, there are no highway objections.

5.25 Drainage Issues

The Council's Drainage Engineer has raised no objections to the principle of the development, which would also be the subject of Building Control. A SUDS scheme of drainage would be secured by condition.

5.26 Archaeology

In view of the sites location within the likely area of medieval settlement, a condition should be imposed to secure a programme of archaeological work in accordance with a brief provided by the Local Planning Authority.

5.27 Public Open Space

The scheme size falls below the threshold for contributions to open space. It was previously accepted by members that a contribution towards Library facilities could not be reasonably supported by a development of this scale.

5.28 Education

There is a projected deficit of Primary School places in the area. The proposed development of 6no. dwellings, as proposed, would generate the need for 2 additional primary school pupil places for which a contribution of £21,796.00p is required. There is currently a projected surplus of Secondary School places in the area.

5.29 Environmental Issues

The site does not lie within a zone of risk from flooding. Given that the existing buildings would be demolished, officers consider it appropriate to impose a condition to secure the prior submission and approval of a Waste Management Audit.

5.30 Furthermore the developer would be recommended to register the site under the 'Considerate Contractors scheme'. The scheme would also be the subject of Building Regulation Control and controls embodied within The Environmental Health Act. The Council's Environmental Health Officer has raised no objections on Environmental Protection grounds.

5.31 CIL Regulations

Officers consider that the S106 requests meet all of the tests listed under Para. 20 of the NPPF and Reg 122 of the CIL Regs 2010 in being:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013 and the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 (1) That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:
- (i) To provide, prior to the first occupation of any of the dwellings hereby approved, a 1.5m wide footway to the site frontage on Lower Chapel Road. The works shall be carried out to adoptable standards and in accordance with the principles shown on the approved 'Proposed Site Plan' Drawing No. 1864/003A.
  - (ii) A financial contribution of £21,796.00p towards the provision of 2 additional Primary School places.
  - (iii) To pay the Council its reasonable costs in connection with any Traffic Regulation Orders or consultation procedures required for any phase of the development or the highway works and carry out forthwith any consequent physical works including associated works.
  - (iv) A S106 monitoring fee to the value of 4% of the total contributions i.e. £871.84p.

The reasons for this Agreement are:

- (i) In the interests of highway safety on Lower Chapel Road in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006.
- (ii) To meet the needs of the increased population to result from the development and to accord with Policy LC2 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006.
- (iii) To meet the costs associated with any new or variation in the Traffic Regulation Order relating to Lower Chapel Road In the interests of highway safety on Lower Chapel Road in accordance

with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006.

(iv) To cover the Council's costs of monitoring the S106.

(2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.

7.2 Should the agreement not be completed within 6 months of the date of the committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

**Contact Officer: Roger Hemming**  
**Tel. No. 01454 863537**

### **CONDITIONS**

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

Reason

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

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

Reason

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

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

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

5. Prior to the commencement of the development hereby approved, site investigation works shall be carried out to identify if any shallow mining works are present beneath the site. In the event that the site investigations confirm the need for remedial works to treat any mine entries and/or areas of shallow mine workings these works shall be carried out prior to the commencement of the development.

Reason

To ensure the safety and stability of the proposed development having regard to past Coal Mining within the area and to accord with Policy EP7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

6. Details of all boundary treatments (walls, railings or fences) to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the development shall only be carried out in accordance with the details so approved.

Reason

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013.

7. No windows other than permanently fixed and obscurely glazed windows to a level 3 standard or above, shall be inserted at any time in the north-west or south-east end elevations of the property.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the requirements of the NPPF.

8. The hours of working on site during the periods of demolition and construction shall be restricted to 8.00am to 6.00pm Mondays to Fridays inclusive, 8.00am to 1.00pm Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: deliveries of construction materials, 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. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the requirements of the NPPF.

9. The existing walls enclosing the boundary of the site shall be retained and shall not be altered without the prior written consent of the Local Planning Authority.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the requirements of the NPPF and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013.

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

11. The approved car parking, cycle parking and turning arrangements (shown on the Proposed Site Plan no. 1864/003 A) shall be provided prior to the dwellings being first occupied and shall be permanently retained as such thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and The South Gloucestershire Council Parking Standards SPD.

12. Prior to the first occupation of the dwellings hereby approved, the car parking and turning areas within the site shall be surfaced with bound surfaced material and maintained as such thereafter.

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

13. The development hereby permitted shall not be occupied nor the use commenced until the means of vehicular, pedestrian, and cyclist access (shown on Proposed Site Plan Drawing No. 1864/003 A) has been constructed and is available for use in accordance with the approved plans. There shall be no obstructions to visibility exceeding 0.9 metres in height within the splayed areas.

Reason

In the interests of highway safety, to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

14. Before the vehicular access hereby permitted is first used, the existing vehicular access onto Chapel Road shall be permanently stopped up in accordance with the approved plans.

Reason

In the interests of highway safety, to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

15. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological

remains uncovered during the work. This work is to be carried out in accordance with the attached brief.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

16. Prior to the commencement of the development a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
- (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
  - (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
  - (c) Proposals for re-cycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.
  - (d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.
  - (e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

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

Reason

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

# ITEM 4

## CIRCULATED SCHEDULE NO. 24/14 – 13 JUNE 2014

**App No.:** PK14/0439/F  
**Site:** 131 Badminton Road Coalpit Heath Bristol  
South Gloucestershire BS36 2SY

**Applicant:** Mr G Rogers  
**Date Reg:** 3rd March 2014

**Proposal:** Erection of first floor to provide additional  
living accommodation

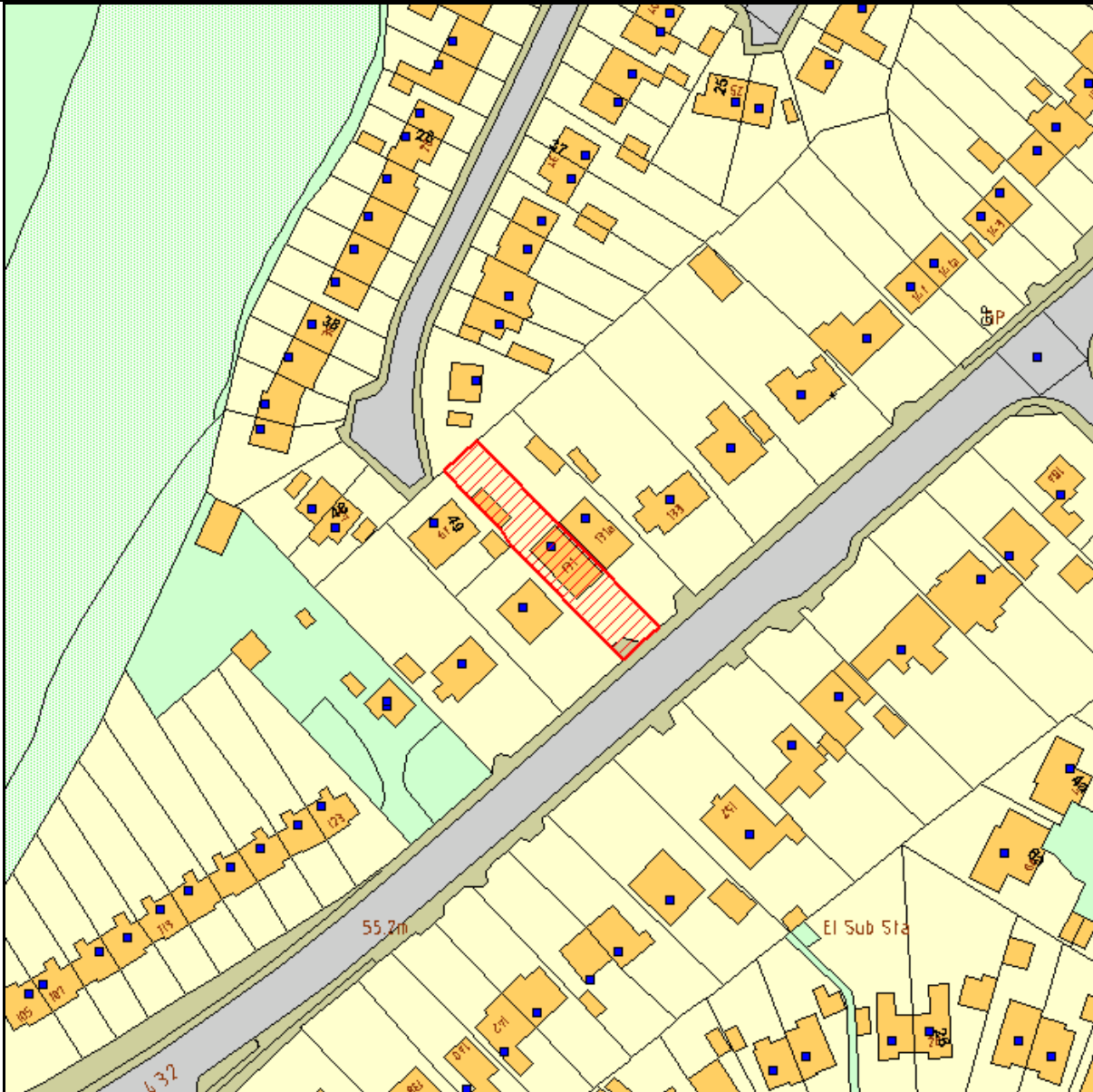
**Parish:** Westerleigh Parish  
Council

**Map Ref:** 367094 180449

**Ward:** Westerleigh

**Application  
Category:** Householder

**Target  
Date:** 25th April 2014



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**N.T.S.**

**PK14/0439/F**



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

This application appears on the Circulated Schedule due to the receipt of letters of objections contrary to the officers' recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the first floor extension to provide additional living accommodation at No. 131 Badminton Road, Coalpit Heath. During the course of the application, the applicant submitted a revised proposal to reduce the length of the proposed extension. The proposed extension would 7.3 metres wide by 10.4 metres long and 6.3. metres high to its ridge. The proposal will not affect an existing footprint of the building.
- 1.2 The application site comprises a single storey detached property located on the west side of Badminton Road.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy Guidance
- 2.2 Development Plans  
  
South Gloucestershire Local Plan: Core Strategy Adopted December 2013  
CS1 High Quality Design  
  
South Gloucestershire Local Plan (Adopted) January 2006 Saved policies  
H4 Residential Development within Existing Residential Curtilages  
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)  
The South Gloucestershire Residential Parking Standards SPD (adopted)

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

- 3.1 The neighbour has advised that the site has been subject to planning applications in the past. However, there are no planning history available relating to the site.

### **4. CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
No objection.
- 4.2 Transportation DC Officer  
No objection

4.3 Highway Drainage  
No comment.

**Other Representations**

4.3 Local Residents

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

- Low quality in design
- One of 7 bungalows, the proposal with little consideration of the existing rooflines
- No front dormers in the area
- Loss of privacy
- Overshadowing
- Poor TV reception, that the neighbour needs to replace/relocate the existing TV aerial
- Reduce housing choice
- There are shortfalls for 2 bedrooms or older people trading down sized, the proposal would exacerbate this existing disequilibrium of housing supply.
- The proposal would set a precedent for the other surrounding properties.
- There is a legal restriction on this property to prevent the proposal unless a prior written consent from A&E Derrick Limited
- Although the site is not subject to any planning history, the neighbour was the applicant to submit planning applications for the bungalows. Planning permission was refused for 2 4-bedrooms houses as it was considered that that would not be in keeping with the character of the locality. The shallow pitched roof was proposed in order to prevent any roof extensions. A detached house at No. 49 Vicarage Road was also refused due to the loss of privacy.
- The two bungalow are very close together.
- The front windows are intrusive and out of character
- Inconvenience during the construction.

Two letters of support are also received for the following reasons:

- I think that the proposed development will fit in well with the overall appearance of the street and in my opinion would enhance the area.
- There are a large number of bungalows in Coalpit Heath area and with rise in house prices, the owners should be helped to add accommodation to their properties.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Planning policy H4 of the South Gloucestershire Local Plan (adopted) January 2006 allows for the principle of the proposed development. The main issues to consider are the appearance/form of the proposal and the effect on the character of the area; the residential amenity effects; and the transportation effects.

## 5.2 Design and Visual Amenity

The site is located within a residential area along Badminton Road. There are different ages, styles and forms of residential properties in the area, although it is noticed that the application site is surrounded by a group of bungalows and the adjacent property, No. 131A, shares the same design with the existing building of No. 131.

Residents have raised concerns that the design of the proposed extension would be out of keeping with the character of the adjacent properties.

Whilst the extension would result in a 2-storey dwelling where there is predominately single storey dwelling, it is considered that the proposed extension would not cause significant harms to the character and appearance of the area in wider perspective, given that there are a number of properties are two-storey dwellings within a locality, for example, No. 125. Furthermore, the proposed extension has been designed with a lower eaves height and a shallow pitched roof. Officers acknowledge the design of the front windows would be contemporary, however, they would create a vertical emphasis feature on the front elevation and the features are successfully integrated with the design of the building and new extension. The proposal therefore has demonstrated to achieve good standard in terms of quality of design to comply with Policy CS1 of the adopted Core Strategy and Policy H4 of the adopted Local Plan.

## 5.3 Residential Amenity

The nearest properties to the proposed extension are No. 129 and No. 131a Badminton Road and No. 49 Vicarage Road. Officers acknowledge adjoining occupiers have significant concerns over the overbearing and overlooking impact.

As previously mentioned above, the applicant submitted a revised proposal to reduce the length of the extension from original 14.3 metres to 10.4 metres. As the proposed extension would not project beyond the rear building line of No. 131a and would only slightly project beyond the rear building of No. 129, therefore the overbearing impact upon the neighbouring properties would not be significant.

Concerns are raised with respect to the loss of privacy. The rear elevation of the proposed extension would be approximately 14 metres from the rear elevation of No. 49 Vicarage Road. No. 131a and No. 129 are immediate adjacent bungalows.

The proposal would have three windows on the rear elevation and no windows are proposed on the side elevation. 2 of these windows are non-habitable windows and one of them serves a bedroom. It should be noted that these windows would be installed at a higher level (i.e. the bottom of the window would be approximately 1.4 metres above the finished floor level) to minimise the level of overlooking upon the neighbouring properties. Given that there would be a reasonable distance from the neighbour's habitable windows, it is

considered that loss of privacy would not be significant to warrant a refusal of this application.

Officers acknowledge that it would be inevitable that the proposal would cause some degrees of overlooking upon the neighbouring gardens, given that the site is situated within an urban residential area, the windows have been located at a higher level, and there are reasonable distance between habitable windows, it is not considered that the impact would be detriment to the living conditions of the neighbouring properties.

All other neighbouring properties are located at a sufficient distance from the site to ensure that occupiers would not be significantly adversely affected. An adequate amount of private amenity space will be left to serve the dwelling.

Officers noted the concerns with respect to the disturbance during the construction period. Although there would be some disturbance upon the neighbouring properties, the disturbance would be temporary. A planning condition is therefore imposed to restrict the construction hours to minimise the potential impact.

#### 5.4 Transportation

The proposal will increase from three to four bedrooms as part of this development. Two parking spaces are provided to the front of the site via an existing vehicular access onto Badminton Road. This level of parking conforms with the Councils residential parking standards. A turning area is also provided which will allow vehicles to enter and leave the site in forward gear. In light of the above, there is no transportation objection to the proposed development.

#### 5.5 Further Matters

Whilst Officers noted further concerns over the impact upon the TV signals on the neighbouring properties, it is considered that this would be a private matter between the applicant and the adjoining occupiers and would not be planning material consideration.

Concerns are also raised with regard to the reduction of Home Choice. Whilst it is noted that there are shortfalls of smaller residential units, there is also a need to provide family homes in South Gloucestershire. Therefore the proposal increasing the size of this property to create a family home would not cause significant concerns upon the supply of smaller units for the elderly looking for down-sized accommodation.

The local resident has indicated that there are covenants of the existing legal agreement to prevent the development of the site, and this would be private civil matter for the applicant to resolve the issues.

## 6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

**Reason**

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

2. No windows shall be inserted at any time in the side elevation of the proposed extension hereby permitted.

**Reason**

In the interests of the privacy of neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and Policy H4 of the South Gloucestershire Local Plan Adopted January 2006.

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

**Reason**

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The hours of working on site during the period of construction shall be restricted to 08.30am to 18.00pm Mondays to Fridays, and 08.30am to 13.00pm Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

In the interests of the amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and Policy H4 of the South Gloucestershire Local Plan Adopted January 2006.

# ITEM 5

## CIRCULATED SCHEDULE NO. 24/14 – 13 JUNE 2013

**App No.:** PK14/0479/F  
**Site:** Hammerdown Farm Bath Road Old Sodbury Bristol  
South Gloucestershire BS37 6RR  
**Proposal:** Erection of 4no. open porch areas, installation of  
dormer windows and chimney pipes and other  
external alterations to facilitate the change of use  
from Offices (Class B1a) to 2no. dwellings (Class  
C3) as defined in Town and Country Planning (Use  
Classes) Order 1987 (as amended).  
**Map Ref:** 376110 180623  
**Application Category:** Minor

**Applicant:** Mr J SMITH  
**Date Reg:** 12th February 2014  
**Parish:** Sodbury Town Council  
**Ward:** Cotswold Edge  
**Target Date:** 7th April 2014



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100023410, 2008. **N.T.S.** **PK14/0479/F**

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

This report appears on the Circulated Schedule following comments from the Parish Council contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of 4no. open porch areas, installation of dormer windows and chimney pipes and other external alterations to facilitate the change of use from Offices (Class B1a) to 2no. dwellings (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application site relates to a large single storey building situated outside any settlement boundary, in Old Sodbury. The building is also situated close to Dodington Park, within the curtilage of the listed building and within the Bristol/Bath Green Belt.
- 1.3 During the course of the application revisions were requested and received by the Council to remove the proposed chimneys and to replace them with chimney pots, to remove proposed dormer windows from the front elevation and to remove the glazed element from the front gables. This was in an attempt to make the building less domestic in appearance given its sensitive location and the very close proximity of existing stables. The revised plans did not significantly alter the proposal and were therefore not put out for general consultation.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

#### **South Gloucestershire Local Plan Core Strategy (Adopted December 2013)**

CS1	High Quality Design
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS13	Non-safeguarded Employment Areas
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS24	Open Space Standards
CS34	Rural Areas



South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies

- T12 Transportation Development Control
- L1 Landscape Protection and Enhancement
- L2 Cotswold AONB

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire Supplementary Planning Document: Green Belt (Adopted) 2007

South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

**3. RELEVANT PLANNING HISTORY**

- |     |               |   |
|-----|---------------|---|
| 3.1 | PK13/3059/PNC | Prior Notification of Change of use from business use (Class B1) to residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1985 (as amended).<br><br>No objection<br><br>30.09.2013           |
| 3.2 | PK03/3710/RVC | Variation of condition 2 of planning permission P99/1950 dated 16/12/99 to allow use of the whole building for B1 use<br><br>Approved<br><br>12.01.2004   |
| 3.3 | PK02/1070/RVC | Variation of condition 2 of planning permission P99/1950 to allow use other than saddlery and leather working<br><br>Approved<br><br>05.07.2002   |
| 3.4 | PK01/0305/F   | Erection of entrance porch and two gables on front elevation<br><br>Refused<br><br>26.03.2001   |
| 3.5 | P99/1950      | Change of use of redundant agricultural building for Class B1 use.<br><br>Approved<br><br>16.12.1999  |
| 3.6 | N8148         | Erection of agricultural workers dwelling and of additional agricultural buildings to form extension to piggery; installation of septic tank and alterations to vehicular access (Outline).<br><br>Approved<br><br>30.09.1982 |

**4. CONSULTATION RESPONSES**

- 4.1 Sodbury Town Council
- (1) encroachment
  - (2) loss of an employment building
  - (3) AONB

#### 4.2 Other Consultees

English Heritage

No objection

Conservation Officer

Following revisions, no objection

Highway Drainage

Following confirmation of details, no objection

Sustainable Transport

No objection

Landscape Architect

No objection

The Garden History Society

No objection

Avon Gardens Trust

No objection

#### **Other Representations**

#### 4.3 Local Residents

None received

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

#### 5.1 Principle of Development

The proposal is for the change of use from offices to two, 4no bed dwellings and as such would be assessed against the policies listed above.

5.2 The application site relates to a range of single storey office buildings with Class B1 use that also incorporates first floor office accommodation in the roof space. Prior to this, the building was agricultural in use. The site is located at the end of a long driveway some distance from the A46 Bath Road, within the open countryside and outside any settlement boundary. Policy CS 13 deals with non-safeguarded employment areas, but specifically only those within settlement boundaries. (In these areas alternative economic re-use is preferable in the first instance rather than a change of use). Policy CS34 (Rural Areas) is therefore the more relevant policy and its aim is to protect rural employment sites in an attempt to support local employment and reduce the need to travel.

5.3 The application site is, however, already somewhat remote from a village setting and would not generally be accessed on foot – it cannot therefore be regarded as being in a truly sustainable location. Given its existing use as offices, it is considered that the proposal for 2no. dwellings with their

associated travel requirements would not exacerbate this existing situation and there can be no objection in terms of its sustainability in such a rural location.

- 5.4 As can be seen in the planning history the property has already received permission via a Prior Notification of Change of Use to change from business use (Class B1) to residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1985 (as amended). As such this current application has essentially been submitted to allow alterations to the external appearance of the building to better facilitate the conversion to residential properties.

Given this, the proposed loss of employment opportunities associated with the B1 use must be considered against the extant permission for the change of use granted under permitted development rights.

Officers consider that the existing permission carries substantial weight in the assessment and on balance taking into consideration the location of the site in a fairly remote location, attractive possibly only to car users, the proposal for the change of use from business to residential is considered acceptable.

The proposal stands to be assessed under the above listed policies, and all other material considerations. The proposal is considered to accord with the principle of development and this is discussed in more detail below.

5.5 Design and Visual Amenity

This application follows a recently approved change of use and its purpose is to alter the external appearance to accommodate the change of use from office into residential dwellings. Currently the building has an agricultural and uncluttered appearance. Negotiations during the application secured the removal of the windows above the entrance doors and removed the very domestic looking chimney. The overall changes would comprise, by the extension of the roof line, the creation of open porch areas to the front, the introduction of dormer windows at first floor level to replace some existing rooflights, the creation of a gable feature to the front and back which would also incorporate the main front entrance and also help facilitate the additional living accommodation at first floor level.

The building is positioned just metres away from a block of stables which again are very traditional and simple in their design. It was felt that by removing some of the overly domestic characteristics such as the chimneys and replacing them with pipes, the appearance of the proposed dwellinghouses would remain in-keeping with the area and respect the origins of the building and the proposal can be supported.

5.6 Residential Amenity

The proposed dwellings would each accommodate 4no. bedrooms and as such it is assumed become family homes. The proposed residential amenity space for each dwelling is very small. The smaller of the two gardens to the rear would be approximately 4metres by 17 metres. The areas are enclosed by low Beech hedging which currently marks the boundary of the paddock area adjacent to the site to the southwest. Other than the stables situated to the

north east of the site, the proposed dwellings are within the open countryside. A long driveway leads to the site bound on one side by hedging and the other by parkland railings. The general feel is one of openness. It is acknowledged that the amount of residential amenity space is small but would allow for items such as a washing line and an area for sitting outside. The structure already has permission for the change of use from business to residential and this application is to make alterations to the external appearance to further accommodate these changes. As such no assessment of the amount of residential space was required under the previous application and it would be unreasonable to raise an objection in this instance. The proposal is therefore considered acceptable and can be supported.

#### 5.7 Sustainable Transport

Under the adopted parking standards 2no. off street parking spaces would be required for each 4no. bed property. Given the amount of outside space currently allocated for each unit, it is considered that this complies with the parking provision and there are no transportation objections to the proposal. A long driveway leads to the site but the visibility from either end up the driveway is good and there is sufficient space at both ends to allow cars to wait and to pass. It is considered that as the previous use was for offices the proposed use would not worsen the existing situation and the proposal is therefore acceptable on these grounds.

#### 5.8 Green Belt and AONB

National Green Belt policy under the NPPF has five aims which help to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. Inappropriate development is by definition harmful and should be avoided except in very special circumstances. Development within the Green Belt must fall under certain criteria and alterations to existing buildings are an acceptable form of development. The proposed changes would be to the external appearance and negotiations have ensured that these would be minimal and would retain as much as possible, the essence of the original agricultural design. As such these alterations are deemed acceptable.

The above assessment has shown that permission has already been granted for the change of use from office to residential and given that the building is an existing structure, that the residential amenity is small and close to the building it is considered that that the change of use would not impact on the openness of the Green Belt over and above the current situation. Similarly, the proposal is not considered to impact negatively on the Cotswolds Area of Outstanding Natural Beauty and the proposal is therefore considered appropriate in both Policy L2 and Green Belt terms.

#### 5.9 Landscape assessment

The application site is located just to the west of the A46 to the south east of Old Sodbury. It is located within the open countryside and with in the Green Belt. The building is located just at the top of the scarp slope and is screened in views from the south and south west by existing vegetation. The land slopes down steeply to the south west which further limits the areas from where it is visible. The building is open to views from the A46 to the north east and east.

In these views in these views it is partly screened by a thick native hedge and a row of semi mature trees located within the hedge. As these trees mature they will increasingly help to screen the building, especially during the summer months. The building is not visible from the wider area or any public footpaths due to intervening vegetation and topography and this limits the extent of any visual impact on the surrounding area.

The building is not highly visible in the wider landscape, however it is prominent in limited views from the A46. It is located within an area with a distinct rural character. The proposed revisions to the original scheme have made an effort to retain the agricultural character of the building whilst improving the layout and room areas and the scheme can now be supported.

## 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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

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

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

## CONDITIONS

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

Reason

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

2. Prior to commencement of the development details of the sewage treatment plants shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

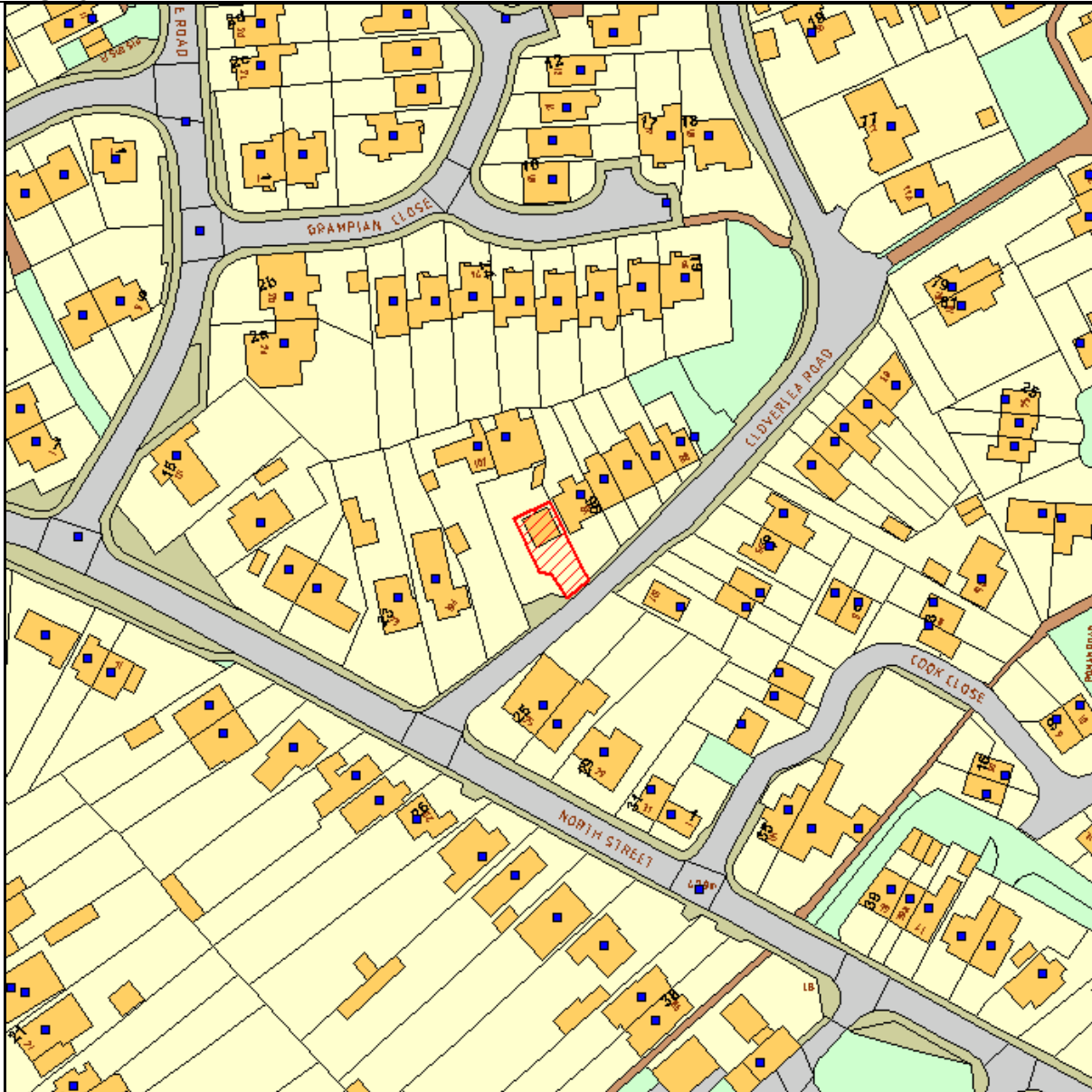
Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy CS5 of the South Gloucestershire Local Plan : Core Strategy (Adopted) 2013

# ITEM 6

## CIRCULATED SCHEDULE NO. 24/14 – 13 JUNE 2014

<b>App No.:</b>	PK14/0735/F	<b>Applicant:</b>	Mr And Mrs G Prewett
<b>Site:</b>	98 - 100 Cloverlea Road Oldland Common South Gloucestershire BS30 8TX	<b>Date Reg:</b>	13th March 2014
<b>Proposal:</b>	Erection of 1no. detached dwelling with associated works.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367267 171868	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Minor	<b>Target Date:</b>	5th May 2014



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**N.T.S.**

**PK14/0735/F**

## 1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a single dwelling in the front garden of 98-100 Cloverlea Road. The proposed dwelling would be erected in place of an existing detached garage and would be single storey in height. The proposed new dwelling would have one bedroom only.

## 2. POLICY CONTEXT

### 2.1 National Guidance

National Planning Policy Framework (March 2012)

National Planning Policy Framework Technical Guidance (2012)

### 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

H4 Development within Existing Residential Curtilages

T12 Transportation Development Control Policy for New Development

L1 Landscape Protection and Enhancement

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS5 Location of Development

CS9 Managing the Environment and Heritage

CS17 Housing Diversity

### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

Residential Parking Standards SPD

## 3. RELEVANT PLANNING HISTORY

- 3.1 PK03/2101/F Erection of detached double garage.  
Approved October 2003  
Other than the standard 3 year condition there were no other limiting conditions attached to this consent.

## 4. CONSULTATION RESPONSES

### 4.1 Bitton Parish Council

No Objection

### 4.2 Other Consultees

Technical Services (Drainage):

No Objection

Environmental Protection

No Objection subject to hours of construction condition

Highway Officer

No Objection

### **Other Representations**

#### 4.3 Summary of Local Residents Comments

One letter of objection has been received from a neighbouring resident on the basis that the proposed plans for construction show a part of the building to be forward of the building line.

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

#### 5.1 Principle of Development

The National Planning Policy Framework carries a presumption in favour of sustainable development and speaks of the need to 'boost significantly the supply of housing' (paragraph 47) and to deliver a wide choice of high quality homes and widen opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraph 50). Further, it is advised that '*Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay*'. These considerations should be attributed significant weight in the assessment of this application.

5.2 Notwithstanding the above, given that the application site is located within the built up area, planning policy H4 of the adopted local plan, and policies CS1, CS5 and CS9 of the adopted core strategy all apply. Whilst these are permissive of proposals for new residential development, this is subject to considerations of design, residential amenity and highway safety whilst adequate amenity space should be provided for any new separately occupied dwelling. It is noted that paragraph 64 of The National Planning Policy Framework advises that '*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*'.

#### 5.3 Design/ Visual Amenity

The proposed new dwelling is to be erected in the place of an existing detached double garage. The existing garage was granted planning permission in 2003. The existing garage has a width of 6 metres and a depth of 6.2 metres. By means of comparison the proposed bungalow would have a width of 8 metres and a depth of 7.5 metres. The plans then also show a front porch projecting 1.5 metres out beyond this. The proposed bungalow would have a single gable ended roof similar to that on the existing garage. The proposed new bungalow would have a rooflight in the front elevation – as is a feature in the existing garage.

5.4 With the exception of the porch, the main front wall of the proposed bungalow will be no closer to the highway than the main front wall of the garage. Although the bungalow will be 2 metres wider than the existing garage, this will have a minimal impact on the street scene or character of the area. Although it is noted that the neighbour has raised concerns that part of the dwelling will be forward of the existing building line, this is not the case and the main front wall



will actually be very slightly behind the building line of No's 88 to 96 Cloverlea Road.

5.5 The plans also show the curtilage to be subdivided to create garden space for each of the existing and proposed dwellings. A garden will be created to the front of the new dwelling which will actually help to soften the visual impact of the proposal, better reflecting the surrounding residential environment. The front stone boundary wall running parallel to Cloverlea Road is to be retained which is encouraged.

5.6 Residential Amenity

The application is unusual in that it is for the erection of a new dwelling in the front garden of an existing dwelling. The distance between the existing and proposed properties is limited in that it is only 10 metres. However, no new habitable room windows are proposed in the rear elevation of the new dwelling and so no issues of intervisibility will arise. In addition, because the new dwelling is so similar in scale to the existing garage, no unacceptable additional levels of overshadowing or overbearing will occur. The same argument is made when considering the impact of the new dwelling of the neighbour at No 96 Cloverlea Road. Given the limited size of the plot and the need to protect the amenity of neighbouring dwellings, the permitted development rights for the new bungalow will be removed.

5.7 The plans show the provision of adequate amenity space to meet the needs of both the existing dwelling. Although the proposed new dwelling would have no private amenity space, given that it is a single bedroom property only, this is not of sufficient concern to warrant the refusal of the application.

5.8 Highway Safety

The plans show the provision of three off street parking spaces – that is two for the existing dwelling and one for the proposed new dwelling. This is in accordance with the adopted residential parking standards.

**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 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 Planning Permission is approved subject to the conditions on the decision notice.

**Contact Officer: Marie Bath**  
**Tel. No. 01454 864769**

## **CONDITIONS**

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

Reason

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

2. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the dwelling 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 the requirements of the Residential Parking Standards SPD (Adopted)

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows or rooflights [other than those expressly authorised by this permission] shall be installed in any elevation or roof slope of the dwelling.

Reason

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

4. The hours of working on site during the period of construction shall be restricted to 7.30 to 18.00 Monday to Friday; 8.00 to 13.00 on Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

5. The windows on the North West elevation must be obscurely glazed to a minimum of level 3 and fixed shut at all times. The window on the South West Elevation must be obscurely glazed to a minimum of level 3 at all times.

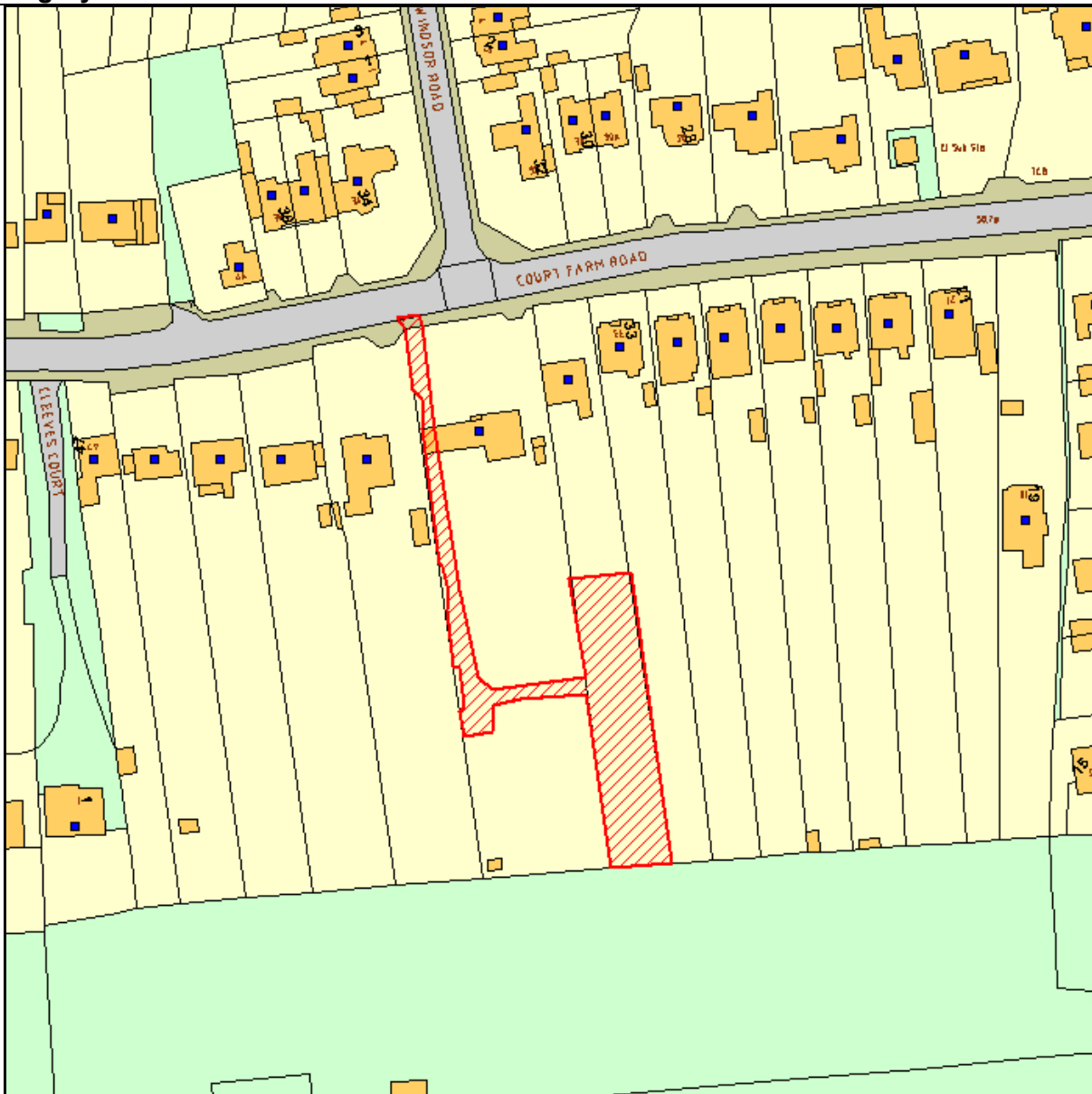
Reason

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 7

## CIRCULATED SCHEDULE NO. 24/14 – 13 JUNE 2014

<b>App No.:</b>	PK14/1096/F	<b>Applicant:</b>	Tollgate Motor Co. (Hanham) Ltd
<b>Site:</b>	35 Court Farm Road Longwell Green South Gloucestershire BS30 9AA	<b>Date Reg:</b>	25th March 2014
<b>Proposal:</b>	Erection of 2 no. detached dwellings and garages with vehicular access and associated works.	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	365752 170613	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	15th May 2014



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100023410, 2008. **N.T.S.** **PK14/1096/F**

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

This application is referred to the circulated schedule for determination as comments of objection have been received from nearby occupiers.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of two new dwellings to land to the rear of no.35 Court Farm Road, Longwell Green. Access on the site is gained from a private drive located to the west of no.37 Court Farm Road which provides access to three dwellings permitted under planning permission PK13/0234/F.
- 1.2 The site is located within the urban boundary; this boundary runs along the rear of the site. Beyond the settlement boundary, the land is designated as part of the Bristol and Bath Green Belt.
- 1.3 A number of trees which are subject to Tree Preservation Orders are located along the driveway and entrance to the site; however, no further nature, ecology, or land use designations cover the site.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012

#### 2.2 Development Plans

##### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity

CS29 Communities of the East Fringe of Bristol

##### South Gloucestershire Local Plan Adopted January 2006 Saved Policies)

L1 Landscape

L9 Species Protection

T12 Transportation

H4 Development within Existing Residential Curtilages

#### 2.3 Supplementary Planning Guidance

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

(b) Residential Parking Standard (Adopted) December 2013

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

- 3.1 *No.37 Court Farm Road*  
PK13/0234/F Approve with Conditions 04/06/2013  
Erection of 3 no. detached dwellings with access and associated works
- 3.2 PK12/0653/F Approve with Conditions 27/07/2012  
Erection of 3 no. dwellings with access and associated works. (Resubmission of PK11/3768/F)
- 3.3 PK11/3768/F Withdrawn  
Erection of 3no. dwellings with access and associated works
- 3.4 *No.39 Court Farm Road*  
PK13/2594/F Approve with Conditions 26/09/2013  
Erection of 2no. detached dwellings and 2no. detached garages with access and associated works. (Resubmission of PK12/3953/F).
- 3.5 PK12/3953/F Withdrawn  
Erection of 2no. detached dwellings and 2no. detached garages with access and associated works.

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council  
Objection Topography of the site will result in the proposed dwellings being overbearing on the neighbouring bungalows; concern over emergency vehicle access to site.
- 4.2 Arboricultural Officer  
No objection
- 4.3 Drainage  
No objection subject to condition
- 4.4 Ecology Officer  
No objection subject to a condition relating to slowworms and hedgehogs
- 4.5 Environmental Protection  
No objection subject to a construction sites condition
- 4.6 Sustainable Transport  
Requested further information; development now considered acceptable subject to conditions

#### **Other Representations**

- 4.7 Local Residents  
Four comments of objection have been received. These have been summarised as follows:

- Access lane would not be sufficient to serve the needs arising from this development and the development already approved
- Access to the site is opposite a junction which will lead to a lot of vehicular movements in a small area reducing highway safety
- Additional traffic will have to use the access lane
- Buildings are too tall for the site
- Character of area is being eroded by backland development
- Development is detrimental to residential amenity
- Development will blight the view to the rear of properties on Court Farm Road
- Development will lead to the loss of gardens which are a valuable resource in a city such as Bristol
- Development would block light to the neighbouring properties
- Development would create noise
- Houses in this location would reduce privacy
- Land was sold on the basis that only three houses would be built
- New houses would have a detrimental impact on wildlife
- No landscaping is proposed to screen the development from the rear/side
- Precedence is set by development at no.37 which should not have been granted
- Proposal would de-value neighbouring properties
- Rise in land levels mean that the proposed buildings are overbearing
- Speeding along Court Farm Road is an issue
- There is inadequate supporting infrastructure to support this development
- This is an example of 'garden grabbing'

## **5. ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for the erection of two dwellings on land to the rear of 35 Court Farm Road in Longwell Green.

### 5.2 Principle of Development

Policy CS5 of the Core Strategy sets out the principles for development in the district. This policy promotes development within the existing urban areas, such as the East Bristol fringe. Policy CS17 allows for the building on gardens where it would not adversely affect the character of the area; development at no.37 and the recently approved permission at no.39 would set a precedence that backland/garden development in this location would not be out of character with the locality. Therefore, subject to the analysis set out below, the development is acceptable in principle.

### 5.3 Location of Development and the Efficient Use of Land

Sustainable development patterns seek to make the most efficient use of land by creating higher (where appropriate) density settlements. Development within established settlements provides good access to existing facilities and infrastructure.

- 5.4 The proposed development would create additional housing within, albeit on the edge of, the East Fringe of Bristol. This is considered to be a sustainable site as it provides good access to existing transport links, shops, services, schools and employment opportunities. The density of the site is appropriate for the locality; the development is suburban in nature and provides an open layout with reasonably sized gardens.
- 5.5 Green Belt  
Located abutting the boundary of the Bristol and Bath Green Belt, consideration should be given to openness. Development that affects the green belt should be assessed against the NPPF.
- 5.6 The fundamental aim of the green belt is to prevent urban sprawl and keep land permanently open. The site itself is not located within the green belt. Development on this site is considered to check the sprawl of built-up areas as it promotes the re-use and densification of existing urban land. Development along Court Farm Road is characterised by properties being set back from the road, along the boundary of the green belt. It is therefore considered that the proposed development would not impact on the open character of the adjacent green belt.
- 5.7 Design  
The proposed development consists of the erection of two detached dwellings and garages. These will be located through the development approved under planning permission PK13/0234/F, to the rear of no.37. The two properties will be located within the width of the existing plot of no.35 in the end section of the garden.
- 5.8 Roof shape is important in the design of the proposed dwellings, as are materials. The adjoining development permitted under PK13/0234/F uses a high quality palette of materials and it is proposed to replicate these in the current proposal.
- 5.9 Interesting architectural details such as oriel windows, gable tile details, bricked arched and lintels and lead roof bay windows are proposed. These give the design a sense of quality. The layout of the site leads naturally to the two proposed dwellings and the location of the detached garages helps to enclose the site from the adjacent gardens. A condition will be attached requiring the submission of material details to ensure that appropriate facing materials are used.
- 5.10 Overall, a high standard of architectural design, site layout and planning has been achieved and the proposed development accord with the provisions of policy CS1 of the Core Strategy.
- 5.11 Landscaping and Ecology  
An ecological survey was undertaken as part of planning application PK13/0234/F, dated March 2012. The application site lies in the southern section of the garden to no.35 and comprises a mix of rough grassland and scrub. This offers a suitable habitat to slowworms and hedgehogs.

- 5.12 Slowworms are protected under the Wildlife and Countryside Act and the CROW Act; hedgehogs are a priority species. Given the suitability of the habitat, any planning permission should be subject to a condition requiring a survey of the site and a mitigation plan if necessary.
- 5.13 A number of trees are around the site that are subject to a Tree Preservation Orders. The proposed development is not considered to impact upon the health and longevity of the protected trees. The proposed trees are considered to be appropriate for the site.
- 5.14 The boundary treatments are a mix of timber close boarded fences, and post and rail fences with native hedge planting. The post and rail fences with hedging are located on the boundary adjacent to the countryside and assist in integrating the development into the surrounding landscape without creating a harsh, over-defined, boundary.
- 5.15 Residential Amenity  
The NPPF requires development to meet a good standard of residential amenity. Residential amenity should be considered in terms of the impact on nearby occupiers as well as the standard of amenity offered to the proposed dwellings.
- 5.16 The two proposed dwellings have a good standard of amenity. The development provides adequate private amenity space to meet the needs arising from the development.
- 5.17 Good distances of separation are proposed between the new dwellings and the existing dwellings. Plot 2 provides 10 metres from the rear of the dwelling to the boundary and 37 metres to no.35. There is approximately 45 metres between plot 2 and no.33. The proposed dwellings sit generally in line with the dwellings being built out on the adjacent site and have little impact on the amenity of these properties.
- 5.18 Whilst the proposed dwellings are located on higher land than the dwellings that front Court Farm Road, the distance of separation means that the proposed development would not be overbearing or lead to overshadowing or a material loss of privacy.
- 5.19 It is considered that the proposed development would result in a good standard of amenity for the new dwellings and all nearby occupiers.
- 5.20 Access, Transport and Parking  
Considerations relating to transportation relate to visibility, access, and parking. The development would result in six dwellings being served from the private drive permitted under PK13/0234/F. This is higher than the number of dwelling normally permitted from a private drive. Therefore, it is necessary for the applicant to demonstrate that the access is capable of supporting the traffic associated with the proposal.



- 5.21 Vehicle swept path analysis plans have been submitted that demonstrate two vehicles can pass one another on the access road and that a refuse truck can enter and egress the site in a forward gear. The access road is considered capable of supporting six dwellings without impinging on levels of highway safety. Where the access road joins Court Farm Road, adequate visibility is afforded in both directions.
- 5.22 To accord with the Residential Parking Standard each of the properties must provide two parking spaces. Parking is provided to meet the requirements of the Standard and therefore, no objection is raised on the basis of transportation or highway safety. A condition will be attached to secure the provision of these parking spaces prior to the first occupation of the dwellings.
- 5.23 Furthermore a condition will be attached that removes certain permitted development rights to ensure that the parking area between plots 1 and 2 are kept free of obstruction. Subject to these conditions, the development is acceptable in transportation terms.
- 5.24 Other Matters  
Some comments have been received during the public consultation period that have not been addressed in the above report. The conditions on which the sale of land were agreed, land values and property prices, and speeding along Court Farm Road are not material planning considerations and therefore do not form part of the determination of this application.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development has been assessed against the policies listed above. It is considered that the site is a suitable location for development and that a high standard of design is proposed. It is not considered that the development would have an adverse impact on residential amenity, ecology, landscape, highway safety or parking provision.
- 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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 It is recommended that planning permission be GRANTED subject to the conditions listed below.

**Contact Officer: Griffith Bunce**  
**Tel. No. 01454 863438**

## **CONDITIONS**

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

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 Policy CS9 of the South Gloucestershire Local Plan (Adopted) December 2013.

4. Prior to the commencement of development (including the clearance of any vegetation), the site shall be surveyed for slowworms and hedgehogs. If found to be present, a mitigation strategy to avoid killing and injuring animals 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 the works are carried out in an appropriate manner and in the interests of protected species, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

5. The development hereby permitted shall be carried out in accordance with the revised access details shown on plan H142.1b received by the Council 3 June 2014.

Reason

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

6. Prior to the first occupation of the development hereby approved, the off-street parking facilities shown on the plan hereby approved shall be provided and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

7. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) the parking and turning area between plots 1 and 2 shall remain open plan and free of physical obstructions, unless the prior written consent of the Local Planning Authority has first been obtained.

Reason

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

8. The hours of working on site during the period of construction shall be restricted to 0800 to 1800 Monday to Friday and 0800 to 1300 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

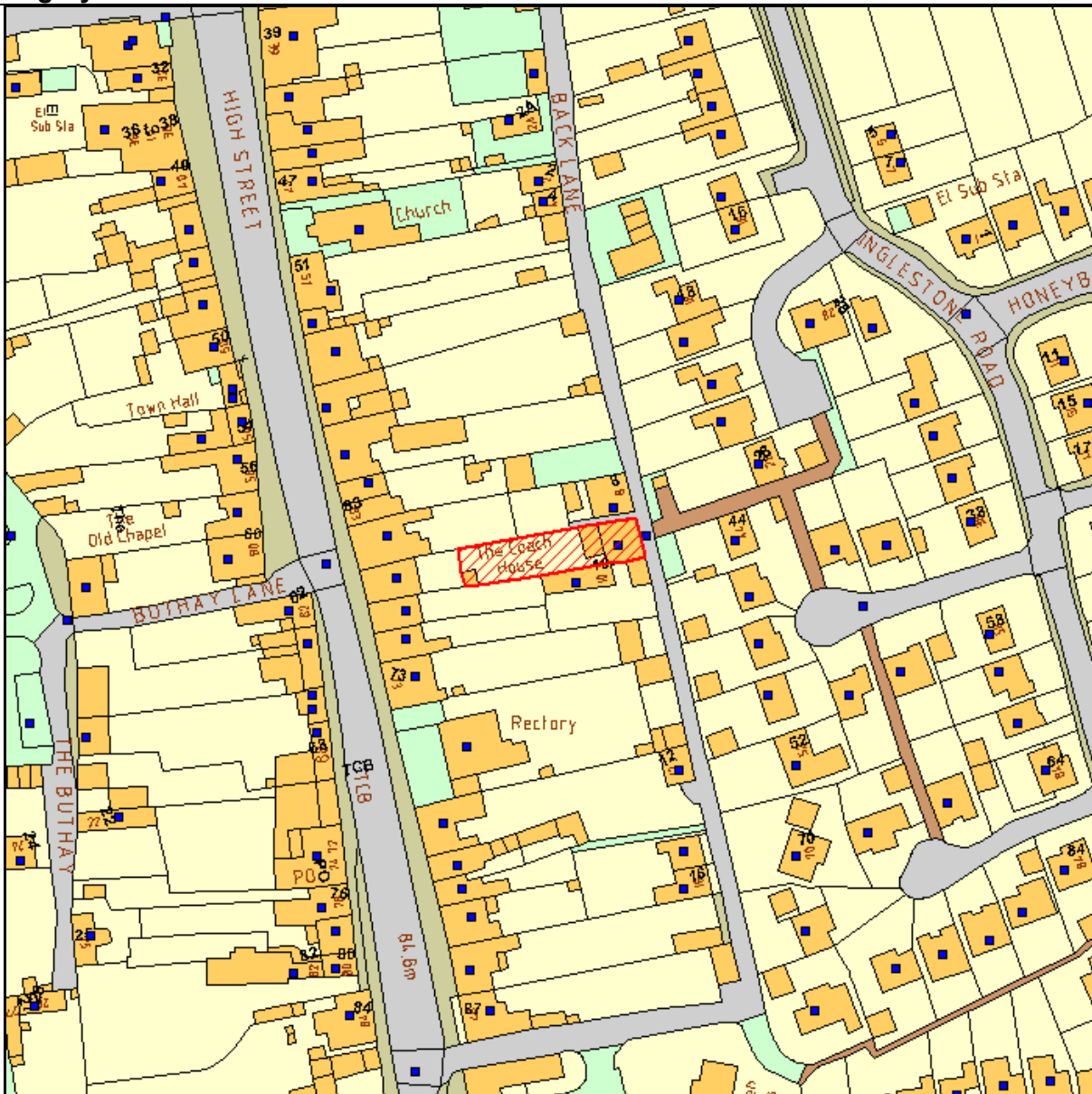
Reason

To protect residential amenity during construction works and to accord with the provisions of the National Planning Policy Framework March 2012.

# ITEM 8

## CIRCULATED SCHEDULE NO. 24/14 – 13 JUNE 2014

<b>App No.:</b>	PK14/1122/F	<b>Applicant:</b>	Mr Mrs D&A Wilson
<b>Site:</b>	The Coach House Back Lane Wickwar Wotton Under Edge South Gloucestershire GL12 8NN	<b>Date Reg:</b>	1st April 2014
<b>Proposal:</b>	External alterations to front elevation to facilitate conversion of integral garage to living accommodation.	<b>Parish:</b>	Wickwar Parish Council
<b>Map Ref:</b>	372488 188403	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Householder	<b>Target Date:</b>	22nd May 2014



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100023410, 2008. **N.T.S.** **PK14/1122/F**

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

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

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for external alterations to the front elevation of 'The Coach House', to include glazing at first floor level and the installation of a Juliet balcony, and alterations to the fenestration at ground floor level.
- 1.2 The application relates to a detached Coach House, which is a locally listed building situated on Back Lane, falling within Wickwar Conservation Area.
- 1.3 During the course of the application revised plans have been submitted in response to comments made by the Conservation Officer. A re-consultation period was not deemed necessary due to the scale of the changes.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS9 Managing Environment and Heritage  
CS34 Rural Areas

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

H4 Development within Existing Residential Curtilages  
L12 Conservation Areas  
L15 Locally Listed Buildings

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) 2007  
The Local List SPD (Adopted) 2008

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

- 3.1 P98/1074 - Change of use of existing coach house annex to a separate dwelling. Appeal Allowed 26<sup>th</sup> August 1998:
  - *Notwithstanding the provisions of Article 3, and Classes A, B, D and E of Part 1 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that order) no enlargement, improvement or other alteration of the dwelling hereby permitted (including the erection or enlargement of a garage or other building or enclosure within the curtilage of the dwelling) shall be carried out without the prior written permission of the Local Planning Authority.*

- 3.2 P96/2478 - Extension of outbuilding to provide porch and conservatory.  
Approved 12<sup>th</sup> November 1996

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

- 4.1 Wickwar Parish Council  
The balcony is not in keeping with the old enclosed look of the conservation area in Back Lane.
- 4.2 Conservation Officer  
Revisions recommended.  
– Revisions received 22<sup>nd</sup> May 2014.
- 4.3 ECS Trading Standards and Licensing Service  
Information regarding vehicle weight restrictions.

#### **Other Representations**

- 4.3 Local Residents  
No comments received

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

- 5.1 Principle of Development  
The application seeks permission for alterations to the front elevation of The Coach House, to include glazing and the installation of a Juliet balcony at first floor level, and alterations to the ground floor windows and doors. The Coach House is a locally listed building situated within Wickwar Conservation Area. The application stands to be assessed against saved policies H4, L12 and L15 of the SGLP (Adopted) 2006, and policies CS1, CS9 and CS34 of the Core Strategy (Adopted) 2013. The pertinent issues to consider are the impact of the proposed design changes on the character and appearance of the locally listed building and the Conservation Area, and the impact of the proposal on residential amenity and highway safety.
- 5.2 Heritage Assets  
The Coach House has been identified as a building that makes a significant contribution to the character and distinctiveness of the locality; a locally listed building. It also lies in the Wickwar Conservation Area. The building is an interesting one in that it appears to have been constructed using architectural fragments from another building, notably the two top sections of tracery windows that sit either side of the large full height doors and timber/glass screen. Other large dressed quoins and ashlar blocks have also been incorporated. Despite its appearance, the building first appears on the 1902 OS maps so is late 19th century in origin. Its name indicates that it may have been used as a stable/coach house which would be typical of the buildings along Back Lane which was a service lane at the rear of the properties facing the High Street.

- 5.3 The building currently has a near symmetrical front elevation with just the left hand door being slightly out of line with the tracery window above. The large infilled section of the building separates the two outer stone bays of the building giving these a vertical emphasis. These aspects of the front elevation contribute to the character and visual balance of the building and are part of its charm and interest.
- 5.4 The original design of the external changes was considered by the Conservation Officer to lack coherence failing to respect the character and interest of this locally listed building. Design recommendations were made by the Conservation Officer including alterations to the positioning of the doors and windows, and alterations to the proposed materials on the Juliet balcony. Revised plans received 22<sup>nd</sup> May 2014 largely reflect these recommendations incorporating alterations to the first floor glazing, a frameless glazed Juliet balcony, and an amendment to the design of one of the ground floor windows. The revised design is considered to respond positively to the majority of the Conservation Officer's comments: improving the overall appearance of the glazing and using a frameless balcony as recommended. The glazing now appears more symmetrical and the balcony ancillary thus respecting the visual balance and charm of the building. The door/window combination however remains at ground floor level remains appearing slightly disjointed which is regrettable. On balance however the overall appearance of the revised design would respect the character of the building and the conservation area. In the interests of achieving a high quality finish to the fenestration, to conserve the character and appearance of the building and the Conservation Area, a condition will secure large scale drawings of the finishes and colour of all external doors, windows (including glazing bars) and screens, and large scale details of the balcony. Subject to this condition there are no objections on grounds of the impact on the heritage assets.
- 5.5 Residential Amenity  
The application relates to a Coach House facing Back Lane in an established residential area of Wickwar. To the east of Back Lane is an established 20<sup>th</sup> century housing development, the rear gardens of which adjoin Back Lane. The host dwelling has existing windows to the front elevation including an existing Juliet balcony.
- 5.6 It is considered that the proposed additional glazing at first floor level would not alter existing levels of privacy experienced by occupiers of the site or the surrounding properties. As there would be no increase in the footprint of the building there are no other concerns in terms of residential amenity.
- 5.7 Highway Safety  
The alterations to the fenestration are proposed to facilitate the conversion of the integral garage area at the ground floor level accessed from Back Lane to create an additional bedroom. It is noted that there is no condition restricting the use of this garage and due to the difficult access into, which was identified by the Inspector within the P98/1074 appeal, it is not considered to act as parking provision. It is noted that the dwelling does not benefit from any off street parking provision but is located in a sustainable location within close proximity to Wickwar High Street. In consideration of the above matters it is

considered that there would be no reasonable objection to the proposed alterations through lack of parking provision. The proposed alterations would not prejudice highway safety in any other respect.

## **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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That the application is APPROVED subject to the conditions on the decision notice.

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

## **CONDITIONS**

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

Reason

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

2. Prior to their construction or installation, the detailed design including materials and finishes of the following items shall be approved in writing by the local planning authority:
- a. All new external doors (including frames)
  - b. All new windows (including glazing bars)
  - c. Screen
  - d. Balcony

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



## Reason

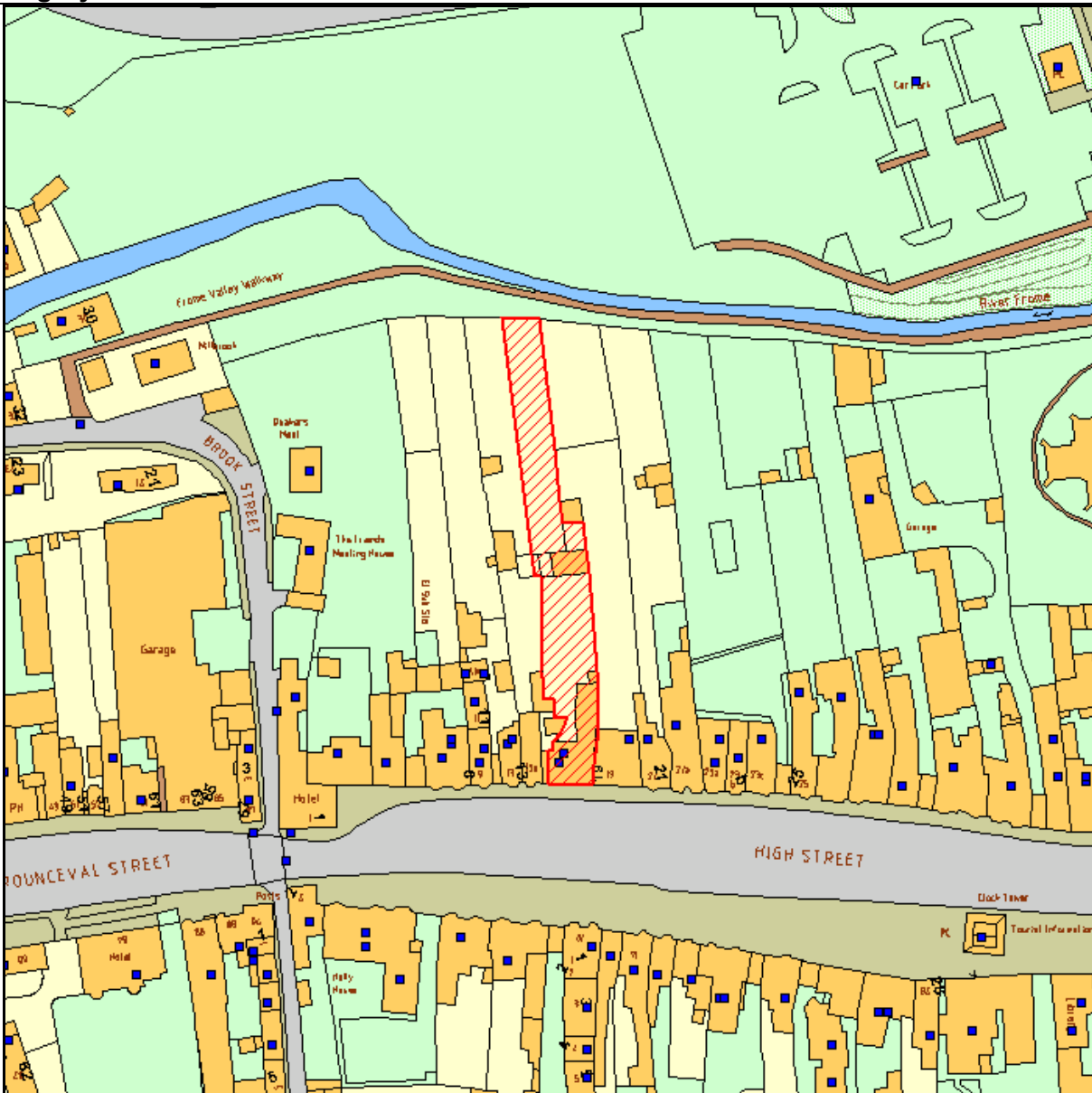
To maintain and enhance the character and appearance of the Locally Listed Building and Wickwar Conservation Area, and to accord with saved policies L12 and L15 of the South Gloucestershire Local Plan (Adopted) January 2006, policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the provisions of the National Planning Policy Framework March 2012.

# ITEM 9

## CIRCULATED SCHEDULE NO. 24/14 – 13 JUNE 2014

**App No.:** PK14/1139/F  
**Site:** 17 High Street Chipping Sodbury South  
Gloucestershire BS37 6BA  
**Proposal:** Rebuild gable end to existing outbuilding  
and replace tin roof with tiled roof.  
**Map Ref:** 372626 182239  
**Application Category:** Householder

**Applicant:** Mr Geoffrey Dando  
**Date Reg:** 1st April 2014  
**Parish:** Sodbury Town Council  
**Ward:** Chipping Sodbury  
**Target Date:** 22nd May 2014



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100023410, 2008.

**N.T.S.**

**PK14/1139/F**

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

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

### **1. THE PROPOSAL**

- 1.1 The application seeks permission to rebuild an existing outbuilding to include alterations to its roof: to replace the existing flat tin roof with a pitched roof.
- 1.2 The outbuilding is situated within the curtilage of 17 High Street, Chipping Sodbury, which is a grade II\* listed building. The site is situated within Chipping Sodbury Conservation Area. A public right of way runs to the far northern boundary of the site.
- 1.2 The application has been submitted alongside an associated application for listed building consent ref. PK14/1140/LB for the same development.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
Planning (Listed Buildings and Conservation Areas) Act 1990

#### 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design  
CS9 Managing Environment and Heritage  
CS30 Yate and Chipping Sodbury

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

H4 Development within Existing Residential Curtilages  
L12 Conservation Areas  
L13 Listed Buildings

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013

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

- 3.1 PK14/1140/F – Rebuilding existing outbuilding and replace tin roof with tiled roof. Pending
- 3.2 N459/LBC - Repairs to the roof; injection of damp proof course and re-wiring. Approved 20th may 1983

### **4. CONSULTATION RESPONSES**

- 4.1 Sodbury Town Council  
No objection
- 4.2 Conservation Officer  
No objection subject to conditions
- 4.3 English Heritage  
This application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.
- 4.4 Society for the Protection of Ancient Buildings  
The Society hold no general objection to the principle of the proposal, however we would like to ensure that any consolidation of the wall tops, rebuilding of the gable or general repointing work is done with suitable materials. We would strongly recommend that the use of lime mortar is made a condition of this consent, as the use of cement in this small building may cause future problems with dampness and movement as well as being unsightly.
- 4.5 PROW  
This proposal is unlikely to affect the public right of way LSO/13/10 to the north of the land boundary.

### **Other Representations**

- 4.6 Local Residents  
One letter of objection has been received from a local resident. The comments are summarised as follows:
- Ownership of the boundary wall.
  - Section 10 of app form incorrectly answered.
  - Inadequate information illustrating how additional loads to the boundary wall will be managed – uncertainty over strength of wall and foundations.
  - Shade on garden. Reduction in light to first floor window.
  - Same height as first floor but only ground floor shown on plans.
  - No details regarding drainage and guttering. Potential structural integrity issues and potential collapse.
  - Plans have elevations of a small house not a shed – disproportionate with immediate surroundings and intended use.
  - Execution of extensions and modification of outbuildings has been poor.
  - Redevelopment should be sympathetic to character of building and surrounding – ref. Chipping Sodbury Conservation Area SPD.
  - Adequate level of quality in the design, selection of materials and execution of the works needs to be guaranteed at the approval stage.
  - Further detailed design needed.
  - Issues need to be addressed before the submission can be assessed.

## **5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application seeks permission to rebuild and alter an existing outbuilding located within the curtilage of 17 High Street, Chipping Sodbury, which is a grade II\* listed dwelling situated within Chipping Sodbury Conservation Area. The application stands to be assessed against saved policies H4, L12 and L13 of the SGLP (Adopted) 2006, and policies CS1 and CS9 of the Core Strategy (Adopted) 2013. The pertinent issues to consider are the impact of the proposed development on the historic and the heritage assets, and the impact on residential amenity and highway safety.

5.2 Impact on Heritage Assets

The application relates to a single storey stone outbuilding located to the north of this grade II\* listed house sited within Chipping Sodbury Conservation Area. The building historically formed part of a u-shaped group of outbuildings approximately mid-way down the length of the burgage plot gardens extending the width of the garden. The building has begun to fall into considerable disrepair, with one gable having collapsed and the pitched roof having been replaced by a flat sheet metal roof that has begun to fail. Externally, the stone walls show evidence of blocked window openings at the original upper floor level, and internally features such as blocked door openings, racks and the upper floor structure survive albeit in varying condition, with some areas propped against collapse. The proposal is to remove the sheet roof covering and the remnants of the upper floor structure, and to replace this with a traditional double pitch roof covered with clay tiles. Similar alterations have already taken place in surrounding gardens, including the adjacent outbuilding situated to the west within the curtilage of no.15 – application ref. PK12/2077/F.

5.3 This application is submitted alongside an associated application for listed building consent. The assessment of the proposal on the impact of the proposed development on the special architectural and historic significance of the listed building has been considered in detail within the Officer's report ref. PK14/1140/LB. In terms of the impact on the listed building the proposal is considered acceptable in principle and will ensure the preservation of the remnants of the former barn/stable associated with the grade II\* listed house. The design of the building would be simple respecting the historic proportions and scale of it. As noted by a local resident it is essential to control the materials and detailing used on the development in the interests of preserving the historic significance of the building and its setting. These details including the design detailing of the doors; windows; eaves, verges and ridges; and rainwater goods, and samples of the materials and stonework, are subject to conditions on the listed building consent and as such do not need to be repeated on the decision for this application.

5.4 Although concern has been raised in relation to the structural integrity of the walls and foundations it is considered that the proposed alterations and rebuilding would preserve the remnants of the former outbuilding, the historic form of it, and the historic setting within the curtilage of the Grade II\* listed building and Chipping Sodbury Conservation Area. It is considered that no further information is required in respect of the structural integrity of the building for the purpose of determining this application. The proposal is considered to

be in accordance with policy CS9 of the Core Strategy, policies L12 and L13 of the SGLP, and the provisions of the NPPF.

#### 5.5 Residential Amenity

The site consists of a terraced dwelling which faces Chipping Sodbury High Street on an elongated plot. The sites either side consist of residential dwellings however the locality is characterised by a mix of uses associated with the primary shopping frontage. The outbuilding is sited approximately midway down the rear garden of the site, extending the width of it. The existing building has fallen in to disrepair with a flat tin roof at a maximum height of 2.6 metres on the mutual boundary with no.19 (east). The mutual boundary with no.15 (west) has a higher wall standing at 4.2 metres.

5.6 The proposal to alter and rebuild the outbuilding with a pitched roof would increase the maximum height of the building to 5.5 metres. A gap of 2.1 metres would remain between the new gable and the mutual boundary of no.15 but would be at its maximum height on the boundary with no.19. In terms of residential amenity it is acknowledged that the proposal would result in an additional height over the existing building directly adjacent to the two neighbouring properties. The building would however remain a substantial distance from the rear elevations and windows of these properties at a distance of approximately 23 and 34 metres from no.s 15 and 19 respectively. It is considered that the additional height on the building would not appear significantly overbearing on the garden areas of the neighbouring properties given that it only has a depth of 5.3 metres. The gardens face directly north and as such the additional height would not significantly alter light levels entering the two adjacent gardens or buildings.

#### 5.7 Highway Safety

The proposal is for an ancillary residential outbuilding contained entirely within the curtilage of the site. There would be no increase in vehicular traffic as a result of the development and it would not prejudice any existing off street parking provision. Accordingly there are no concerns in terms of highway safety.

#### 5.8 Public Right of Way

This proposal is unlikely to affect the public right of way LSO/13/10 to the north of the land boundary.

#### 5.9 Other Matters

Concern has been raised by a local resident with regard to the ownership of the end wall of the building on the boundary of the site and no.19. It is however noted that land ownership is not a material planning consideration and as such hold no weight in the determination of the application. Planning permission does not grant consent to access or build on any land outside of the applicant ownership.

## 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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That the application is APPROVED subject to the conditions below.

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

## **CONDITIONS**

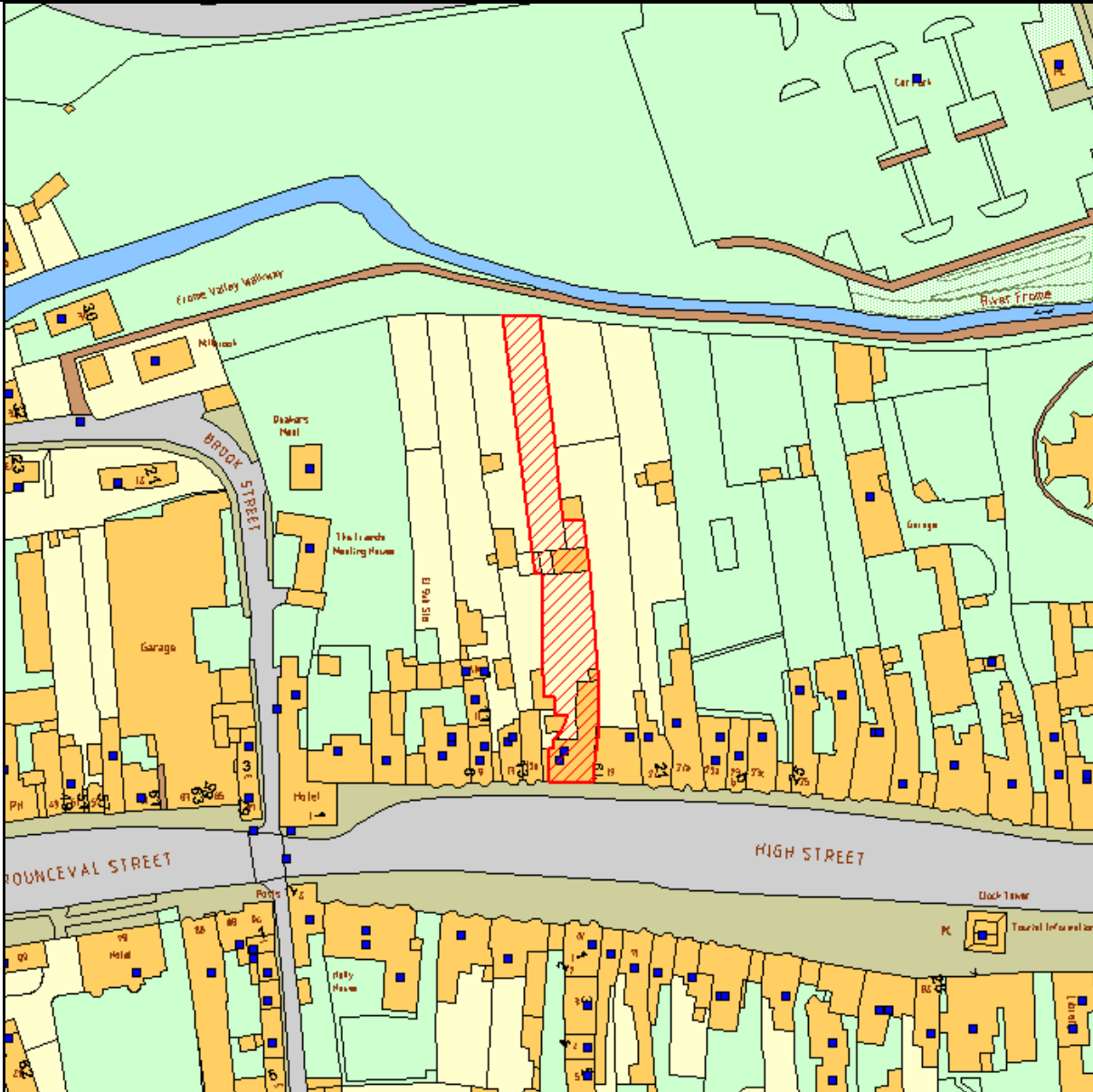
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 24/14 – 13 JUNE 2014**

<b>App No.:</b>	PK14/1140/LB	<b>Applicant:</b>	Mr Geoffrey Dando
<b>Site:</b>	17 High Street Chipping Sodbury South Gloucestershire BS37 6BA	<b>Date Reg:</b>	1st April 2014
<b>Proposal:</b>	Rebuild existing outbuilding and replace tin roof with tiled roof	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	372626 182239	<b>Ward:</b>	Chipping Sodbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd May 2014



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

This application for Listed Building Consent has been submitted alongside application ref. PK14/1139/F, which has received representations contrary to the Officer's recommendation. This application is therefore referred to the Circulated Schedule in connection with application ref. PK14/1139/F.

### **1. THE PROPOSAL**

- 1.1 The application seeks listed building consent to rebuild an outbuilding and replace the tin flat roof with a pitched roof. The outbuilding is situated within the curtilage of 17 High Street, Chipping Sodbury, which is a grade II\* listed building. The building historically formed part of a u-shaped group of outbuildings approximately mid-way down the length of the burgage plot gardens.
- 1.2 The application has been submitted alongside an associated householder application ref. PK14/1139/F for the same development.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
Planning (Listed Buildings and Conservation Areas) Act 1990

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

- 3.1 PK14/1139/F - Rebuild gable end to existing outbuilding and replace tin roof with tiled roof. Pending
- 3.2 N459/LBC - Repairs to the roof; injection of damp proof course and re-wiring. Approved 20<sup>th</sup> may 1983

### **4. CONSULTATION RESPONSES**

- 4.1 Sodbury Town Council  
No objection
- 4.2 Conservation Officer  
No objection subject to conditions
- 4.3 English Heritage  
This application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.
- 4.4 Society for the Protection of Ancient Buildings  
The Society hold no general objection to the principle of the proposal, however we would like to ensure that any consolidation of the wall tops, rebuilding of the gable or general repointing work is done with suitable materials. We would strongly recommend that the use of lime mortar is made a condition of this

consent, as the use of cement in this small building may cause future problems with dampness and movement as well as being unsightly.

4.5 PROW

This proposal is unlikely to affect the public right of way LSO/13/10 to the north of the land boundary.

**Other Representations**

4.6 Local Residents

No comments received.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The only issue to consider in this application is the impact of the proposed works on the special architectural and historic significance of the listed building.

5.2 Consideration of Proposal

The application relates to a single storey stone outbuilding located to the north of this grade II\* listed house. The building historically formed part of a u-shaped group of outbuildings approximately mid-way down the length of the burgage plot gardens. The building has begun to fall into considerable disrepair, with one gable having collapsed and the pitched roof having been replaced by a flat sheet metal roof that has begun to fail. Externally, the stone walls show evidence of blocked window openings at the original upper floor level, and internally features such as blocked door openings, racks and the upper floor structure survive albeit in varying condition, with some areas propped against collapse.

5.3 The proposal is to remove the sheet roof covering and the remnants of the upper floor structure, and to replace this with a traditional double pitch roof covered with clay tiles. The timber floor has suffered from extensive decay due to long-term water ingress and its repair would be unviable. The west wall and the gable of the east facing wall are to be rebuilt and the door/windows are to be repaired or replaced depending on their condition. Similar restoration and conversion of barns in the neighbouring properties has been carried out and the intention is achieve a similar appearance in this scheme, keeping the simple character and appearance of the building.

5.4 The proposal is acceptable in principle and will ensure the preservation of the remnants of the former barn/stable associated with the grade II\* listed house. The conversion will result in the unavoidable loss of the remaining floor structure and this is regrettable but it could be recorded under condition to ensure a photographic record is made prior to the works commencing.

5.5 Overall there are no objections to the proposal in terms of the special architectural and historic significance of the listed building subject to use of appropriate materials and detailing (including doors; windows; eaves, verges and ridges; and rainwater goods. These items are secured by appropriately worded conditions on the decision notice.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

7.1 That listed building consent 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

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

2. Prior to the commencement of development 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 maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework 2012

3. A sample panel of stonework, demonstrating the colour, texture, coursing and pointing shall 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. For the avoidance of doubt the mortar used in the construction shall be a traditional lime mortar.

Reason:

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework 2012

4. Prior to their construction or installation, the detailed design including materials and finishes of the following items shall be approved in writing by the local planning authority:
  - a. all new external doors including frames, architraves and door furniture and fittings
  - b. all new windows (including cill and head details)
  - c. eaves, verges and ridges
  - d. rainwater goods

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

Reason:

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework 2012

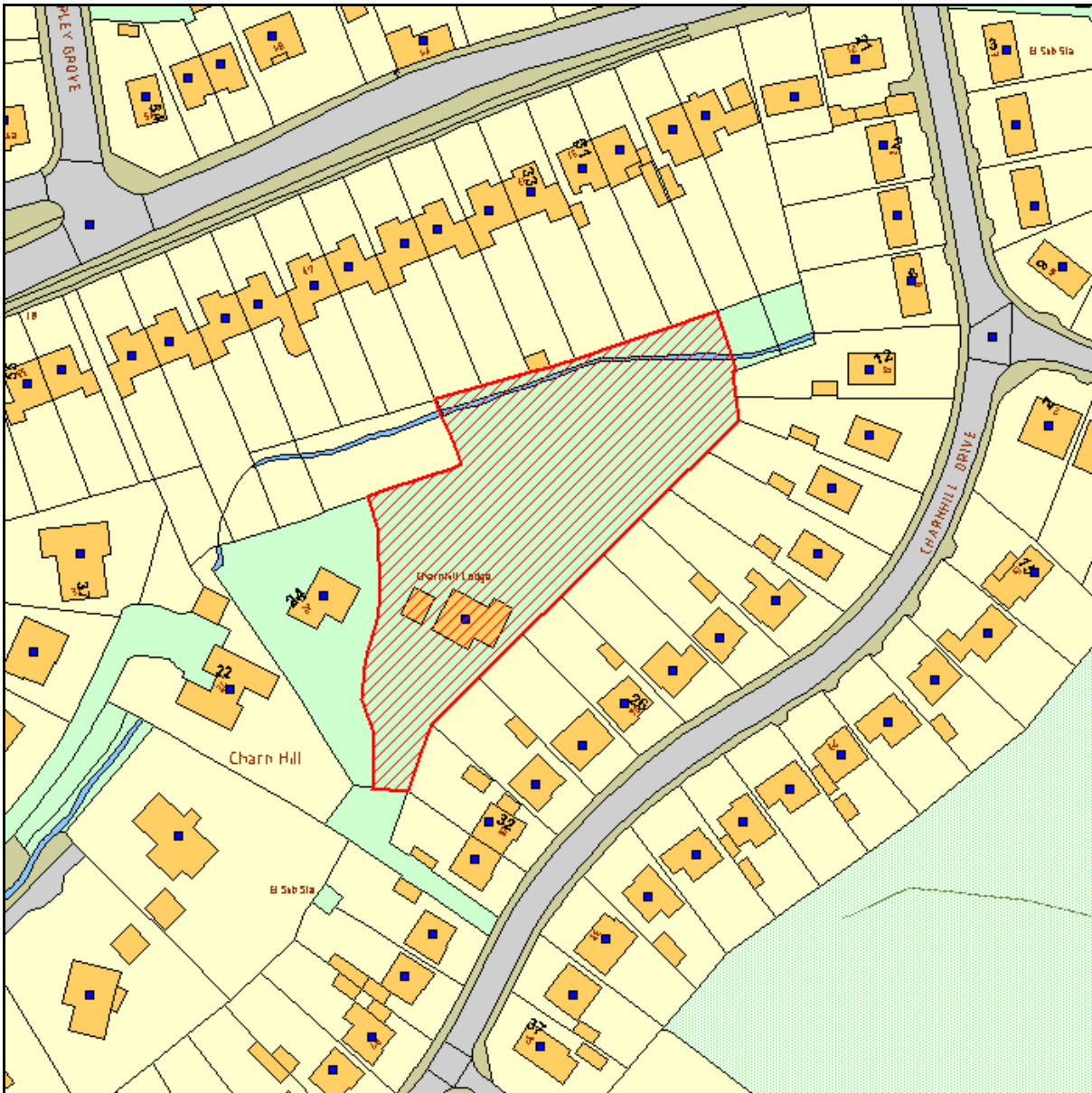
5. Prior to the commencement of development a programme of investigation and recording of the historic fabric of the building (comprising a photographic record to English Heritage Level 2) for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects.

Reason

In the interest of recording the historic fabric of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework 2012

**CIRCULATED SCHEDULE NO. 24/14 – 13 JUNE 2014**

<b>App No.:</b>	PK14/1470/CLP	<b>Applicant:</b>	Mr Barry Eldon
<b>Site:</b>	Charnhill Lodge Charnhill Drive Mangotsfield Bristol South Gloucestershire BS16 9JR	<b>Date Reg:</b>	30th April 2014
<b>Proposal:</b>	Application for certificate of lawfulness for the proposed erection of a two storey rear extension.	<b>Parish:</b>	None
<b>Map Ref:</b>	365981 175840	<b>Ward:</b>	Rodway
<b>Application Category:</b>	Minor	<b>Target Date:</b>	9th June 2014



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## **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 erection of a two storey rear extension at Charnhill Lodge, Mangotsfield, 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) Order (As Amended) 1995.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly, there is no consideration of planning merit; the decision is based on the facts presented.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning Act 1990 Section 192  
Town and Country Planning (General Management Procedures) (England) Order 2010  
Town and Country Planning (General Permitted Development) Order (As Amended) 1995. Schedule 2, Part 1, Class A.

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Parish Council  
Unparished
- 4.2 Highway Drainage  
No comment
- 4.3 Tree Officer  
No comment

#### **Other Representations**

- 4.4 Local Residents  
One neutral comment received concerning the removal of trees and garden fence which has caused some privacy and overlooking issues. The owners would like the boundary fence to be rebuilt; they have been advised that this

application is not assessed on planning merits and these issues are outside of the scope of the application as they are civil issues.

## 5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 The following evidence was submitted to the Local Planning Authority on 14 April 2014 -
- Location Plan and Site Plan
  - Existing Lower Ground Floor Plan, Roof Plan, Front, Rear and Side Elevations
  - Proposed Lower Ground Floor Plan, Roof Plan, Front, Rear and Side Elevations
  - Proposed Section, Site Front Elevation and Site Rear Elevation

## 6. EVALUATION

### 6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for Planning Consent. Accordingly there is no consideration of planning merit; the planning application is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

- 6.2 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 GDPO (As Amended) 1995.

- 6.3 The proposed development consists of a two storey rear extension. This development would fall under the criteria of *Schedule 2, Part 1, Class A*, of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995. This allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

### **A.1. Development is not permitted by Class A if –**

- (za) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use);**  
The dwellinghouse was not granted permission by virtue of Class IA or MB of Part 3 of this schedule.
- (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 proposed extension 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 maximum height of the proposal would not exceed the maximum height 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 height of the eaves of the proposal would exceed the horizontal line from the eaves of the existing dwellinghouse. This exceeds the allowance for extension and the proposed development is therefore not permitted.

- (d) The enlarged part of the dwellinghouse would extend beyond a wall which—**

**(i) fronts a highway, and**

**(ii) forms either the principal elevation or a side elevation of the original dwellinghouse;**

The proposed extension would be on the rear elevation of the dwellinghouse.

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

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

**(ii) exceed 4 metres in height;**

The proposal is a two storey rear extension; therefore (e) is not relevant.

- (ea) until 30th May 2016, for a dwellinghouse not on article 1(5) land nor on a site of special scientific interest, 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 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**

**(ii) exceed 4 metres in height;**

The proposal is a two storey rear extension and therefore (ea) is not relevant.

- (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 proposal would not extend beyond the rear wall of the original dwellinghouse by more than 3 metres or be within 7 metres of the boundary of the curtilage.

(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 proposal would not be within two metres of the boundary of the curtilage of the dwellinghouse.

(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; or**  
The proposal would be on the rear elevation; therefore (h) is not relevant.

(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 vent pipe, or**  
(iv) **An alteration to any part of the roof of the dwellinghouse.**  
The proposal does not include any of the above.

**A.2. In the case of a dwellinghouse on article 1(5) land, development is not permitted if:**

(a) **It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles :**

(b) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**

(c) **The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.**  
The site is not located within article 1(5) land.

### **CONDITIONS**

**A.3. Development is permitted by Class A subject to the following conditions:**

(a) **The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar**

**appearance to those used in the construction of the exterior of the existing dwellinghouse;**

It is proposed to use brickwork detailing to match the existing.

- (b) **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**

Plans have been submitted that indicate that the first floor window in the side elevation of the two storey extension will be obscure glazed.

- (c) **Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

The proposed extension has a flat roof and the original dwellinghouse has a low pitched roof. It would not be practical to continue the pitched roof or replicate the existing pitched roof in the rear extension.

- A.4.—(1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(e) but is allowed by paragraph A.1(ea)...**

Not applicable.

- 6.4 All constitute parts of the proposed extensions have been assessed against Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). It has been found that the height of the eaves of the part of the dwellinghouse enlarged would exceed the height of the eaves of the existing dwellinghouse under the above Part and therefore the proposed development would **not** be lawful.

## **7. RECOMMENDATION**

- 7.1 It is recommended that a Certificate of Lawfulness for Proposed Development be **REFUSED** for the following reason:

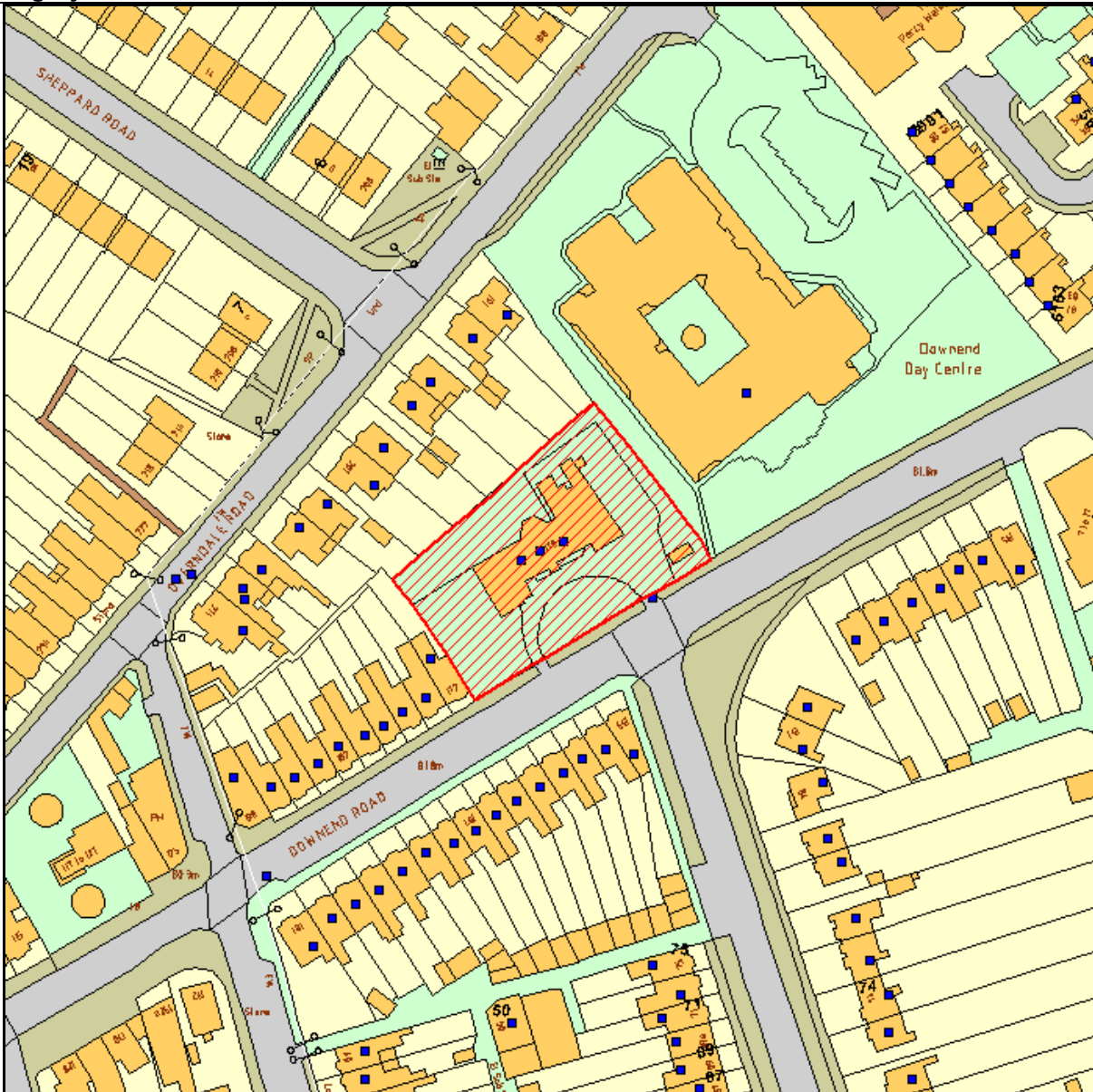
The eaves height of the two storey extension would exceed the height of the eaves of the existing dwellinghouse and therefore the proposed development fails to accord with paragraph A.1(c) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The proposed development is therefore unlawful.

**Contact Officer: Katie Saunders**  
**Tel. No. 01454 863436**

# ITEM 12

## CIRCULATED SCHEDULE NO. 24/14 – 13 JUNE 2014

<b>App No.:</b>	PK14/1652/CLE	<b>Applicant:</b>	Early Years Investments Ltd
<b>Site:</b>	Wendover House 170 Downend Road Downend South Glos BS16 5EB	<b>Date Reg:</b>	16th May 2014
<b>Proposal:</b>	Application for Certificate of Lawfulness for an existing use as a Non-residential institution (Use Class D1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	364291 176375	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	27th June 2014



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

This application is referred to the Circulated Schedule for determination as a matter of process. This is because it is an application for a certificate of lawfulness for an existing use. This is not an application for planning permission, nor is it assessed on planning merit.

### **1. THE PROPOSAL**

- 1.1 This application has been submitted under Section 191 of the Town and Country Planning Act 1990 (as amended) and seeks the Local Planning Authority to grant a Lawful Development Certificate for an existing use of the building.
- 1.2 The application site is a large detached early nineteenth century grade II listed building. It is located on Downend Road, within the existing urban area.
- 1.3 A lawful development certificate is sought to establish that the lawful use of the building falls within Class D1 (Non-residential Institutions) of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.4 The use of the building for purposes within Class D1 would be lawful should they have happened continuous for a ten-year period prior to the date this application was submitted to the Local Planning Authority.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - i. Town and Country Planning Act 1990
  - ii. Town and Country Planning (Development Management Procedure) Order 2010
  - iii. Town and Country Planning (Use Classes) Order 1987 (as amended)
  - iv. National Planning Policy Guidance

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

- 3.1 PK01/0142/LB Approve with Conditions 06/03/2001  
Installation of radio antenna to rear roof
- 3.2 K4615 Approval 10/09/1984  
Alterations to building, construction of external fire escape
- 3.3 L61 Approval of Listed Building Consent 01/10/1984  
Alterations to building, construction of external fire escape, demolition of extensions

### **4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF APPLICATION**

- 4.1 The following evidence has been submitted by the applicant in support of this application:

- Covering letter;
- English Heritage List Entry, dated 1981;
- Decision notice for Listed Building Consent PK01/0142/LB; and,
- Photographs of building.

## 5. SUMMARY OF CONTRARY EVIDENCE

5.1 None submitted

## 6. OTHER REPRESENTATIONS

6.1 Downend and Bromley Heath Parish Council  
No objection

6.2 Transportation Development Control  
No comment

6.3 Local Residents  
None received

## 7. ASSESSMENT

7.1 This application seeks a lawful development certificate for an existing use of Wendover House within Use Class D1. It is normal practice to identify what the actual use has been; however, this application solely states a use class.

7.2 The test to be applied is whether or not the use has been carried out for a continuous period exceeding ten years and whether or not an enforcement notice is extant on the site. There are no enforcement notices relating to this site.

7.3 The Relevant Tests of Evidence  
The onus of providing proof lies firmly on the applicant. The evidence submitted must demonstrate that on the balance of probability, the building within the red edge of the site plan has been used continuously for a period of ten years.

7.4 Planning merits cannot be considered in the assessment of this application. It is an application purely to assess whether the development is lawful against the legal test in sections 191-193 of the Act.

7.5 Assessment of Evidence  
In order to determine whether the stated use has occurred continuously for a period of ten years, each of the items of evidence will be assessed in turn.

7.6 *Listing Description*  
The property was listed by English Heritage on 15 July 1981. The listing description has been submitted as evidence. The building is described as 'main block to Wendover Maternity Hospital'.

- 7.7 A hospital would fall within Class C2 (Residential Institutions) of the Use Classes Order as it implies some level of residential accommodation. Whilst certain 'day' services might be available from a hospital (which would fall into a D1 Use) the substantive use of the site as a hospital is considered to be a C2 use.
- 7.8 This item of evidence does little to corroborate that the building was used for D1 purposes at the time of listing, July 1981, or that a change of use requiring planning permission had occurred at that point.
- 7.9 *Decision Notice*  
A decision notice for an application for Listed Building Consent, PK01/0142/LB, has been submitted. This document is dated 6 March 2001. The applicant is listed as 'North Bristol NHS Trust'.
- 7.10 North Bristol NHS Trust provides a variety of health care services. The fact that the applicant is a health authority does not imply a certain use; the health authority could, for sake of argument, be applying for works to an office.
- 7.11 This item of evidence does not support the applicant's claim that the building was used for purposes falling within Use D1 at the time that the decision notice was issued.
- 7.12 *Photographs*  
Photographs have been submitted of the exterior of the building, a corridor with a 'reception sign', and an internal room. With the exception of the exterior photograph, it cannot be verified that these internal photos are of this building.
- 7.13 The corridor photograph does little except demonstrate that the building contains a reception desk; the photograph of one of the rooms does not demonstrate any particular use being undertaken.
- 7.14 This item of evidence cannot be verified as being documentary evidence of the use of the building. Furthermore, the photographs are not dated. The evidence adds little to support the claim that the building has been used for D1 purposes.
- 7.15 *Covering Letter*  
The covering letter sets out the basic appearance and use of the site and suggests that the site had been used as a clinic (which would fall into Class D1). It does not, however, include any specific time line of uses, or a description of uses, and the dates when these occurred. Furthermore the letter goes on to state 'the site has been vacant during the sale period, but the use has not been abandoned'.
- 7.16 The accompanying covering letter provides no evidence of the uses that have occurred on the site or when these took place. This item of evidence does little to support the claim that the site has been used continuously for a period of ten years for a D1 Use.

7.17 Summary

The applicant was required to demonstrate that on the balance of probabilities, the site has been used continuously for purposes falling within Class D1 of the Use Classes Order.

7.18 The application was received by the Local Planning Authority on 25 April 2014. This means that the use, to be lawful, should have operated continuously since 25 April 2004.

7.19 None of the evidence provided can corroborate that a D1 Use has occurred. With the absence of any dated evidence it cannot support the applicant's submission, the test has been failed.

8. CONCLUSION

8.1 The submitted evidence fails to provide on the balance of probability that a D1 use has operated continuously from the property since 25 April 2004.

8.2 The submitted evidence fails to provide sufficiently precise and unambiguous evidence relating to the purported uses of the property other than it being a former maternity hospital (Use Class C2) and owned by a health authority.

8.3 In the absence of sufficient evidence to demonstrate the use of the building, it can only be concluded that the certificate be found unlawful.

9. RECOMMENDATION

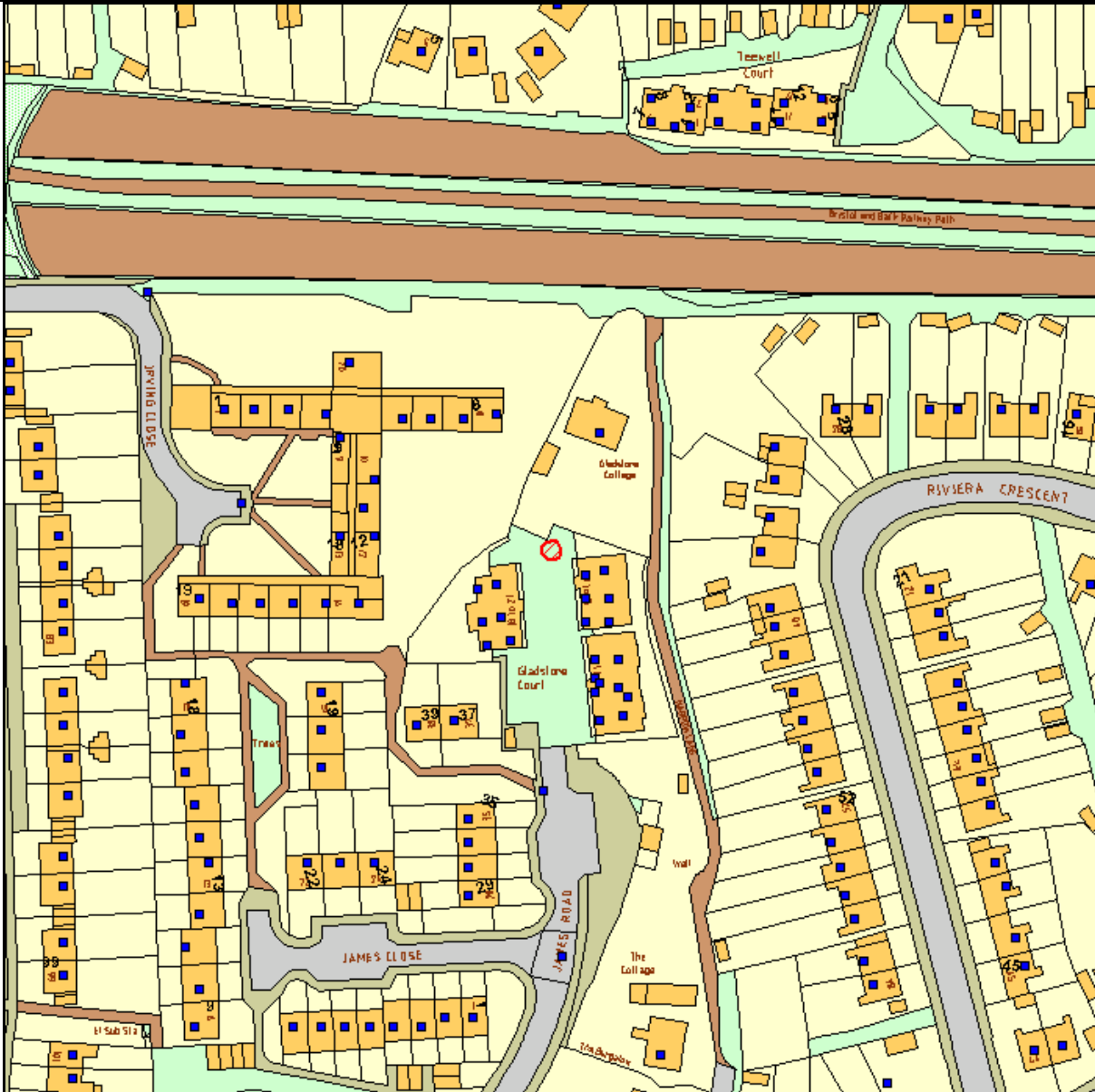
9.1 It is recommended that the certificate of lawfulness for an existing use be **REFUSED** for the following reason:

Insufficient information has been submitted to demonstrate, that on the balance of probability, the site shown in the red line on the attached plan has been used for purposes falling within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) for a continuous period of 10 years or more immediately prior to the submission of the application.

Contact Officer: **Griffith Bunce**  
Tel. No. **01454 863438**

## CIRCULATED SCHEDULE NO. 24/14 – 13 JUNE 2014

<b>App No.:</b>	PK14/1674/TRE	<b>Applicant:</b>	Landscape Care Ltd
<b>Site:</b>	Gladstone Court James Road Bristol South Gloucestershire BS16 4SY	<b>Date Reg:</b>	9th May 2014
<b>Proposal:</b>	Works to 1no. Copper Beech to reduce in shape and size by shortening branch length by up to 1m and thin canopy by 15%, covered by Tree Preservation Order SGTPO 05/97 dated 21 October 1997.	<b>Parish:</b>	None
<b>Map Ref:</b>	365130 175441	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>		<b>Target Date:</b>	23rd June 2014



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## **REASON FOR SUBMITTING TO CIRCULATED SCHEDULE**

The proposal has been put forward for the Circulated Schedule process following comments received which are contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks consent for works to 1 no. Copper Beech tree to reduce the size and shape by shortening the branch length by up to 1 metre, and thin the canopy by 15%.
- 1.2 The tree is situated within Gladstone Court, James Road, Bristol, and is covered by Tree Preservation Order SGTPO 05/97 dated 21/10/1997.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
The Town and Country Planning Act 1990  
The Town and Country Planning (Tree Preservation) (England) Regulations 2012

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

- 3.1 P99/4344/T                      Approval of Tree Works                      28/06/1999  
*Probe old pollard point, thin canopy 15%, raise crown to 2.5 metres - Copper Beech (T3)*

### **4. CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
The area is not in a parish.
- 4.2 Other Consultees  
  
Tree Officer  
No objection

### **Other Representations**

- 4.3 Local Residents  
One letter of objection has been received which was signed by nine residents of Gladstone Court. They object for the following reasons:
  - The tree has a Tree Preservation Order upon it
  - The application is to prevent shade to certain properties within Gladstone Court, however this is not an issue as the trees positioning means that it does not shade the Court. The shade is caused due to the positioning of the building.

- We have received independent advice concerning the works to the tree and have been told that Copper Beech trees do not react kindly to being touched.

It is worth noting that the application form does not mention reducing the amount of shade at Gladstone Court, and instead cites the close proximity to the building as the reason.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The only issue to consider in this application is whether the proposed works will adversely affect the health and appearance of a tree, which makes a significant contribution to the character and visual amenity of the area.

### 5.2 Consideration of Proposal

The application seeks consent for works to 1no. Copper Beech tree to thin the canopy by 15% and by shortening branch length by up to 1 metre in order to reduce the size and shape and give the tree clearance from the building. This tree is highly prominent, standing directly in front of anyone entering the Gladstone Court complex. It is a decent mature specimen in good condition located between and slightly to the north of two blocks of flats.

- 5.3 The Council's Tree Officer has been consulted with regards to the proposal. A full assessment has been made and it is considered that the eastern crown has started to encroach on block 9 to 15 and it is accepted that pruning back to establish some clearance is necessary. The tree has a well-balanced, symmetrical crown so the proposal to reduce by up to 1 metre all round and to thin by 15% should maintain this. The works as proposed are considered as on-going management for the tree, which is in accordance with good arboricultural practice. There are therefore no objections to the application.

## 6. CONCLUSION

- 6.1 The proposed works are in accordance with good arboricultural practice and should not impact on the health or visual amenity of the trees. There are therefore no objections to this application in terms of The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

## 7. RECOMMENDATION

- 7.1 That consent is **GRANTED** subject to the conditions on the decision notice.

**Contact Officer: Trudy Gallagher**  
**Tel. No.**

## **CONDITIONS**

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

### Reason

In the interests of the long term health of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

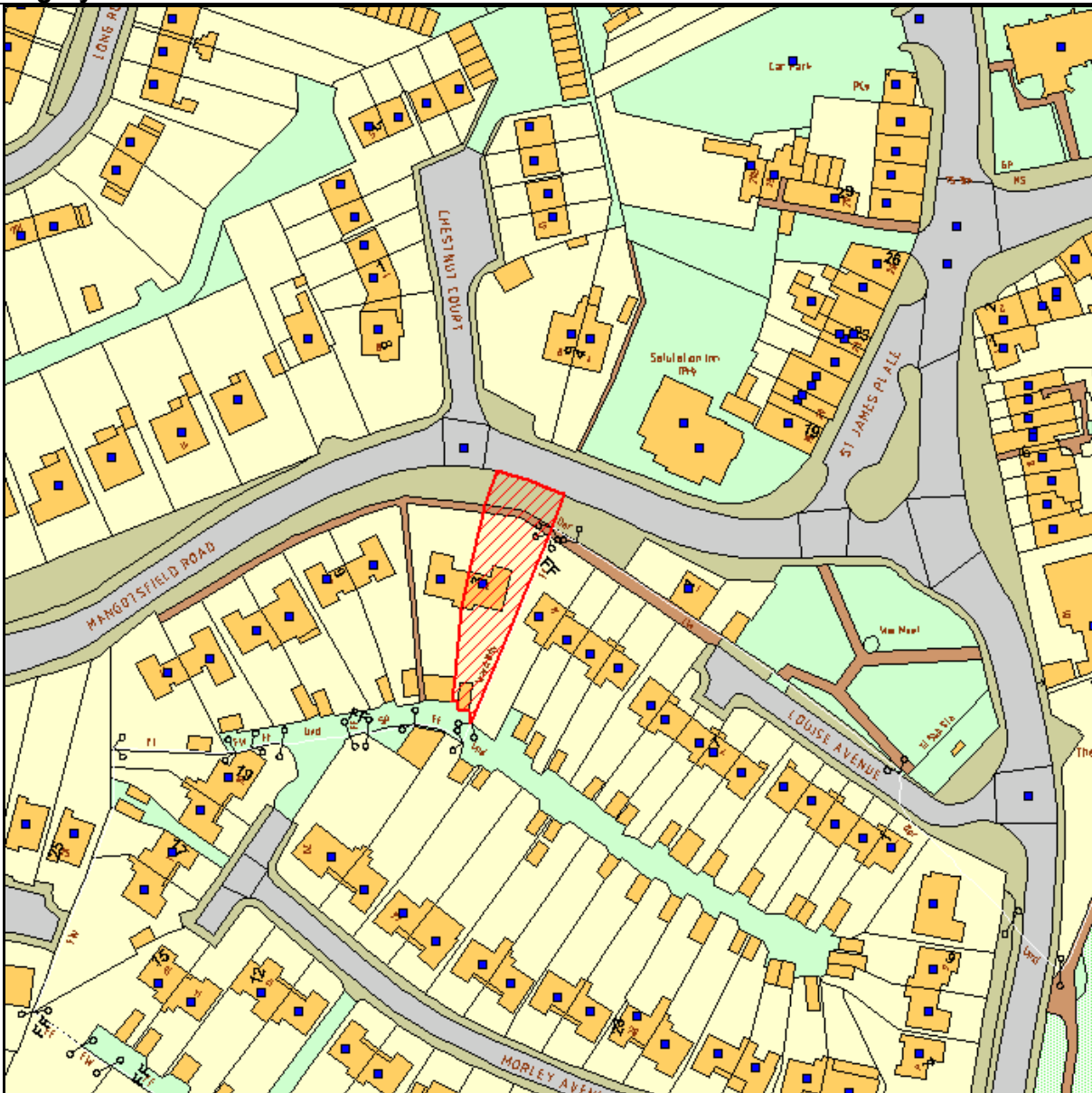
2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

### Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

**CIRCULATED SCHEDULE NO. 24/14 – 13 JUNE 2014**

<b>App No.:</b>	PK14/1682/F	<b>Applicant:</b>	Mr P Dulai
<b>Site:</b>	3 Mangotsfield Road Mangotsfield South Gloucestershire BS16 9JG	<b>Date Reg:</b>	12th May 2014
<b>Proposal:</b>	Erection of two storey side and rear, and single storey rear extension to form additional living accommodation. Erection of detached garage/workshop. (Resubmission of PK13/4260/F).	<b>Parish:</b>	None
<b>Map Ref:</b>	366326 176062	<b>Ward:</b>	Rodway
<b>Application Category:</b>	Householder	<b>Target Date:</b>	25th June 2014



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

This application is referred to the circulated schedule for determination as a number of comments of objection have been received from local residents.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a two storey side and rear extension, a single storey rear extension, and the erection of a replacement garage and workshop at the rear.
- 1.2 This application is a resubmission of PK13/4260/F which was refused by the Local Planning Authority for the following three reasons:
  1. The proposed side and rear extension and the detached garage building is not in keeping with the character and appearance of the existing dwelling and if permitted would unbalance the architectural composition of the pair of semi detached houses and layout of development in the locality and result in a clumsy, complicated, contrived, and disproportional form of development which does not respect the layout, form, character of the locality or the streetscene, leading to a detrimental impact on visual amenity. The proposed development is therefore contrary to policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006, the South Gloucestershire Design Checklist SPD (Adopted) August 2007 and the provision of the National Planning Policy Framework March 2012.
  2. The proposed extension is an unneighbourly form of development located on the boundary that would be oppressive and overbearing on the adjacent property the proposed garage would materially reduce levels of privacy and lead to overlooking and both are considered to have a prejudicial impact on residential amenity. The proposed development is therefore contrary to policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
  3. Insufficient off-street parking is provided to meet the transportation needs arising from the development, both in terms of the number of parking spaces provided and the accessibility of these spaces if located within a garage. The proposed development is therefore contrary to policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Residential Parking Standard SPD (Adopted) December 2013.
- 1.3 This application therefore seeks to overcome the previous refusal reasons and the development has been amended accordingly.
- 1.4 The site is located within the existing urban area. It is separated from Mangotsfield Road by a wide verge on which there are protected trees. Pedestrian access is provided from the front, with vehicular access to the rear. The site is broadly triangular in nature.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework March 2012

### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12 Transportation

H4 Development within Existing Residential Curtilages

### **2.3 Supplementary Planning Guidance**

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

(b) Residential Parking Standard (Adopted) December 2013

## **3. RELEVANT PLANNING HISTORY**

3.1 PK13/4260/F Refused 22/01/2014  
Erection of two storey side and rear and single storey rear extension to form additional living accommodation. Erection of detached garage/workshop.

3.2 PK12/4126/F Refused 11/03/2013  
Construction of new vehicular access from Mangotsfield Road

## **4. CONSULTATION RESPONSES**

4.1 Parish/Town Council  
This area is unparished

4.2 Mangotsfield Rural Parish Council  
None received

4.3 Transportation  
No objection subject to condition

### **Other Representations**

#### **4.4 Local Residents**

Three comments of objection have been received which raise the following points:

- Concerns that the garage would be used for living accommodation or business purposes in the future
- Development is the same as that previously refused
- Extension is out of character with the existing property

- Garage is out of character with the area
- Height of the garage is obtrusive

## 5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks permission for a number of extensions and a garage at a property in Mangotsfield.
- 5.2 Principle of Development  
Development within existing residential curtilages is supported by policy H4 of the Local Plan subject to an assessment of design, amenity and transport. It is on these criteria that the previous application on the site was refused. Therefore, for this development to be acceptable it must overcome the previous refusal reasons.
- 5.3 Design  
There are two separate elements to be considered – the design of the house extensions and the design of the proposed garage. Previous objection to the design of these was raised as it was considered that they were out of character with and disproportionate to the existing dwelling.
- 5.4 The proposed house extensions have been amended to reduce the width and depth of the two-storey extension. The amended development maintains the proportions of the property when viewed from Mangotsfield Road and reduces the bulk of the property to the rear. The single storey rear extension remains acceptable.
- 5.5 Objection was also raised against the garage. The proposed garage has the general character and appearance of a garage, with the addition of a rear dormer. Although the design of the garage is not considered to reach the highest standards, it is not prejudicially harmful to visual amenity. In the vicinity of the proposed garage are a number of very large structures and properties of this sort, early twentieth century rear accessed dwellings, are characterised by various ancillary buildings along the private access track.
- 5.6 The improvements made to the design have been the subject of pre-application discussion between the applicant and the Local Planning Authority. The resulting development is a compromise between what the applicant desires and what is considered to be acceptable. Therefore, taking a balanced judgement between the requirement of the Local Planning Authority to act with regard to the presumption in favour of sustainable development and seeking highest quality design, the proposal is acceptable.
- 5.7 Residential Amenity  
The application was previously refused because it represented an unneighbourly form of development. This was mainly due to the proximity to and depth of the extension along the boundary with no.14 Louise Avenue.
- 5.8 The amended development has reduced the depth of the rear extension so that it does not project significantly beyond the rear elevation of no.14. It has also removed the development slightly from the boundary. The proposed house

- extensions are considered to result in a good standard of residential amenity and the previous refusal has been overcome.
- 5.9 However, consideration must still be given to the impact of the proposed garage on levels of residential amenity. The use of this structure as a garage and the position of the garage at the back of the site are commensurate with a residential land use and characteristic of this age of development. The dormer windows, however, would materially alter the position with regard to overlooking.
- 5.10 It is proposed that these windows will be obscure glazed. This will be secured by a planning condition. Another condition will also be attached that prevents the garage from being used for any purposes other than the garaging of private motor vehicles and ancillary domestic storage. This condition is considered necessary to ensure that the use of the garage structure remains commensurate with the residential land use of the site and levels of amenity are protected.
- 5.11 Transport and Parking  
The third refusal reason related to the provision of adequate off-street parking provision. Previously, the only parking for the site was provided within the proposed garage; this is not an acceptable solution. Amendments now propose two parking spaces at the front of the garage on an area of hardstanding.
- 5.12 Under the Residential Parking Standard (RPS), a property of this size should provide three parking spaces. Two of these would be provided by the driveway, the third would be provided by the garage. The size standard of the garage accords with the RPS and therefore can contribute towards parking provision.
- 5.13 Subject to a number of conditions relating to securing the necessary parking arrangements, the development is acceptable in transportation terms.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development has been assessed against the policies listed above and the presumption in favour of sustainable development. On balance the development is considered to meet an acceptable standard of site planning and design and would not have a detrimental impact on residential amenity or highway safety.
- 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 and the South Gloucestershire Local Plan Core Strategy



(Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 It is recommended that planning permission be GRANTED subject to the conditions listed below.

**Contact Officer: Griffith Bunce**  
**Tel. No. 01454 863438**

## **CONDITIONS**

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies.

3. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) the garage hereby permitted shall be used for no other purposes than the garaging of private motor vehicles and ancillary domestic storage without the prior written consent of the Local Planning Authority.

Reason

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

4. The glazing on the rear elevation of the garage building hereby permitted shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason

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

5. No windows other than those shown on the plans hereby approved shall be inserted at any time in the garage building hereby approved.

Reason

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

6. The off-street parking facilities shown on the plan hereby approved shall be provided before the extension is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, PolicyT12 of the South Gloucestershire Local Plan (Adopted) January 2006, and the Residential Parking Standard (Adopted) December 2013.

7. The off-street parking spaces shall be constructed from a bound, permeable, surface material. For the avoidance of doubt, no loose stones should be used.

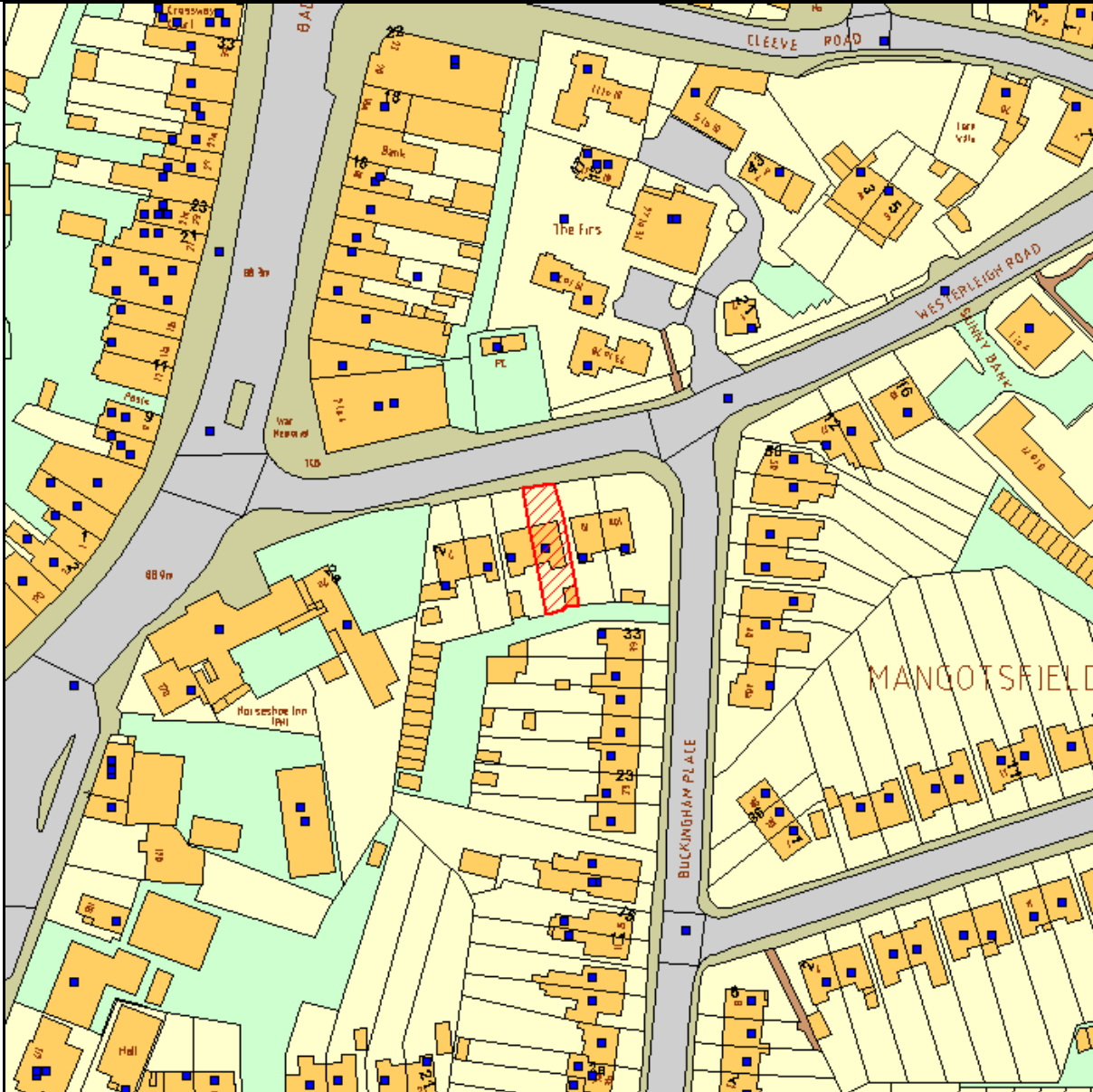
Reason

To avoid the transference of material on the highway in the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

# ITEM 15

## CIRCULATED SCHEDULE NO. 24/14 – 13 JUNE 2014

<b>App No.:</b>	PK14/1731/CLP	<b>Applicant:</b>	Mr Mapley
<b>Site:</b>	8 Westerleigh Road Downend Bristol South Gloucestershire BS16 6AA	<b>Date Reg:</b>	14th May 2014
<b>Proposal:</b>	Application for certificate of lawfulness for the proposed installation of 1no. rear and 1no. side dormer.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365219 176718	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26th June 2014



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100023410, 2008. **N.T.S.** **PK14/1731/CLP**

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

The 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 1 no. rear dormer window and 1 no. side dormer window at 8 Westerleigh Road, Downend would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning Act 1990 (As Amended) 1990 section 192  
Town and Country Planning (General Procedures) Order 1995 Article 24 Town and Country Planning (General Permitted Development) Order (GPDO) (As Amended) 1995

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

- 3.1 There is no relevant planning history for this site.

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
No objection.
- 4.2 Other Consultees  
  
Councillor  
No comment received.  
  
Highway Drainage  
No comment received.

### **Other Representations**

- 4.3 Local Residents  
None received.

## 5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Plans, Section and Elevations as Proposed – 01 (received 1<sup>st</sup> May 2014). Site Plan (received 1<sup>st</sup> May 2014). Statement ref 3-05-13 (received 1<sup>st</sup> May 2014).

## 6. ANALYSIS OF PROPOSAL

### 6.1 Principle of Development

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

- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, of the GPDO (As Amended) 1995.

- 6.3 The proposed development consists of 1 rear and one side dormer window. This development would fall under the criteria of *Schedule 2, Part 1, Class B and Class C* of the Town and Country Planning (General Permitted Development) Order (as amended) 1995, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows for dormer windows subject to the following:

### **B.1 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 highest point of the proposed dormer windows is the same as the highest part of the existing roofline and does not exceed it. The proposal therefore meets this criterion.

- (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 principle elevation of the dwellinghouse and fronts a highway;**

For the purpose of this application, it is considered that the principle elevation of the property is the elevation facing onto Westerleigh Road in Downend, which is the north elevation. The alterations to the roofline do not extend forward of the existing front elevation roof slope, as the proposed dormers are on the side elevation and the rear roof slope.

- (c) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-**

**(i) 40 cubic metres in the case of a terrace house, or**

**(ii) 50 cubic metres in any other case;**

The house is a semi detached property and therefore the cubic content of the proposed extra roof space has to be less than 50 cubic metres. The side dormer window has an approximate volume of 17.8 cubic metres whilst the rear dormer is 20.3 cubic metres, leading to a total volume increase of approximately 38.1 cubic metres. The proposal therefore meets this criterion.

**(d) It would consist of or include-**

**(i) The construction or provision of a veranda, balcony or raised platform, or**

The proposal does not include the construction of any of the above.

**(ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe;**

The proposal does not include any alterations to the chimney, or the installation of a flue or soil and vent pipe.

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

The dwellinghouse is not on article 1 (5) land.

**B.2 Development is permitted by Class B subject to the following 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 applicant has indicated in a statement which was enclosed with the application that the materials of the dormer enlargement will match the existing dwellinghouse. The proposal therefore meets this condition.

**(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 20cm from the eaves of the original roof; and**

The closest part of the proposal to the eaves is approximately 70cm from the eaves of the original roof, and therefore the proposal meets this condition.

**(c) Any window inserted on a wall or roof slope forming the side elevation of a 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.**

The plans state that the window on the side dormer will be non opening and obscure glazed.

## **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 the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

**Contact Officer: Trudy Gallagher**  
**Tel. No.**

# ITEM 16

## CIRCULATED SCHEDULE NO. 24/14 – 13 JUNE 2014

<b>App No.:</b>	PT13/2003/RVC	<b>Applicant:</b>	Mr And Mrs R.W. Hiles
<b>Site:</b>	Land At Up Yonder Bury Hill Hambrook South Gloucestershire BS16 1SS	<b>Date Reg:</b>	24th June 2013
<b>Proposal:</b>	Variation of condition 3 attached to previously approved application PT09/0415/F dated 8 May 2009 to read, At no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses other than in the area specifically provided for that purpose. Creation of parking area.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365318 179268	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Major	<b>Target Date:</b>	18th September 2013



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## **REASON FOR REFERRAL TO CIRCULATED SCHEDULE**

This application appears on the circulated schedule due to the receipt of letters of objection from neighbouring residents.

### **1. THE PROPOSAL**

- 1.1 This application seeks the variation of condition 3 attached to planning permission PT09/0415/F which reads:

*'At no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.'*

*Reason: To protect the character and appearance of the area, and to accord with Planning Policies L1, GB1 and E10 of the South Gloucestershire Local Plan (Adopted) January 2006.*

The application proposes the following amendment:

*'At no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses other than in the area specifically provided for that purpose.'*

- 1.2 The application relates to an existing equestrian centre at Up Yonder on the northern side of Bury Hill. The site is located outside the defined settlement boundary and within the open Green Belt. The River Frome Walkway, which is a Major Recreational Route runs along the bottom of the valley to the south. Bury Hill Fort, which is a Scheduled Ancient Monument lies to the south west.
- 1.3 At the time of the Officer site visit it was noted that this parking area is already in situ thus this comprises a retrospective planning application.
- 1.4 Information submitted with the application confirms that the proposed parking is for use by clients in connection with the horse business at 'Up Yonder'.
- 1.5 During the course of the application, an amended plan was received reducing the amount of space to be used for parking and also increasing the amount of screen planting. Re-consultation was carried out.

### **2. POLICY CONTEXT**

Since the determination of the original planning application in 2009, the policy basis against which this application needs to be assessed has changed in that the NPPF has been introduced, South Gloucestershire Core Strategy has been adopted, the NPPG has been introduced, and several policies of South Gloucestershire Local Plan (Adopted) are no longer saved. The policies against which this application currently stands to be determined are as follows:

- 2.1 National Guidance  
The National Planning Policy Framework (March 2012)  
The National Planning Policy Framework (Technical Guidance)
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
L1 Landscape Protection and Enhancement  
L9 Species Protection  
L11 Scheduled Ancient Monuments  
LC12 Major Recreational Route  
T12 Transportation Development Control Policy for New Development  
  
South Gloucestershire Local Plan Core Strategy (Adopted December 2013)  
CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS9 Managing the Environment and Heritage  
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist  
Development in the Green Belt SPD  
Winterbourne Down Village Design Statement (endorsed November 2012)  
South Gloucestershire Landscape Character Assessment SPD

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

- 3.1 PT03/2009/F: Change of use of part of agricultural land to archery practice area and associated car parking (Use Class D2) as defined in the Town and Country Planning Use Class Order 1987); renewal of temporary planning consent P98/1631.  
Approved August 2003
- 3.2 P98/1631: Use of part of field for archery and associated car parking (Temporary Consent).  
Approved June 1998
- 3.3 PT09/0415/F: Change of use of land from agricultural to agricultural and for the keeping of horses (to include retention of existing archery practice area); erection of storage building incorporating stables.  
Approved May 2009
- 3.4 PT09/0410/F: Construction of outdoor riding surface and erection of 1 metre high perimeter fence and gate.  
Approved April 2009
- 3.5 PT12/0669/F: Installation of 40 roof mounted solar photovoltaic (PV) panels for the microgeneration of electricity.  
Approved April 2012

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council

No objection

#### 4.2 Other Consultations

##### Highways DC

Initially expressed concern over the number of spaces proposed (the number of spaces has since been reduced)

##### Drainage Officer

No comment

##### Ecology Officer

No objection

##### Landscape Officer

No objection subject to a condition

##### Archaeology Officer

Concerns that conditions attached to PT09/0415/F were not discharged

#### **Other Representations**

#### 4.3 Summary of Local Residents Comments

Six letters of objection were received to the initially submitted plans raising the following concerns:

- Tree planting to date has enhanced views of site;
- During winter months, horse boxes are visible and will remain so despite extra planting that is proposed;
- Winterbourne Down village design statement states views to and from the village are very important to the ambience of the village and should be recognised and respected- proposal contravenes this;
- Parking area should be made of cement to stop contaminants leeching into ground;
- Is sited close Historic Roman camps;
- Large commercial property sited in what is one of the most prominent parts of the village does not sit well with village design statement;
- Property causes a lot of light pollution;
- Proposal will detract from views that makes area special;
- Horsebox storage park is fundamentally detrimental to the beauty and character of the Frome Valley;
- Disappointing that alternative space cannot be allocated retaining the natural rural aspects of the area;
- Is an eyesore.

Following the round of re-consultations on the amended plan, one further letter was received raising the following points:

- The more sensitive planting plan is nice to see
- Materials for the hardstanding is still a major problem

- Risk of contamination from vehicles parked on the hard core seeping into the ground

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Planning policy L1 advises that proposal will only be permitted where the character, distinctiveness, quality and amenity of the landscape will be conserved and enhanced.

5.2 The NPPF confirms that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are their openness and their permanence.

5.3 Planning policy E10 allows for proposals for horse related development outside of the urban areas and the settlement boundaries subject to a number of criteria. These include consideration of its environmental effect, and impact on residential amenity and highway safety.

### 5.4 The Proposal

The Design and Access Statement advises that the existing parking area subject of this application comprises an original track that has been increased in width to provide for the parking. The statement also advises that the applicant has '*conscientiously improved the site with particular attention to landscaping and tree planting*' with the existing tree planting now well established and limiting views of the parking area. It is intended to further reinforce planting with the advice of the Councils landscape officer.

### 5.5 Design/ Visual Amenity

The proposed car parking area for horse boxes is located to the north of Up Yonder house and stable complex. The site is located towards the top of the narrow gorge between Bury Hill and Winterbourne Down that contains the River Frome. This gorge is well wooded and the surrounding relatively level area to the east, south and west has a robust framework of vegetation. The applicant owns a large area around the proposed parking area and has been undertaking a substantial amount of tree planting.

5.6 However the parking area is still visible to the residents of Stone Lane, The Dingle and Church Road. During the summer months the intervening vegetation help to partially screen the vehicles however during the winter months the vehicles can be clearly seen. These views are recognised as being important in the Winterbourne Down Village Design statement which has been endorsed for use when determining planning applications.

5.7 The South Gloucestershire Landscape Character Assessment states that there is pressure from 'Horsiculture' around the Frome Valley and the cumulative effect of this and the associated infrastructure of stables, access tracks, exercise areas, jumps and even floodlighting, can result in a marked change in landscape character. It is also noted that active management of the hedgerow

framework, trees and woodland, including replacement and new planting, would help to ensure the conservation of the key landscape features for the long term.

On one hand the horse related activity on the application site is eroding the landscape character on the other the tree planting undertaken by the applicant is helping to enhance and protect the landscape character.

- 5.8 The Winterbourne Down Village Design Statement highlights the importance of respecting the medium and long distance views to and from the village, which are considered important to the ambience of the village. It is considered particularly important to preserve the Frome Valley against any further building invasion.
- 5.9 As initially submitted, Council officers were of the opinion that although the visual impact of the actual hardstanding itself was minimal, it was the impact of the vehicles parked on the hardstanding that causes concern. By their very nature, they type of vehicle to be parked on the site will be large – certainly large enough to accommodate at least one horse. There was also concern over the sheer size of the parking area and the number of spaces provided. Although the number of horses to be kept on site is not limited by any condition in application PT09/0415/F, the application only approved 8 stables. Given that the application confirms the parking is to be used in conjunction with the existing horse business, this called into question the need to provide 16 spaces.
- 5.10 In order to address this initial concern, a revised plan was submitted on 7<sup>th</sup> May 2014 showing a greatly reduced parking area. The length of the parking area was reduced by 20 metres and the number of spaces was reduced down to 10. Significant additional landscaping has also been included to mitigate the visual impact of the development in view too and from the village as required by the Winterbourne Down Village Design Statement.
- 5.11 Although the landscape officer did raise an objection to the original scheme, there is no objection to the revised scheme. Indeed, the additional planting negotiated will not only screen views of the parking area but will help to screen some of the existing authorised stables and horse paraphernalia. To this extent the scheme will actually have a positive visual impact helping to reduce the visual impact of the whole site on the openness of the Green Belt.
- 5.12 Residential Amenity  
Although the concerns that have been raised are noted, in view of the distance to these neighbouring properties and having regard to the nature of the proposal, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.13 Highway Safety  
Comments originally received from the Councils Highways Engineer advise that whilst no concerns are raised regarding the storage of horse boxes, there is some concern regarding the extent of proposed parking that seems to suggest a much larger commercial operation than that which was initially envisaged on the original application. However, the number of proposed parking spaces has

now been reduced from 18 down to 10. This is now in keeping with the scale of the existing commercial operation at the site. As such, it is not considered that there are any highway objection to the proposal.

5.14 Archaeology

During the course of the application, the Councils archaeological officer raised an objection to the application on the basis that a condition attached to the 2009 consent was not discharged. This however cannot be picked up through this current application however but should instead be directed to the enforcement team. Given that this is a retrospective application and that no further ground works are required to facilitate the development, there is no benefit in attaching a further archaeological watching or recording condition.

5.15 Risk of Pollution

It is noted that a neighbour has raised concern about the risk of pollution from vehicles parked on the hardcore leeching into the ground. Whilst it cannot be disputed that this is a risk, this is not unusual but is a risk at all sites where vehicles are parked. In this instance, the majority of vehicles parked on the site are expected to be trailer boxes rather than actual vehicles with engines. This reduces the amount of potential pollutants within the vehicles on the site. Your officer has given consideration to the possibility of requiring the site to be finished with a bound material and other pollution control measures being out in place. This however would require additional groundwork which would impact on remaining archaeological remains. On balance, the risk is considered to be sufficiently minimal to recommend approval in the current form. The Councils drainage engineer has raised no objection to the proposal.

5.16 Conditions

Other than conditions that have already been discharged or are no longer applicable, all other conditions attached to the 2009 consent will be pulled forward onto this new permission. The conditions will be updated to take account of policy changes as 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 recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

7.1 Planning Permission is approved subject to the following conditions.

**Contact Officer: Marie Bath**  
**Tel. No. 01454 864769**

## **CONDITIONS**

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

Reason

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

2. No jumps, fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land.

Reason

To protect the character and appearance of the area, and to accord with Policies L1 and E10 of the South Gloucestershire Local Plan, Policy CS1 of the Core Strategy and the NPPF.

3. Other than in the location shown on drawing 7105/6B received by the Council on 7th May 2014, no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses at any time.

Reason

To protect the character and appearance of the area, and to accord with Policies L1 and E10 of the South Gloucestershire Local Plan, Policy CS1 of the Core Strategy and the NPPF.

4. If any external lighting is proposed within the area as shown on plan 7105/6B received by the Council on 7th May 2014, full details shall be submitted to the local planning authority for written approval prior to its installation. If acceptable, the Council will give written approval and works must be carried out exactly in accordance with the details so agreed. No external lighting other than that previously approved may be installed. All other lighting must be exactly as per that shown on drawing 7105/2A submitted in relation to application PT09/0415/F.

Reason

To prevent light spillage which may impact both on the visual amenity of the area and also local ecology. To comply with the requirements of Policies L1 and L9 of the South Gloucestershire Local Plan (Adopted)

5. The stable building hereby approved shall not be utilised for the purposes of DIY livery.

Reason

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

6. The archery practice area and associated car parking shall be limited to that previously approved under application PT03/2009/F.

Reason

To accord with the requirements of Policy L1 of the South Gloucestershire Local Plan and the NPPF.

7. Within 6 months of the date of this permission, a scheme for the provision of foul drainage works (including a timetable for implementation) shall be submitted too and approved in writing by the Local Planning Authority. If acceptable, the local planning authority will give written approval to the details submitted and all works must be carried out exactly in accordance with the details so agreed.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy CS9 of the South Gloucestershire Core Strategy (Adopted)

8. Within 6 months of the date of this permission, a ecological habitat creation and management plan (including timetable for implementation) shall be submitted too and agreed in writing by the Local Planning Authority. The plan shall include details of the habitats to be created within the site and how this will be sympathetically managed to the benefit of local wildlife. If acceptable, the local planning authority will give written approval to the details submitted and all works must be carried out exactly in accordance with the details so agreed.

Reason

To protect the wildlife and ecological interests of the site in accordance with the requirements of Policy L9 of the South Gloucestershire Local Plan (Adopted)

9. The vehicles stored in the area as shown on drawing 7105/6B received by the Council on 7th May 2014 must be used in conjunction with an ancillary to the existing livery business at 'Up Yonder' and not for any primary or separate business purposes.

Reason

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

10. The planting as shown on drawing 7105/6B received by the Council on 7th May 2014 shall be implemented in the first planning season following the granting of permission. The planting mix should contain 50% native evergreen species, such as Holly and Box, to help it remain effective as a screen during the winter months. To achieve an effective screen as soon as possible 50% of the plants should be root balled or pot grown (over 10 litre sized pots) the remainder should be bare rooted native shrubs. The shrubs should be planted in a matrix at 1m centres. Within 6 months of the date of this permission, a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to the Local Planning Authority for approval. The schedule shall include details of the weeding arrangements and methods of protection from animals. Development shall be carried out in accordance with the approved schedule.

Reason



Given the retrospective nature of the application and the identified need for the planting to mitigate against the impact of the development on the visual amenity of the locality, robust planting is required to accord with the requirements of Policy L1 of the South Gloucestershire Local Plan.

11. Within 6 months of the date of this permission, the results of the archaeological investigations required under condition 6 attached to permission PK09/0415/F shall be submitted to the Local Planning authority for assessment.

**Reason**

Given that the application is retrospective, it is not possible to secure an archaeological watching brief. The results of the previous archaeological investigations should however be recorded and documented in accordance with the requirements of Policy L11 of the South Gloucestershire Local Plan.



# ITEM 17

## CIRCULATED SCHEDULE NO.24/14 – 13 JUNE 2014

**App No.:** PT13/3973/F  
**Site:** 137 Watleys End Road Winterbourne  
Bristol South Gloucestershire BS36 1QQ

**Applicant:** Mrs K Green  
**Date Reg:** 7th November 2013

**Proposal:** Demolition of existing garage to facilitate the erection of 1no. single storey detached dwelling and associated works.

**Parish:** Winterbourne Parish Council

**Map Ref:** 365951 181459  
**Application Category:** Minor

**Ward:** Winterbourne  
**Target Date:** 30th December 2013



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**N.T.S.**

**PT13/3973/F**

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

This application has been referred to the Circulated Schedule following the receipt of objections from Winterbourne Parish Council, Frampton Cotterell Parish Council and local residents.

### **1. THE PROPOSAL**

- 1.1 No. 137 Watleys End Road is a traditional 2-storey cottage, probably C19th in age, with front and rear garden. A conservatory is attached to the rear elevation. The front garden is enclosed by an historic Pennant Sandstone wall. Vehicular access is from Watleys End Road via an access driveway that runs between No.137 and the neighbouring property no.139. The driveway terminates at a detached single garage, beyond which is another elongate garden at the end of which is a rudimentary single-storey building constructed of brick and rubble stone; this building has apparently been used in the past as a pig sty. The secondary garden is currently accessed from the garden to the rear of the cottage.
- 1.2 It is proposed to demolish the existing garage and pig sty and erect upon the footings of the pig sty a one-bedroom dwelling. A single parking space for the new dwelling would be provided to the front of where the existing garage stands whilst 2 spaces would be retained for the existing house within the front garden area.
- 1.3 The property lies within the Established Settlement Boundary for Winterbourne. The site does not lie within the Green Belt.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

The National Planning Policy Framework March 2012  
Housing and Growth - Ministerial Statement by The Rt. Hon. Eric Pickles  
(Secretary of State for Communities and Local Government). Sept 2012  
Planning Practice Guidance March 2014

#### 2.2 Development Plans

##### South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013

CS1 - Design  
CS5 - Location of Development  
CS9 - Managing the Environment and Heritage  
CS15 - Distribution of Housing  
CS16 - Housing Density  
CS17 - Housing Diversity

##### South Gloucestershire Local Plan (Adopted) 6th January 2006

L1 - Landscape Protection and Enhancement  
L5 - Open areas

H4 - Development within Existing Residential Curtilages, including Extensions and New Dwellings.  
EP2 - Flood Risk and Development  
T8 - Parking Standards  
T12 - Transportation Development Control Policy for New Development  
LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)  
LC3 - Proposals for Sports and Leisure Facilities Within the Existing Urban Areas  
LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.  
LC12 - Recreational Routes

Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) adopted 23<sup>rd</sup> August 2007  
South Gloucestershire Council Residential Parking Standards (Adopted) 2013.  
Trees on Development Sites SPD Adopted Nov. 2005

Other Relevant Documents

Watley's End Village Design Statement 27<sup>th</sup> March 2013

**3. RELEVANT PLANNING HISTORY**

3.1 None

**4. CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council  
Objection; this is overdevelopment of the site.

Frampton Cotterell Parish Council  
Objection; this is overdevelopment of the site.

4.2 Other Consultees

Sustainable Transport

Whilst there is no objection in principle to this proposal, there is concern about the practicality and usability of the proposed parking to the front of the existing dwelling. The alignment of these spaces is such that it would be practically impossible to access both spaces due to their alignment with the adjacent highway. Autotrack Vehicle tracking has not been provided to show that this layout will work, in the absence of appropriate vehicle tracking therefore the following suggestion is made.

For this element to be considered acceptable the spaces should be rotated 90 degrees and be accessed directly off of Watley's End Road. This would however have an impact on the street scene in that a section of traditional wall would need to be removed to enable this to occur.

*A revised site plan was subsequently submitted to meet the officer recommendation.*

#### Highway Drainage

No objection subject to a condition to secure a SUDS scheme of drainage.

#### Tree Officer

No objection

#### Environmental Protection

No objection subject to standard informatives relating to construction sites.

### **Other Representations**

#### 4.3 Local Residents

8 responses were received, 1 neutral and 7 objections.

The neutral observations from the occupier of 6 York Gardens are as follows:

- The building is no more than one storey.
- No windows overlook the garden of 6 York Gardens.
- A slightly lower roof line would have been preferred.

The concerns raised by the objectors are summarised as follows:

- Adverse impact on the property to the rear i.e. 8 York Gardens.
- Drainage and foundations.
- No access for maintenance of timber cladding.
- Proximity to 8 York Gardens kitchen and patio.
- The proposed flue would emit fumes close to the kitchen door, patio, front and rear bedrooms of 8 York Gardens.
- Proposed bathroom would invade privacy of 8 York Gardens.
- Increased density and overdevelopment.
- Would set precedent for similar developments.
- Adverse impact on the semi-rural and historic character of the area.
- Adverse impact on neighbouring residential amenity from increased vehicular and pedestrian movements, noise and pollution.
- Overlooking and loss of privacy for no.137 Whatleys End Drive.
- Disturbance during construction phase.
- Increased flooding risk.
- Increased traffic congestion on Whatleys End Road.
- Overbearing impact on garden and kitchen of no.139 Whatleys End Road.
- Could affect access to no. 137 Whatleys End Road.
- Modern design not in-keeping.
- Possible anti-social behaviour of future occupants.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

On 27<sup>th</sup> March 2012 the National Planning Policy Framework (NPPF) was published. The policies in this Framework are to be applied from this date with due weight being given to policies in the South Gloucestershire Local Plan 2006 (SGLP) subject to their degree of consistency with this Framework. It is

considered that the Local Plan policies as stated below are broadly in compliance with the NPPF. It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings. The NPPF encourages efficient use of land and paragraph 47 requires the need to *'boost significantly the supply of housing'*. However paras. 48 and 53 resist development in residential gardens that would cause harm to the local area.

- 5.2 The site lies within the Winterbourne Established Settlement Boundary and being residential curtilage, there is no in-principle objection to the development of the site for residential use. The South Gloucestershire Local Plan Core Strategy has now been adopted (Dec 2013) so the policies therein now form part of the Development Plan. Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para. 187 of the NPPF, Core Strategy Policy CS4A states that, when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible. The NPPF Para. 187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.
- 5.3 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments. The proposal would provide a small starter home and therefore complies with this policy..
- 5.4 Policy CS17 goes on to say that building on gardens will be allowed where this would not adversely affect the character of an area and where, cumulatively, it would not lead to unacceptable localised traffic congestion and pressure on parking. Such development will be allowed where each home has adequate private/semi-private and/or communal outdoor space and where occupiers have access to adequate open and play space within the immediate vicinity.
- 5.5 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: *Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.*
- 5.6 The Watley's End Village Design Statement was endorsed by South Gloucestershire Council on 27<sup>th</sup> March 2013 as reflecting the local community's aspirations for the treatment of design issues in the village. As non-statutory planning guidance it will be taken into account in the preparation of the Council's Local Plan documents and as a material consideration in the

determination of planning applications. The Council's adopted Development Plan and emerging planning policy do however retain primacy in planning decisions.

- 5.7 Local Plan Policy H2 is not a saved policy; there is no prescribed minimum density requirement for housing development. The NPPF however seeks to make efficient use of land in the Urban Area for housing. Having regard to the site constraints and character of the locality, officers consider that the proposed density of development makes the most efficient use of the site and in this respect alone the scheme does not represent over development.
- 5.8 Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits development within existing residential curtilages, including extensions to existing dwellings and new dwellings subject to criteria that are discussed below. Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.

**A. Respect the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area; and**

- 5.9 The existing garage has no architectural merit and its demolition is not resisted. The pig sty clearly has some age but is a rather ramshackle building with a corrugated sheet roof. The building is not considered to be a heritage asset of any significance.
- 5.10 The proposed location of the dwelling would be at the very end of the secondary garden, where there is an existing building i.e. the former pig sty; the property immediately to the rear i.e. no.8 York Gardens is a substantial, detached, modern, two-storey dwelling house. As such, the proposed dwelling, being modest in scale and built in part on the footings of the old pig sty, would not adversely affect the character of the street scene, indeed it would be hardly visible from the public domain.
- 5.11 The building has been designed having the site constraints in mind. As such the building has a somewhat contemporary appearance with a mono-pitch roof. The stone from the demolished pig sty would however been retained and used for the south-eastern elevation, which might be visible in glimpsed views from Whatleys End Road; the other elevations would be timber clad with the roof being covered with synthetic mineral slates. The Village Design Statement states that new buildings should make the maximum possible use of local materials and sustainable timber. Officers consider that such a design would adequately integrate within the surrounding area, which is characterised by a mix of old and modern dwellings.
- 5.12 In order to provide access to the parking spaces for the existing dwelling, a section of the natural pennant sandstone wall enclosing the front garden to no.137 would need to be demolished and part of the lawn made over to hard-



standing. This is unfortunate, as by doing so, the character of the street scene would be adversely affected. The Village Design Statement seeks to retain these traditional pennant sandstone walls which provide closure to the street frontage. This wall however has no statutory protection and no.137 is not even locally listed. The wall can be demolished and the hard-standing introduced under permitted development rights, as has been done at neighbouring no.139. On this basis officers consider that they cannot reasonably refuse the application on this issue.

**B. Would not prejudice the amenities of nearby occupiers; and**

- 5.13 With regard to impact on residential amenity, officers noted during their site visit that there are no significant habitable room windows in the side elevations of no.137 or the neighbouring property no.139, or for that matter the property immediately to the rear of the pig sty (no. 8 York Gardens) although there is a large conservatory to the rear of no.8. The garden to the neighbouring property to the north-east (no.139) is relatively well enclosed and the house sufficiently distant that the two high level windows in the proposed south-east elevation would not result in loss of privacy. The site is bounded by a mix of fences and walls that would be retained to provide sufficient enclosure.
- 5.14 The wall on the boundary with no.8 is fairly low but additional screening is provided by the vegetation growing in the garden of no.8. This however is cut back every winter and this would allow some overlooking from the proposed rear bedroom window into the conservatory of no.8, from a relatively short distance. As such officers consider it appropriate that, in addition to the wall, a 1.8m high fence be erected on this boundary; this can be secured by condition.
- 5.15 The existing pig-sty lies hard on the boundary wall with no.8 York Gardens. The proposed dwelling however would be set in part some 2.5m off the wall. The proposed dwelling would be larger than the pig sty, being 13.237m long and 4.804m at its widest point, with eaves at 2.255 to the west and 3.419m to the east where the mono-pitch roof reaches its highest point. The building is not considered to have an overbearing impact on the neighbouring properties.
- 5.16 Concerns have been raised about noise and disturbance but it is noted that traffic would not penetrate any further into the site than at present. The old pig sty is used for storage purposes and there are already pedestrian movements associated with the building and throughout the site. Given that the proposal is for a one bedroom dwelling only, there would be no significant increase in disturbance for neighbours.

**C. Would not prejudice highway safety or the retention of an acceptable level of parking provision, and an acceptable level of parking provision is provided for any new separately occupied dwelling; and**

- 5.17 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe. The proposal is for a 1 bedroom dwelling only so any traffic generation would be insignificant.

5.18 As regards car parking, the new South Gloucestershire Residential Parking Standards require 2 off street spaces for a three bedroom property and one space for a two bedroom property. It is proposed to utilise the existing access for the new dwelling with a parking space provided in the area to the front of where the existing garage is located. For the existing cottage it is proposed to introduce a new access through the front boundary wall, with two parking spaces provided in what is currently the front garden. Given that Whatleys End Road is not classified, the new access can be introduced using permitted development rights. This would however prevent the need for on-street parking. Adequate bin storage facilities would be provided within the site. There are therefore no objections on highway safety grounds.

**D. Would not prejudice the retention of adequate private amenity space, and adequate private amenity space is provided for any new separately occupied dwelling;**

5.19 The configuration and scale of the garden areas associated with no.137, lends itself well to a sub-division of the plot and in terms of amenity space there would be sufficient to serve the existing and proposed dwellings. With the loss of the existing garage and pig sty the overall foot print of built development would not significantly alter and as such the scheme is not considered to be an overdevelopment of the site. Having regard however to the limited size of the plot, officers consider it justified to impose a condition to remove normal permitted development rights from the proposed new dwelling.

5.20 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction. Any increase in noise levels or anti-social behaviour, would be the subject of normal environmental health controls. There are therefore no objections on environmental grounds. In terms of drainage, the Council's Drainage Engineer has raised no objection and a SUDS Drainage Scheme would be secured by condition. It is proposed to utilise the existing mains sewer and drainage system. Any connections to the main sewers would need to be agreed with Wessex Water.

5.21 Concerns have been raised by the occupant of neighbouring no.8 York Gardens about the proximity of the flue projecting from the roof of the proposed dwelling. The position of the flue would be adequately controlled by Building Regulations. Such flues often project from the side elevations of houses and are often located in very close proximity to neighbouring dwellings without problems occurring. Any resultant statutory nuisance would however be controlled under normal Environmental Health Legislation.

5.22 On balance therefore, officers are satisfied that the proposal would have no significant adverse impact on neighbouring residential amenity.

### 5.23 Landscape Issues

The garden areas to no.137 are already laid to lawn with flower/shrub borders. There are no trees of any great significance within the site that need to be protected. In landscape terms therefore the scheme is acceptable.

### 5.24 Affordable Housing

The proposal is for 1 house only, which is below the Council's threshold for affordable housing provision.

### 5.25 Education Service

The development comprises 1 house only and this is below the threshold (5) for contributions towards Education.

### 5.26 Community Services

The proposal is for 1 house only, which is below the Council's threshold (10) for contributions to Community Services.

### 5.27 Other Issues

Of the concerns raised by local residents that were not addressed above:

- A precedent would not be set as each application must be determined on its individual merits having regard to any cumulative impact.
- Applicants can build up to their boundaries. Informatives relating to the Access of Neighbouring Land Act would be added to any consent granted.
- Anti social behaviour is controlled by the appropriate enforcement agencies and does not fall under planning control.
- Rights of access are civil matters to be resolved between the respective parties.

## 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 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 conditions listed on the Decision Notice.

**Contact Officer: Roger Hemming**  
**Tel. No. 01454 863537**

## **CONDITIONS**

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

### Reason

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

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

### Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

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

### Reason

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

4. Prior to the commencement of the development hereby approved, 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 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the details so approved.

### Reason

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

5. The approved vehicular access and car parking facilities, shown on the Proposed Site Plan No. GREEN191113PS hereby approved, shall be provided and surfaced in a permeable bound material, before the first occupation of the dwelling so approved, and thereafter maintained as such and used only in conjunction with the occupation of the buildings' 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 H4 and

T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and The South Gloucestershire Council Residential Parking Standards SPD (Adopted).

6. No windows, other those shown on the plans hereby approved, shall be inserted at any time in the dwelling house hereby approved.

Reason

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

7. Prior to the first occupation of the development hereby approved, the refuse storage facilities shall be implemented in accordance with the details shown on the Proposed Site Plan No. GREEN191113PS hereby approved and shall be retained as such thereafter.

Reason

In the interests of the amenity of the locality and to accord with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 .

8. 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, F and G ) 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

Having regard to the character of the area, the limited size of the plot and proximity of the neighbouring residential dwellings; to ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013.

9. Notwithstanding the details shown on the plans hereby approved; prior to the first occupation of the dwelling hereby approved, whilst retaining the boundary wall, a 1.8m close board fence shall also be erected on the boundary with no.8 York Gardens and retained as such thereafter.

Reason

To screen the development and ,maintain privacy in the interests of residential amenity and to accord with Policy H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

**CIRCULATED SCHEDULE NO. 24/14 – 13 JUNE 2014**

**App No.:** PT14/0845/F  
**Site:** 24 Celandine Close Thornbury Bristol  
 South Gloucestershire BS35 1UB

**Applicant:** Mr Mrs C Mitchell  
**Date Reg:** 14th March 2014

**Proposal:** Erection of a single storey rear extension  
 to provide additional living accommodation.  
 Realignment of garden wall.

**Parish:** Thornbury Town  
 Council

**Map Ref:** 364709 190792  
**Application** Householder

**Ward:** Thornbury North  
**Target** 6th May 2014

**Category:**

**Date:**



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

This application is referred to the circulated schedule as a number of comments of objection have been received from local residents.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a rear extension and the realignment of a boundary wall to increase the size of the rear garden. The boundary wall would be moved to the side to enclose a section of amenity land. This application therefore also involves an element of change of use.
- 1.2 The application site is a detached house on a mid-1980s housing estate on the outskirts of Thornbury. The estate is open plan in nature and the application site is located on a prominent corner of Primrose Drive and Celandine Close.
- 1.3 The proposed rear extension would be 'permitted development'; however, permitted development rights have been removed and therefore a planning application is required. The realignment of the wall would not be permitted development and would be subject to a planning application even if permitted development rights remained intact.
- 1.4 During the course of the application, amendments have been negotiated that seeks to pull the proposed side boundary wall away from the carriageway. The purpose of this is to retain as much of the open nature of the estate as possible whilst allowing a certain level of development.
- 1.5 Amended plans which have pushed the wall away from the highway have been received. It is on these plans that the application will be determined.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - i. National Planning Policy Framework March 2012
  - ii. The Town and Country Planning (General Permitted Development) Order 1995 (as amended)

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

L5 Open Areas

T12 Transportation

H4 Development within Existing Residential Curtilages

Supplementary Planning Documents

Residential Parking Standard (Adopted) December 2013

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

- 3.1 P91/2600 Approval of Full Planning 24/11/1991  
Erection of rear conservatory
- 3.2 P84/0200/1 Approval 03/04/1985  
Erection of 69 detached dwellings and garages. Construction of related access roads and section of primary distributor road including road bridge approach construction of hard surfaced play area
- 3.3 N70/29 Approve with Conditions 25/09/1984  
Residential and ancillary development together with the construction of the Primary Distributor Road on 14.4 ha. (35.5 acres) of land. (Outline).

### **4. CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council  
No objection to the extension.

Objection to wall realignment: It would enclose an area of open space and such enclosure would detract from the open aspect and visual amenity of the area.

- 4.2 Drainage  
No comment

- 4.3 Police Community Safety  
None received

- 4.4 Transport  
Development would reduce the size of the garage, two parking spaces must be provided within the curtilage of the property.

#### **Other Representations**

- 4.4 Local Residents  
Five comments of objection have been received which raise the following points:

- Concern over height of roof of proposed extension
- Extension would block light
- Development may cause damage to neighbouring properties
- Loss of light would result in decreased value of neighbouring property
- Increase in size of garden should not be to the detriment of the area
- Proposed extension makes garden too small, extension should be reduced rather than wall being moved
- There is no issue of drugs in the locality
- Realignment of the wall would result in the loss of the grass area



- Realignment of the wall would remove the open outlook of the area
- Wall may affect visibility
- Proposed wall would look ugly
- Proposed wall would affect the character of the estate

## 5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for the erection of a rear extension and the realignment of a boundary wall on a housing estate in Thornbury.

### 5.2 Principle of Development

Extensions and alterations to existing dwellings are managed through policy H4 of the Local Plan. This policy is generally supportive of development subject to an assessment of design, amenity and transport. It should be noted that the proposed extension would be permitted development (should the property have benefited from these rights) and therefore the acceptability of the proposal is also established under the Town and Country Planning (General Permitted Development) Order 1996 (as amended).

5.3 The realignment of the boundary wall would also be acceptable in principle subject to passing tests of policy CS1 and L5. These policies seek to ensure the highest standards of design and to protect the amenity that open areas offer to the locality. Therefore, the proposed development is acceptable subject to the analysis set out below.

### *Boundary Wall*

#### 5.4 Amenity

The realignment of the boundary wall should be assessed against policy L5 of the Local Plan. This policy does not permitted development that adversely affects the contribution that an open area makes to the quality, character and amenity of the locality.

5.5 It is recognised that the area does currently benefit from an open feel, particularly when the site is approached along Primrose Drive from the south. The corner of Primrose Drive and Celandine Close is characterised by a wide and open verge. The proposed boundary wall would be realigned to be positioned 1.5 metres from the edge of the pavement along Celandine Close and 3.5 metres from the edge of the highway on the corner.

5.6 The area to be enclosed is currently mostly set to landscaped planting. The effect of the proposed wall would be to take the area of planting and include it (plus an area of verge) within the garden of the property.

5.7 Amended plans have increased the set back of the wall from the highway, particularly where the junction is. This helps to preserve the open feel of the site when approached from the south. Whilst it is acknowledged that development would have an effect on the open area, the test is whether such an effect would have an adverse impact on the locality.

5.8 Sufficient land is retained in the public realm to ensure that the area retains its general open feel. The area to be enclosed provides little contribution to public amenity space – it is unlikely not to be used by members of the public for recreational purposes. Although there would be a reduction to the level of openness in the estate, it is not considered that this reduction would surmount to an adverse impact on the character and quality of the estate and the proposed wall accords with the provisions of policy L5.

5.9 Design

Turning to the design and appearance of the wall, the wall is to be constructed to match (in style, material, and height) the wall to be removed. A wall represents a solid and strong boundary feature and is considered to be a more appropriate means of enclosure than, say, a timber fence. The design of the wall is considered to meet an acceptable design standard and would not adversely affect the visual amenity of the area.

5.10 Anti-social Behaviour

Comments have been made that suggest anti-social behaviour occurs on this patch of land; it has been suggested in the applicant's submission that paraphernalia associated with illegal drug use and sales have been found secreted in the bushes. Anti-social behaviour in itself is not a planning consideration. However, policy CS1(9) requires design to take into account personal safety, security and crime prevention. Whilst there is no explicit evidence that the area is used for anti-social activity (and although consulted, the Police Community Safety team have made no comment) the proposed design of the wall, being constructed from brick and being of the same height as the existing, wall is considered to be a safe and secure boundary treatment.

*Rear Extension*

5.11 Design

The proposed extension will be located behind the existing kitchen and garage. It will extend 4 metres beyond the rear elevation and will have a ridge height of 4 metres. A gable end will front the garden in which a set of bi-folding doors will be installed. The side elevation to the neighbouring property will be blank and the elevation into the side garden will have a pair of French windows. Materials have been selected to match those used in the existing dwelling.

5.12 The design proposed is considered to make a good use of the layout of the site and is in keeping with the existing property in terms of proportions, materials, massing and overall appearance. It is considered that the extension accords with policy CS1 and H4 in relation to design.

5.13 Amenity

Development is required under the NPPF to result in a good standard of residential amenity whereas policy H4 requires development to avoid a prejudicial impact on amenity. This should be considered in terms of the impact on the application site and on all nearby occupiers.

5.14 The amenity of the application site would not be adversely affected. Sufficient private amenity space is retained and the development would not impact on the levels of amenity offered to the site.

- 5.15 No.23 Celandine Close is located to the due east of the application site. This property is set slightly behind no.24. The proposed extension is 1 metre from the boundary with the ridge of the extension being set a further 3.5 metres beyond. The separation of the ridge is considered to minimise the impact of the development on the adjacent neighbour and a good standard of amenity would be retained.
- 5.16 The extension is not considered to impact on the properties located to the front, rear, or west.
- 5.17 Transport and Parking  
The development will result in a decrease in the size of the garage and therefore the development must provide adequate off-street parking. To accord with the Residential Parking Standard two off-street spaces should be provided.
- 5.18 The existing driveway of the property provides this level of parking provision and therefore there is no objection to the proposal on the basis of highway safety or provision of parking.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development has been assessed against the policies listed above. It is not considered that the development would adversely affect the contribution that the existing layout makes to the amenity of the area, have a prejudicial impact on residential amenity, or result in a reduction in highway safety; furthermore, an acceptable standard of design is proposed.
- 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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 It is recommended that planning permission be GRANTED subject to the conditions listed below.

**Contact Officer: Griffith Bunce**  
**Tel. No. 01454 863438**

## **CONDITIONS**

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

Reason

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

2. The materials to be used in the construction of the new wall hereby permitted shall match those used in the existing boundary wall.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies.

# ITEM 19

## CIRCULATED SCHEDULE NO. 24/14 – 13 JUNE 2014

<b>App No.:</b>	PT14/0954/F	<b>Applicant:</b>	Churngold Recycling Holdings Ltd
<b>Site:</b>	Churngold Recycling Ltd Unit 1 Severn View Industrial Park Central Avenue Hallen South Gloucestershire BS10 7SD	<b>Date Reg:</b>	25th March 2014
<b>Proposal:</b>	Change of use of existing buildings and associated land from Waste Transfer and Recycling Facility (Sui Generis) to mixed use (ClassB1/B2/B8) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) and 24 hour operation.	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	353850 183166	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>	Major	<b>Target Date:</b>	19th June 2014



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## **REASONS FOR REPORTING TO THE CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule due to consultation response received, contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application is for the change of use of existing buildings and associated land from Waste Transfer and Recycling Facility (Sui Generis) to mixed use (ClassB1/B2/B8) and 24 hour operation.
- 1.2 The site is the existing Churngold recycling facility at Unit 1 Severn View Industrial Park, Central Avenue, Hallen. The site consists of a parcel of land approximately 1.5 hectares in size. To the west the site is flanked by Severn Road, beyond which is the Severn Estuary, to the north the site is flanked by Central Avenue, which gives access off Severn Road to the industrial area, whilst to the south and east the site shares boundaries with internal parts of the industrial area. The nearest residential properties are in the region of 1km away to the north, between which lies further industrial land. A tree belt containing Poplars exists along part of the sites western boundary.
- 1.3 The site is located within the former ICI permissions area (see planning history below) and is a Safeguarded Employment Area.
- 1.4 The site is located within Flood Zone 3. A Flood Risk Assessment has been submitted with the application.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
Planning Practice Guidance
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
E3 – Employment Development Criteria for Employment Development  
E4 – Safeguarded Employment Land  
T12 – Transportation Development Control Policy for New Development  
EP2 – Flood Risk and Development  
L7 – Sites of National Nature Conservation Interest  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS11 Distribution of Economic Development Land  
CS12 Safeguarded Areas for Economic Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist

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

- 3.1 SG4244 - The site forms part of the historic ICI consents on Severnside for a range of facilities including development of factories, warehouse and Offices, granted in 1957. The permission remains relevant.
- 3.2 PT04/0233/O – Development of 7.3 hectares of land for employment under classes B1 (c), B2 and B8. Approved 3<sup>rd</sup> May 2005.
- 3.3 PT06/0021/F, Site Address: Unit 1 Severn View Industrial Estate Severnside BRISTOL South Gloucestershire BS10 7SD, Decision: COND, Date of Decision: 19-FEB-07. Proposal: Change of use from Employment (Classes B1(c), B2 and B8) to Waste Transfer and Recycling Facility (Class Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 2005.
- 3.4 PT08/0356/RVC, Site Address: Unit 1 Severn View Industrial Park Central Avenue Hallen South Gloucestershire BS10 7SD, Decision: REFU, Date of Decision: 18-APR-08. Proposal: Removal of Condition 8 attached to Planning Application PT06/0021/F dated 19 February 2007 restricting the colour of the palisade fencing.

### **4. CONSULTATION RESPONSES**

- 4.1 Pilning and Severn Beach Parish Council  
Pilning & Severn Beach Parish Council strongly object to this change of use because it is not known what will be in place of the existing buildings and land. It could be another woodpile or wood chipping facility which would cause even more pollution in our area. The councillors ask for full clarification on what the applicant intends to put there bearing in mind B1 is business limited to 235 sqm, B2 is General Industrial & B8 is storage and distribution which does not give any clarification at all.
- 4.2 Other Consultees  
Sustainable Transportation  
There is no transportation objection to this proposal. This application is essentially a reversal of a previous application that was approved in 2006 for the waste transfer and recycling facility. Although the buildings have changed slightly, it is not considered that this slight change is of a such a material impact that would warrant a refusal in terms of traffic generation. The proposed change of use could broadly generate a similar volume of traffic to the extant use. The site is linked to the wider highway network (Severn Road - A403) via Central Avenue which is within a recognised industrial/employment zone. There are no known issues with the capacity of this junction or the A403 within the SGC administrative boundary. There are no identified cycle facilities or cycle changing facilities identified within the application a condition is therefore required such that prior to first use of the site within the B1/B2/B8 use class cycle changing facilities and secure undercover cycle storage are to be provided in accordance with Policy T7.

#### Drainage Officer

No objection in principle subject to consultation with the EA with regards to the Flood Risk Assessment. The EA have been consulted.

#### Highways Drainage

No comments

#### Environmental Protection

No objection in principle, subject to conditions that deal with potential contamination from previous waste uses.

#### Wessex Water

The applicant has proposed surface water connection via attenuation pond to existing rhyne which will require approval from the drainage board and your authority. The system will not connect to Wessex Water apparatus and will not be adopted by Wessex Water. Current operations are not directly connected to the public sewerage system. The nearest public system is some distance from the site (see attached). The applicant has indicated that foul drainage will connect to the mains sewer. Your authority should seek assurance that the applicant has satisfactory means for the safe disposal of foul drainage.

#### Fisher German (on behalf Esso Petroleum Ltd)

Our clients do have apparatus situated near the proposed works. However there are no objections subject to compliance with the 'Special Requirements for Safe Working' booklet and the covenants contained in the Deed of Grant are adhered to.

### **Other Representations**

#### 4.3 Local Residents

No comments received

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The site the subject of this application forms part of a wider Safeguarded Employment Area as identified in both the South Gloucestershire Local Plan and the Core Strategy. Further to this the planning history for the site demonstrates previous consent for factories, warehouse and offices (as part of the wider historic ICI consents, - which remain extant) and B1, B2 and B8 uses also previously approved. The most recent consents for the site were to change the use from B1, B2 and B8 to a sui generis waste use. The current application seeks permission for the site to revert back to its B1, B2 and B8 uses. No additional building is proposed with this application. The main issue for consideration therefore is whether there are any issues or impacts associated with the site returning to a previously approved use and whether any additional guidance or policies exist or have been introduced that may impact upon the consideration of the site for such use.



- 5.2 The NPPF indicates a presumption in favour of sustainable development in the interests of wider economic, environmental and social provisions, except where it may compromise key sustainable development principles set out in national planning policy or where any adverse impacts would significantly and demonstrably outweigh the benefits, it is considered that these proposals would positively contribute to those interests, subject to detailed development control consideration. Policies E3 and E4 of the SGLP seek to protect Safeguarded Employment Areas (in which this proposal is located) for a range of employment uses and states that such uses, including re-uses of existing buildings and uses within sites covered by E4 will be permitted, subject to detailed development control criteria. Further to this it states that proposals for large scale B8 storage and distribution uses will only be permitted in certain locations, the Severnside area being one such location. Given the site is part of an identified Safeguarded Employment Area it is considered that the principle is acceptable. Policy CS11 of the Core Strategy identifies the Severnside area, including this site, as a Safeguarded Area (with existing planning permission) for economic development land and Policy CS12 seeks to protect the land for a wide range of 'B' Use Classes. In this case it is considered that the site is in compliance with these policies and guidance and the principle of the proposal is therefore acceptable.
- 5.3 Given that the proposal would be a change of use to previously acceptable uses of the site, the footprint remains the same, no new buildings are proposed and the use reflects those of the surrounding land uses and designations within the Local Plan, it is considered that the proposals would remain acceptable in landscape, ecology, local amenity and transportation respects. It is not considered that material changes to planning policy or guidance have occurred such as to warrant alternative consideration in these respects and that the policy is considered to support the proposals.
- 5.4 The proposed change of use does not raise any additional issues in terms of the Flood Risk Assessment. No new buildings nor a change in levels are proposed as part of the application. In terms of drainage, the site is an existing industrial site with permission, the existing drainage systems would remain in situ.
- 5.5 No new buildings or other development are proposed as part of this application. Any new buildings or structures on the site would need to be subject to the consideration of new further planning applications. It is not considered unreasonable that the site may revert back to a range of uses that have previously been approved, given that this range of uses has been considered acceptable at the site and there is also the current existing waste transfer use. The potential for the 24 hours operation of the site is considered to be reasonable given the nature of the site and its surroundings and the nature of many of the other distribution and industrial uses in the immediate vicinity.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposal is located at an existing industrial/safeguarded employment area and has previous planning permission for various B use classes, further to this it is not considered that it would give rise to material additional or alternative impacts beyond the existing use of the site in terms of amenity, transportation, ecology, drainage, flooding or landscape and as such is in accordance with Policies E3, E4, T12, EP2 and L7 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1, CS11 and CS12 of the South Gloucestershire Core Strategy Adopted December 2013.
- 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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 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 conditions.

**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. a) Previous use of the land for waste activities may have given rise to contamination. Prior to commencement, an investigation 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 and how any unacceptable risks will be mitigated. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings and what mitigation measures are proposed to

address these. 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.

Reason

In the interests of the prevention of contamination and the amenity of the site and in accordance with Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

3. Prior to the first use of the site within the B1/B2/B8 use classes cycle changing facilities and secure undercover cycle storage shall be provided within the site.

Reason

To encourage means of transportation other than the private car, to accord with Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

4. No mud, dust or other debris shall be deposited on the highway. No vehicle shall leave the site unless its wheels and chassis are clean.

Reason

In the interests of highway safety and local amenity and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

5. Prior to being discharged to any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles and commercial lorry parking areas shall be passed through an oil interceptor.

Reason

In the interests of the local water environment and the amenity of the site and in accordance with Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

6. There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason

In the interests of the local water environment and the amenity of the site and in accordance with Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

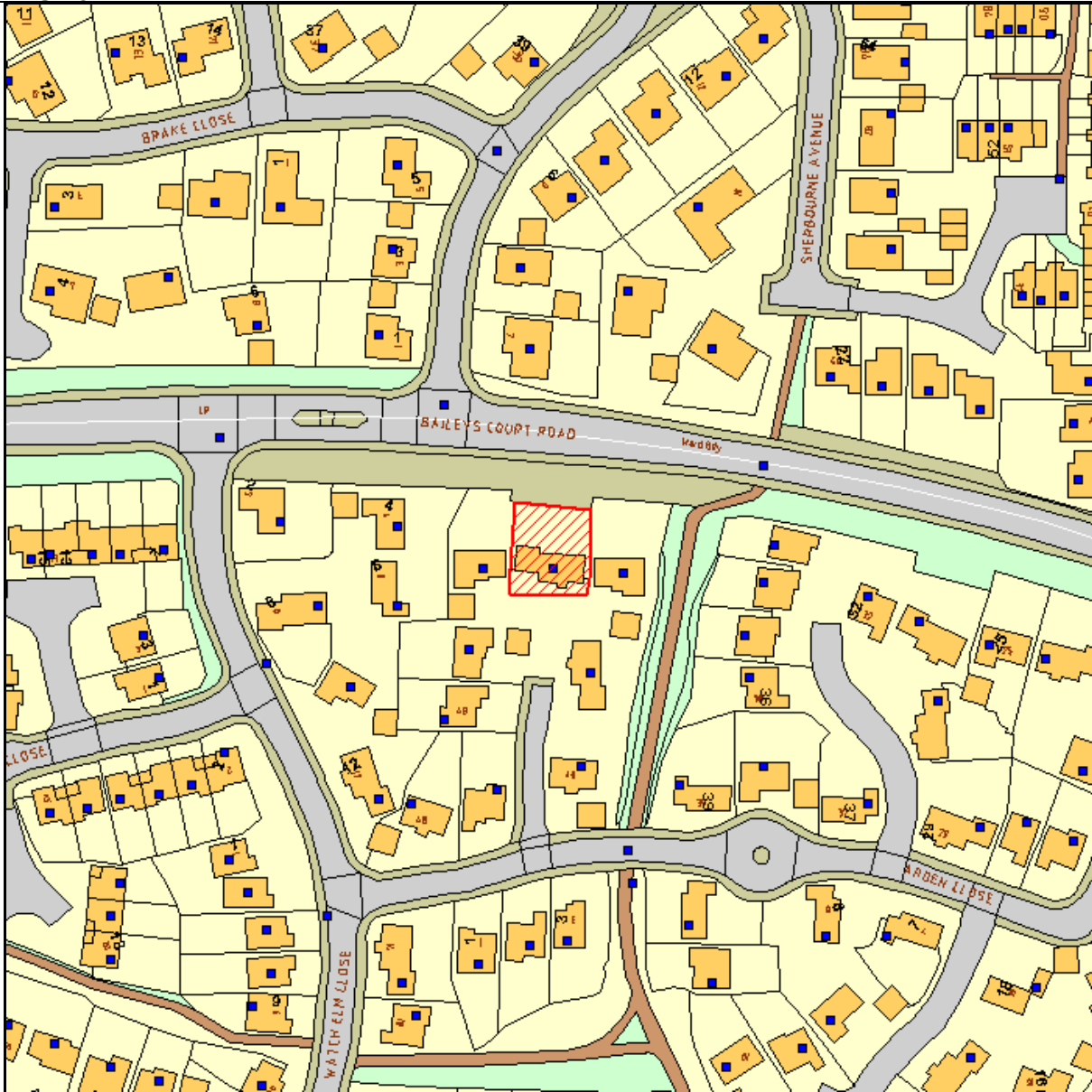
7. All storage of waste materials shall occur under the cover of the existing buildings, with the exception of hardcore, sub soils and topsoils, which may be stored externally on the hardstandings, to a maximum height of four metres.

Reason

In the interests of the amenity of the locality and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

**CIRCULATED SCHEDULE NO. 24/14 – 13 JUNE 2014**

<b>App No.:</b>	PT14/1071/F	<b>Applicant:</b>	Mr S Chandry
<b>Site:</b>	43 Arden Close Bradley Stoke Bristol South Gloucestershire BS32 8AX	<b>Date Reg:</b>	21st March 2014
<b>Proposal:</b>	Erection of first floor side extension to form additional living accommodation for use as self contained granny annexe	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	362290 180893	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Householder	<b>Target Date:</b>	13th May 2014



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

This application has been referred to the Circulated Schedule due to the receipt of letters of objection from local residents and Bradley Stoke Town Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for a first floor extension over an existing garage of 43 Arden Close, Bradley Stoke, to form additional living accommodation for use as self-contained granny annexe. During the course of the application, the applicant submitted a revised proposal, which show the proposed extension has been reduced in height by one metre, and there would be a dormer window at the front and rear. In addition, the revised drawing also shows the mistake on the original drawing has been rectified. It is not proposed to extend the footprint of the existing building. The height of the proposed extension would be approximately 6.2 metres.
- 1.2 The site is located within the existing urban area of Bristol North fringe. It is not covered by any further statutory or non-statutory designations.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy Guidance
- 2.2 Development Plans  
  
South Gloucestershire Local Plan Core Strategy (Adopted) December 2013  
CS1 High Quality Design  
CS5 Location of Development  
CS8 Improving Accessibility  
  
South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies  
T12 Transportation  
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance  
Residential Parking Standard (Adopted) December 2013

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

- 3.1 There is no planning history on this site.

### **4. CONSULTATION RESPONSES**

- 4.1 Bradley Stoke Town Council  
The Town Council objects the first proposal on the ground of overdevelopment

The Town Council also objects the revised proposal on ground of overdevelopment and impacts on the residential and visual amenity of other residential properties.

4.2 Drainage  
No comment

**Other Representations**

4.3 Local Residents  
5 letters of objection have been received (four of them are submitted by the same household), their concerns are summarised as follows:

- No. 44 has a conservatory at the rear and it is not shown on the plan.
- The proposal will have a significant impact upon the light and warmth generated in the early mornings. The conservatory was built in February 1993 and has benefited from over 20 years of uninterrupted morning light and heat from the direct sunlight available.
- Number 44 also has a satellite dish that is situated towards the rear of the eastern wall of the house so that the visual impact would be minimal. Increasing the height of the garage to accommodate this extension would almost certainly prevent satellite reception.
- The financial cost of increased heating bills and carbon emission. There would also be a financial cost associated with moving the satellite dish.
- Parking space is already at a premium with many local residents having 2 or more cars. When garages are not used to house cars, any available roadside space can become congested. An additional independent dwelling could only further add to that problem.
- Access during a construction phase - Although the block plan does not make it clear, access to the proposed extension site by large vehicles would impact access to the garage and parking area of number 44 and possibly number 42.
- The plans are incorrect
- The proposed extension would alter neighbour skyline to the area between a garage and the front of the daylight
- Block in significant manner natural daylight falling on the neighbouring dining room window.
- No 41 was obliged to reduce a similar extension from roof level by 6ft below roof
- The title 'Granny annex' is inappropriate, the proposal incorporates two flights of narrow steep stairs unsuitable to aged people and is my no means self contained.
- There is no provision for off road parking, for addition vehicles, which will lead to congestion on the public assess, and problems for adjacent neighbours.
- Consideration of the right of light and using the 45 degree rule.

Comments on revised proposal:

- Still have an objection

- It will impact the light and radiated heat received in the neighbouring conservatory.
- The neighbour indicated that an alternative scheme has been discussed with the applicant. (Since the receipt of the revised proposal, the applicant has confirmed that no further amendments will be made and therefore the revised proposal will be determined as it submitted)

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

Planning permission is sought for a first floor side extension that would form ancillary additional living accommodation.

Development within existing residential curtilages is supported, in principle, by the saved Policy H4 of the Local Plan, subject to an assessment of design, amenity and transport. Further design considerations should be made using Policy CS1 of the adopted Core Strategy. Therefore, the proposed development is acceptable subject to the considerations set out below.

### 5.2 **Design**

The design of the proposed development is simple in nature. It is set back from the front elevation and would have a lower ridge height. It would be finished in brickwork to match that of the existing building. There would be a new door on the side elevation. The fenestration is simple and respects the character and appearance of the main house.

The extension would successfully integrate with the existing property and the locality as it has been designed to take into account the siting and layout of the urban form and the materials of the locality. As such, it is considered that the proposed extension would not cause any harms to the character and appearance of the main dwelling and the locality.

In addition, it is considered that the proposed amendments would offer a subservient appearance to the host building and it should be noted that there are similar designed extensions in the locality. Officers consider the design approach is acceptable.

### 5.3 **Amenity**

The nearest property is No. 44 Arden Close, which is located to the west of the proposed extension. The local resident has mentioned about Rights to Light. Officers advised that the loss of private rights to light is not planning material consideration, however the loss of light/overshadowing is a material consideration. Officers acknowledge that residents have significant concerns over the loss of light including sunlight upon the neighbouring conservatory.

It is noted that the proposed extension would cause some degree of loss of sunlight upon the neighbouring property, No. 44. However the proposal would not increase the footprint of the existing building and the ridge height of the proposed extension would be approximately 1.3 metres lower than the existing ridge. Whilst the proposed extension would cause some loss of sunlight into the neighbour's conservatory, particularly in winter months, it is not considered that



the level of impact would be detriment to the living conditions of the neighbouring occupiers to warrant a refusal of this application.

There would be a dormer window on the front elevation overlooking the hard standing area, and the proposed rear dormer, which serve part landing and part living room, overlooking the rear garden. On this basis, it is considered that the proposal would not cause significant loss of privacy upon the neighbouring properties.

There are concerns that the proposal would be overdevelopment of the site. As the proposal would not extend the footprint of the building, and the proposal would only provide one bedroom annex, it is not considered that the proposal would be overdevelopment as there is adequate private outdoor amenity space to serve the property.

Concern is also raised over the loss of skyline to No. 45. Although it is considered that the proposal would affect the skyline, it is not considered that this would adversely affect the visual amenity of the area. With respect to the loss of daylight to No. 45, it is considered that the loss of light would not be significant as there is a reasonable distance from the proposed first floor extension to the neighbour's dining room window.

#### 5.4 Transport

The proposed granny annexe in conjunction with the existing 4 bedrooms property will even after conversion of part of the garage into a granny annexe still have available 3 off street car parking spaces, (two spaces for the dwelling and one for the annexe). As such there is no transportation objection to this proposal.

With regard to the use of the existing access during the construction period, it would be private civil matters between the landowners to resolve the potential issues and agreed prior to the commencement of the works.

#### 5.5 Other Issues

Residents also raise concerns over the financial cost on the heating bill (carbon emission for the additional heating) and the reception of the satellite and additional cost to relocate, however they would not be planning material consideration to determine the application. Although Policy CS1 of adopted Core Strategy encourages reducing carbon emission, it is considered that the impact upon carbon emission caused by the proposal would not be significant to warrant a refusal of this application.

With regard to the description of the development as 'granny annexe', the applicant do not indicate that this need to be changed. Officers do not consider that this would be planning material consideration as the proposed extension would be used as ancillary accommodation to the host dwelling and a planning condition is imposed to ensure that this will be the case.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 It is recommended that planning permission be granted subject to the following conditions.

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

## **CONDITIONS**

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

Reason

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

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

Reason

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

4. The proposed extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 43 Arden Close, Bradley Stoke, BS32 8AX.

Reason

To protect the residential amenity of the neighbouring occupiers and to safeguard the public highway safety and to accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 24/14 – 13 JUNE 2014**

<b>App No.:</b>	PT14/1184/R3F	<b>Applicant:</b>	Bradley Stoke Community School
<b>Site:</b>	Bradley Stoke Community School Fiddlers Wood Lane Bradley Stoke South Gloucestershire BS32 9BS	<b>Date Reg:</b>	11th April 2014
<b>Proposal:</b>	Construction of car and cycle park with associated works including 3no. lighting columns.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	362454 181843	<b>Ward:</b>	Bradley Stoke Central & Stoke Lodge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	30th May 2014



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

This application appears on the circulated schedule because an objection has been received contrary to the Officers recommendation. The applicant is also the Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the construction of a car and cycle park and associated works including 3no. lighting columns.
- 1.2 The application site comprises an unused gravel area of approximately 2373 square metres located to the south of Bradley Stoke Community School. A games court is located to the east, a belt of trees and vegetation with residential properties beyond is located to the west, playing fields are located to the south.
- 1.3 The site is located within the defined Bradley Stoke settlement boundary.
- 1.4 The additional facilities are required as the construction of a new school is proposed on existing parking facilities.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
LC4 Proposals for Education and Community Facilities within the Existing Urban Area  
T8 Parking Standards  
T12 Transportation Development Control Policy for New Development  
L1 Landscape Protection and Enhancement  
L9 Species Protection  
L11 Archaeology

South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS9 Managing the Environment and Heritage  
CS25 Communities in the North Fringe of Bristol Urban Area

- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)

### **3. RECENT PLANNING HISTORY**

- 3.1 PT14/1676/R3F, erection of primary school with playground, landscaping and associated works; relocation of existing sports facilities, undecided.

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

4.1 Bradley Stoke Town Council

No objection on condition that an Environmental Impact Assessment is carried out prior to permission being granted.

4.2 Archaeological Officer

A HC13 condition for a programme of archaeological work should be applied of consent is granted. A brief of this work will be provided on request.

4.3 Drainage Officer

No objection subject to condition

4.4 Transportation Officer

No objection subject to condition

4.5 Lighting Engineer

No objection

#### **Other Representations**

4.6 Local Residents

One letter of objection has been received from a neighbouring occupier. The following is a summary of the reasons given for objecting:

- Construction works will affect nearest occupiers;
- Parking of cars will create an unacceptable noise levels;
- It will create pollution;
- Loss of privacy;
- Loss of property value.

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

5.1 Principle of Development

The site is located in the north fringe of the Bristol urban area within the defined Bradley Stoke settlement boundary. The site is an existing school site, and the proposal is required due to the fact that existing parking facilities will be lost. The proposal will not generate a significantly greater number of vehicular trips than the existing situation. The principle of the development is acceptable by virtue of planning policy LC4 of the South Gloucestershire Local Plan (adopted) January 2006 allows for the principle of the development. The main issues to consider are the appearance/form of the proposal; the effect on the residential amenity of neighbouring occupiers; the environmental effects; and the transportation effects.

5.2 Appearance/Form

A new asphalt surface is proposed to form the car park; a new 2 metre high powder coated fence is proposed along the southeastern boundary to secure

the car park between the boundary and the games court fences; 3no. 6 metre high floodlights are proposed along the southwestern boundary.

It is a shame that the proposed car park is not softened with planting, which was requested during a pre-application meeting. A number of trees are proposed around the access drive, but the asphalt surface is entirely given over to parking. Notwithstanding this, a new mixed native species hedge is proposed around the eastern and southern sides of the car park to be planted using soil laid from the site. Once the hedge has matured it will help to screen and soften views from outside the car park.

5.3 Cycle parking facilities for approximately 360 bikes are proposed located on land to the north of the proposed car park, and will require the relocation of a recently planted memorial tree. The cycle stores are approximately 2 metres in height and are already located on the school grounds. Ornamental planting and trees are proposed to help screen, and break up the mass of cycle parking facilities.

5.4 Given the above, as the proposal will not be readily visible from views from the public realm, there are no objections in terms of appearance/form.

5.5 Residential Amenity

The concerns raised by neighbouring occupiers are noted; however, there will be a separation distance of approximately 19 metres between the proposed car park and the neighbouring property at the closest point. A belt of trees and vegetation will also provide a degree of screening. As such, and given the topography, it is not considered that the proposal will adversely affect the privacy of neighbouring occupiers. Given the fact that the car park will be used most intensively during school opening times, it is not considered that neighbouring occupiers will be adversely affected through noise. Given the level of separation it is not considered that neighbouring occupiers will be adversely affected in terms of pollution. The proposed flood lights, at 6 metres in height, are significantly smaller than existing flood lights adjacent to the site associated with the games courts. The lighting details submitted demonstrates that there will be very little light spill into neighbouring gardens to the rear. It is not therefore, considered that neighbouring occupiers will be adversely affected through light pollution. If permission is granted, a condition is recommended for the development to be carried out in accordance with the lighting details submitted, and for the floodlights to be switched off no later than 10pm. A condition is also recommended, if permission is granted, in respect of hours of working, and for a Construction Environment Management Plan to be agreed with the Local Planning Authority to reduce the effects on neighbouring occupiers during the construction period.

5.6 Environmental

The Council's Drainage Officer has raised no objections to the proposal but has recommended a condition, if permission is granted, for a scheme of drainage to be agreed with the Local Planning Authority to reduce the risks of flood from surface water runoff.

5.7 It is not considered that the belt of existing trees and vegetation located to the west of the site will be adversely affected given the existing gravel surface of the site.

5.8 Transportation

Officers originally had concerns regarding the amount of parking proposed, which would have exceeded the Council's maximum parking standards. However, the agent has submitted additional information and clarification regarding the staff, student and visitor numbers. In addition, since the application was submitted, a separate planning application has been submitted for a new Primary School to be located on the land currently used as an overflow car park. The additional information submitted to support this application, and the Travel Plan and transport information submitted to support the Primary School application demonstrates that when both schools are considered together the amount of car parking proposed is not inconsistent with the maximum parking standards set out under policy T8 of the South Gloucestershire Local Plan (adopted) January 2006. Weight is given to the fact that the Council's Transportation Officer has raised no objections to the proposal but has recommended conditions for a site specific Construction Environmental Management Plan (CEMP) to be agreed with the Local Planning Authority. The Council's Transportation Officer has recommended a condition to ensure that fifteen of the new car parking spaces are not to be used for general day to day parking until the new primary school is in use. It is however, considered that such a condition would be impossible to enforce, and would not therefore, pass the test for a sound condition. A more appropriate condition would be to ensure that the existing overflow parking is not used once the approved parking is brought into use.

5.9 The Transportation Officer recommended a condition to ensure that the approved parking is provided prior to the first occupation of the proposed primary school. However, such a condition would be attached to any future application for a primary school, and is not necessary for the current application.

5.10 Further Matters

The objection received regarding the effect on property values is noted. However, this objection does not hold material weight in this instance.

**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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.



## 7. RECOMMENDATION

7.1 Planning permission is GRANTED subject to the following conditions.

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

### CONDITIONS

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

Reason

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

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

Reason

In the interest of archaeological investigation, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policy).

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 an adequate means of drainage is provided and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

4. The design and positioning of the floodlighting shall be carried out in accordance with the plan "lighting details" no. 5621/ES/400.

Reason

To restrict the overspill of illumination into neighbouring properties to avoid a detrimental effect on the residential amenity of occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

5. The floodlights hereby permitted must be switched off no later than 10:00pm every evening.

Reason

In the interests of the residential amenity of neighbouring occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan (adopted) December 2013.

6. The hours of working on site during the period of construction shall be restricted to the following times:

Monday - Friday.....7:30am - 6:00pm

Saturday.....8:00am - 1:00pm

No working shall take place on Sundays or Public Holidays.

The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

#### Reason

In the interests of the residential amenity of neighbouring occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan (adopted) December 2013.

7. Prior to the commencement of the development a site specific Construction Environmental Management Plan (CEMP) shall be agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

For the avoidance of doubt, the CEMP shall address the following matters:

- (i) Procedures for maintaining good public relations including complaint management and public consultation
- (ii) Mitigation measures as defined in the British Standard BS 5228: Parts 1 and 2 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance. Piling will not be undertaken and Best Practice alongside the application of BS 5228 shall be agreed with the LPA.
- (iv) The use of a Considerate Contractors or similar regime for the site induction of the workforce highlighting pollution prevention and awareness.
- (v) Measures to control the tracking of mud off-site from vehicles.
- (vi) Measures to control dust from the demolition and construction works approved.
- (vi) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
- (vii) Adequate provision for the delivery and storage of materials.
- (viii) Adequate provision for contractor parking.

#### Reason

In the interests of the residential amenity of neighbouring occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

8. Prior to commencement of the development details of a pedestrian route between the approved car park and the school entrance shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in

accordance with the agreed details prior to the first use of the car park hereby approved.

Reason

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

9. Prior to the first use of the car park hereby approved the use of the overflow car park to the north of the Bradley Stoke Community School shown on the plan "location plan" no.2001a shall be permanently discontinued in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

To encourage sustainable modes of travel and to accord with policy T8 of the South Gloucestershire Local Plan (adopted) January 2006.

10. Planting shall be carried out in accordance with the plan "cycle and cycle park relocation site plan" no. 2711e in the first planting season following the first use of the car park hereby approved.

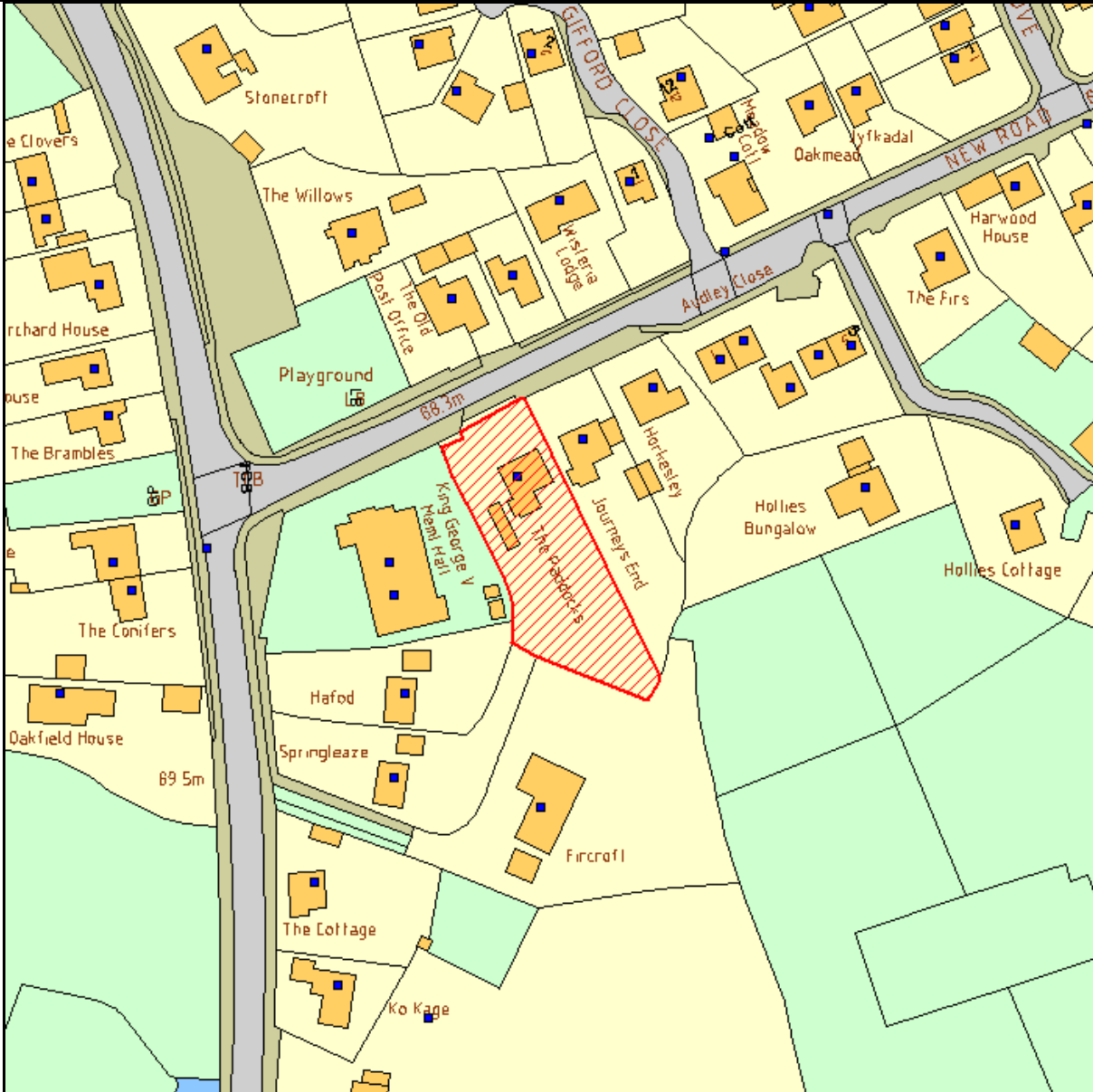
Reason

In the interests of the character of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.



**CIRCULATED SCHEDULE NO. 24/14 – 13 JUNE 2014**

<b>App No.:</b>	PT14/1198/F	<b>Applicant:</b>	Mr B Purnell
<b>Site:</b>	The Paddocks New Road Rangeworthy Bristol South Gloucestershire BS37 7QH	<b>Date Reg:</b>	31st March 2014
<b>Proposal:</b>	Erection of 2 no. detached dwellings with new access and associated works.(Re Submission of PT13/4641/F)	<b>Parish:</b>	Rangeworthy Parish Council
<b>Map Ref:</b>	369209 185774	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st May 2014



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

This application is referred to the Circulated Schedule for determination due to the receipt of letters of objections which would be contrary to officers' recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission to erect two detached dwellings and within a rear garden of the Paddocks, New Road, Rangeworthy. This application is the resubmission of application PT13/4641/F which was withdrawn to address the following concerns:
- Highway concerns
  - Arboricultural information required
  - Adjacent to private culvert
  - Scale of the proposed dwellings in relation to garden
- 1.2 An existing vehicular access would be used and shared with the proposed dwellings. An existing garage will be removed to make way for the development.
- 1.3 The site measures approximately 0.13 hectares. The site is located within the settlement boundary for Rangeworthy and is outside the Bristol / Bath Green Belt as shown on the proposals map
- 1.4 During the course of the application, the applicant submitted revised proposal to allow more amenity for new dwelling at plot 1 and also offer a wider distance between the new dwellings. In addition a revised site layout plan has been submitted to show the land drain along the rear boundary of the site, that was informed by the neighbouring property, Journeys End

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4A Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

- L1 Landscape
- L9 Species Protection
- T12 Transportation
- H4 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Residential Parking Standard (Adopted) December 2013

**3. RELEVANT PLANNING HISTORY**

- 3.1 PT13/4641/F Erection of 2 no. detached dwellings with access and associated works Withdrawn

**4. CONSULTATION RESPONSES**

- 4.1 Rangeworthy Parish Council  
No objection

- 4.2 Archaeology Officer  
No objection

- 4.3 Tree Officer  
No objection

- 4.4 Highway Drainage  
No objection subject to conditions seeking sustainable drainage system and permeable frontage, and informatives advising on surface water run-off and flooding from mining drainage level.

- 4.5 Transportation  
The proposed alterations (in comparison with the previous application pt13/4641/f) are considered satisfactory, and as such there is no transportation objection to this proposal.

**Other Representations**

- 4.6 Local Residents  
Four letters of objection (two of them come from the same household) have been received from members of the public. These are summarised as follows:

- With respect to the expected privacy, it should not rely on the existing boundary wall as this wall or part of it can be demolished by the adjacent owners.
- The existing land drain on the applicant's property need to be protected and preserved.
- Proposed dormer would look over the neighbouring property
- Too large for the plot and no garages, parking could be a problem

- Hedge to be cut back to give more space, leaving the site more visible to reside.
- Intend to take out the boundary hedge, and need to be replaced with a fence.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application seeks planning permission for the erection of two dwellings in Rangeworthy.

Development must meet the criteria of Policy CS5 to be acceptable in principle. This policy states that for rural communities outside of the green belt, small scale development may be permitted within the defined settlement boundaries. Therefore, the principle of development is acceptable but the application should be determined against the relevant planning considerations as set out below.

### 5.2 Siting and Site Layout

Residential development is supported to help meet the housing delivery identified in policy CS15. Policies CS16 and CS17 require development to provide a diverse mix of housing and make the most efficient use of the land, particularly with regard to sustainability.

Situated within the existing settlement, the site is considered to be a suitable and sustainable location for development. Officers acknowledge that the site layout could be better if it were proposed for one dwelling, however it would be unreasonable to resist the proposal as the site is large enough to accommodate two properties taken into consideration an existing built form within the village.

A mix of housing styles and sizes already exist in Rangeworthy, therefore it is considered that the proposed detached family houses would not be out of keeping with the character of the area. It is considered that the development is acceptable and would conform to the considerations of the policies listed above.

### 5.3 Design and Character

The area is characterised by groups of residential properties. The site is surrounded by a group of bungalows, and King George V Memorial Hall lies to the west of the site. The proposed dwellings would be bungalows with rooms in the loft, therefore they would respect the character of the surrounding properties.

Both new dwellings would share similar design, and would be finished with render and nature stone under roof tiles. The dwellings are also designed with simple features. The roof lines are clear and the fenestrations are well related to the size of the dwellings.

The design of the buildings is therefore considered to be acceptable and to be informed by and respect the scale, massing details and materials of the site and its context.



#### 5.4 Residential Amenity

A core planning principle set in the NPPF is that development should secure a good standard of amenity for existing and future occupants. In this instance, amenity considerations should cover the amenity of the occupiers of the proposed dwellings and the amenity of occupiers of nearby properties.

The proposed new dwellings would be located at the rear of the property and both dwellings would sit an angle to the adjacent properties garden as such they would not cause significant overbearing impact given that they would be approximately 20 metres from the nearest dwelling house, Fircroft.

With respect to the loss of privacy, it is acknowledged that the proposed dwellings would cause some degree of overlooking the neighbours' gardens. Given that the neighbouring properties have a reasonable sized garden and the proposed first floor windows would be approximately 20 metres from the nearest habitable window of Fircroft, and it would sit an angle to the neighbouring properties, it is therefore considered that the loss of privacy would not be significant to warrant a refusal of this application.

Furthermore, the new dwellings would offer a reasonable distance from the rear elevation of the host dwelling, therefore there is no overlooking issue caused to the existing occupiers.

In addition, a planning condition is imposed to seek further details of any boundary treatment within the site in order to protect the privacy for the neighbouring properties.

#### 5.5 Trees

The applicant submitted an arboricultural report with the application. The report indicated that it is only proposed to remove one c grade Apple tree T2 from the site prior to commencement of development. C grade trees are lower quality trees that need not influence development design. All other trees and hedges are proposed for retention.

T4 Ash growing on the Southern boundary of the site provides high amenity to the local area and is worthy of protection by Tree preservation order. The Tree Officer has confirmed that the TPO is now place.

The proposed protective fencing is in accordance with BS:5837:2012 and appropriate for protection of the trees and hedges. The fencing will need to be erected prior to the commencement of development operations and stay in place until all operations have ceased. A planning condition is therefore imposed to ensure that this will be the case.

#### 5.6 Transport and Parking

Planning application PT13/4641/F was withdrawn to overcome concerns that the inappropriate turning and parking spaces within the site. Development must also provide adequate parking to meet the requirements of the dwellings proposed. The resubmitted application makes adjustment to the future

curtilage of the host dwelling in order to provide additional visitor space. The site layout indicates that sufficient parking is proposed

There are no highway concerns over the visibility splay from the access, therefore there is no objection to the development on the grounds of highway safety.

#### 5.7 Other Issues

With regarding the private land drain, the applicant has indicated the land drain on the submitted drawings, however it would be the applicant's responsibility to clarify the exact details including the location of the land drain with the adjoining owners, as it is a private civil matter between the applicant and the adjoining owner to resolve the issues.

### 6. CONCLUSION

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

6.2. The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

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

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

### CONDITIONS

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

Reason

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

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, C, E and F), 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 CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Notwithstanding the submitted details, prior to the commencement of development a plan indicating the position, design, and materials for the boundary treatment to be erected within the site shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the buildings are first occupied. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and in the interests of conserving the landscape character of the locality, and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

5. Prior to the commencement of the development, 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 ensure that a satisfactory means of drainage is provided, and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

6. The proposed hard standing area shall be of appropriate permeable design to ensure surface run-off is retained at source. Use of permeable surfacing will be required or rainfall to be directed to permeable soakage area within the curtilage of the proposed dwellings hereby approved.

Reason

To ensure a satisfactory means of drainage and pollution control in order to comply with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

7. The proposed tree protective fencing shall be in accordance with BS:5837:2012 to protect the existing trees and hedges. The protective fencing shall be erected prior to the commencement of development operations and stay in place until all operations have ceased.

Reason

In the interests of the long term health of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012 and Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

8. The hours of working on site during the period of construction shall be restricted to 08.30am to 18:00 Mondays to Fridays, 08:30am to 13:00 Saturdays with no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect residential amenity during construction works and to accord with the core planning principals of the National Planning Policy Framework March 2012 and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

# ITEM 23

## CIRCULATED SCHEDULE NO. 24/14 – 13 JUNE 2014

<b>App No.:</b>	PT14/1319/F	<b>Applicant:</b>	Mr And Mrs Clark
<b>Site:</b>	5 Hillcrest Thornbury Bristol South Gloucestershire BS35 2JA	<b>Date Reg:</b>	7th April 2014
<b>Proposal:</b>	Erection of 1No New Dwelling with new access and associated works	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	363892 190228	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd June 2014



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100023410, 2008. **N.T.S.** **PT14/1319/F**

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

The application is referred to the Circulated Schedule as representations have been received which are contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the erection of 1no. detached dwelling within the curtilage of 5 Hillcrest, Thornbury.
- 1.2 The application site consists of a side garden area situated within the established settlement boundary of Thornbury.
- 1.3 During the course of the application revised plans have been submitted to incorporate amendments to the layout and overall design of the proposed dwelling. A re-consultation period of 10 days was undertaken.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

#### 2.2 Development Plans

##### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing Environment and Heritage  
CS16 Housing Density  
CS17 Housing Diversity  
CS32 Thornbury

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

H4 Development within Existing Residential Curtilages  
EP2 Flood Risk and Development  
T7 Cycle Standards  
T8 Parking Standards  
T12 Transportation DC Policy

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013

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

- 3.1 No planning history

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

- 4.1 Thornbury Town Council  
No objection
- 4.2 Transportation DC  
No objection to revised plans subject to condition.
- 4.3 Drainage Officer  
No objection subject to condition.
- 4.4 Archaeology Officer  
No objection.
- 4.5 Tree Officer  
No objection

#### **Other Representations**

- 4.6 Local Residents  
A total of fourteen letters of objection have been received from local residents: six of which relate to the revised plans. The comments are summarised as follows:
- Design.
  - 'Voysey' design is very well established.
  - Low stone walls should be retained and reinstated, and laurel hedge removed.
  - Removal of garage and archway would devalue the other 19 houses in Hillcrest.
  - Not a suitable development for the space that is available.
  - House obviously built in garden.
  - Shame for the garage and decent sized garden to be taken away from family home.
  - Building still not in keeping due to lack of garden and arch (post revision).
  - Insufficient parking.
  - Congestion.
  - Too much trouble to manoeuvre on road.
  - Ambulance could not get down road.
  - Work van parked on road.
  - Highway safety – poor visibility and blind corner.
  - Introduce more traffic.
  - Location of parking on bend.
  - Location of foul sewer.
  - Restrict daylight.
  - Ref deeds – to not alter the external plan of house.
  - Ref deeds – wall, garage and archway cannot be removed.
  - Further plans to extend existing property not shown on current proposal.
  - Construction traffic using the narrow and congested cul de sac 0 dangerous, noise, mess and damage to quiet resi area.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application seeks permission for the erection of 1no. detached dwelling within the curtilage of 5 Hillcrest, which is situated within the established settlement boundary of Thornbury. The principle of the development stands to be assessed against the provisions of the National Planning Policy Framework 2012, policies CS1, CS5, CS16 and CS17 of the Core Strategy (Adopted 2013) and saved policy H4 of the SGLP (Adopted 2006). The proposal for 1no. dwelling within the curtilage of a dwelling and within the established settlement boundary is considered acceptable in principle subject to the following detailed assessment:

### 5.2 Residential Amenity

The application site consists of the side garden of no.5 Hillcrest. The site is a triangular shape with the boundary of no.3C Hillcrest running to the south, and the proposed new boundary of the host dwelling located to the west. The front boundary faces on to a curve in the highway. The site is situated on an established residential cul de sac in Thornbury. The land gradient decreases from southeast to northwest and as such no. 3C is situated on land slightly higher than the application site. No.3C has a first floor window in the northern elevation facing the application site.

5.3 The proposal is to erect a double storey detached double storey dwelling. The revised layout of the dwelling locates the property facing the highway centrally in the plot between no.s 3C and 5. The revised orientation has been designed to follow the building lines of the two neighbouring buildings, which would cross the application site at an angle. The proposed dwelling is on a smaller footprint than the existing properties meaning that the rear elevation would not extend beyond the rear elevations of its neighbours. Habitable first floor windows are proposed in the front and rear elevations and non-habitable obscure glazed windows are proposed at first floor level on the side elevations.

5.4 It is considered that the scale and siting of the proposal is such that it would not prejudice the residential amenity of the neighbouring occupiers by virtue of overbearing impact, loss of light or loss of outlook. Although a window is located in the side of 3C facing the site, its outlook would not be substantially affected due to the angle at which the proposed dwelling faces this neighbour and the reduced depth. As no.3C is sited to the south of the proposal the development would not affect light entering the side window.

5.5 In terms of privacy the proposed windows on the front and rear elevations would not look directly in to any of the windows on the neighbouring properties. There would be some overlooking of the rear gardens of the neighbouring properties but this is not unusual in an established residential cul de sac and would not significantly alter the level of privacy experienced by neighbouring occupiers. The first floor window in the side elevation would face in to the application site but would not look directly into the proposed property provided no additional windows are installed in the side elevation. This will be controlled by a suitably worded condition. The garden area of the proposed dwelling



- would be overlooked by this window but again this is not considered unusual in this context and would not warrant a refusal on the application.
- 5.6 The private amenity space for the proposed dwelling consists of a small triangular garden at the rear and a larger front garden between the dwelling and the highway. The quality of the amenity space has been compromised by the shape and size of the plot and the revised layout has restricted the rear garden further. However, the proposal is for a modest two bedroom dwelling and, in the absence of any size standards, it is considered that the proposed level of private amenity space is acceptable on balance in order to secure an acceptable living standard for future occupiers. The existing dwelling (no.5) would lose a large amount of private amenity space as a result of the proposed development. It is however noted that as existing the dwelling has one of the largest gardens on the in the locality, and it is considered that adequate and useable space would remain to serve a family property.
- 5.7 Comments have been made in relation to noise and disruption associated with the construction of the dwelling. It is acknowledged that construction can cause temporary disruption to neighbouring occupiers however this should not prevent the potential for future development. It is noted that this area is an established residential area with some occupiers being in very close proximity to the site. It is considered reasonable and necessary to condition working hours during construction in the interests of the amenity of surrounding occupiers.
- 5.8 Highway safety  
The application proposes a detached two bedroom dwelling to the side of no.5, which is a three-bedroom detached dwelling. The existing off street parking provision consists of a hardstanding area for one car and an attached single garage. The site is situated towards the end of a cul de sac, adjacent to the turning head, within an area consisting of entirely residential development.
- 5.9 The proposed parking layout outlined within this application identifies an increases hardstanding area on the existing access to serve the new dwelling, and a new access and hardstanding adjacent to the head of the cul de sac for the existing dwelling. The proposed hardstanding areas for the proposed and existing dwellings measure 6 metres by 4.8 metres and 7 metres by 4.8 metres respectively. Each hardstanding area is adequate to accommodate two off street parking spaces. This is in accordance with the minimum standards set out within the Council's Residential Parking Standards SPD (Adopted) 2013, which states that a two bedroom dwelling must have a minimum of 1.5 spaces and a three to four bedroom dwelling must have a minimum of two spaces. Therefore, provided the proposed parking is completed prior to the first occupation of the new dwelling there are no objections on grounds of highway safety.
- 5.10 Concern has been raised by local residents in relation to increased congestion that would result from the proposed development, the location of the additional access on the bend of the highway, and the number of spaces provided. These comments are noted however it is considered that the number of additional vehicular movements associated with one two bedroom dwelling would low and

as such is unlikely to significantly alter traffic on the highway. It is noted that the proposed access is on a curve in the road adjacent to the turning head on the cul de sac, however, given the entirely residential nature of the locality vehicle speeds on the highway would be low and as such the access would not raise significant highway safety concerns. As stated above the level of parking provided for both the existing and proposed dwelling is in accordance with the Council's minimum standards and as such there are no objections on these grounds. The site is assessed as a planning unit and as such comments made in relation to the personal circumstances of the applicant and the number of vehicles owned is not a material consideration of this application.

#### 5.11 Design

The application relates to a side garden of a detached dwelling, situated on an established residential cul de sac in Thornbury. The cul de sac is characterised by detached and demi-detached double storey dwellings which are similar in design and appearance. The cul de sac has a prevalent use of render, vertical timber cladding, and reconstituted stone with white UPVC windows. The three dwellings situated directly to the south of the site (3A, 3B and 3C) are later additions to the estate constructed almost entirely in reconstituted stone. The low boundary walls and front gardens across the whole cul de sac are a distinct feature of the street scene contributing towards its pleasant suburban character.

5.12 The proposed dwelling would be sited centrally between no.s 5 and no.3C facing the highway. The dwelling would be on a smaller footprint than the rest of the dwellings in the street scene and, at a height of 7.1 metres, would be approximately 1.3 metres lower in height. The eaves height and width would however match no.5. It is considered that the revised layout of the dwelling has respected the building lines of no.s 3C and 5, and would integrate into the street scene better than the layout previously proposed. The overall design of the dwelling has also been amended with design features taken from no.5 such as the vertical timber boarding, the fenestration, and the single storey front porch. Subject to the appropriate use of materials it is considered that design amendments positively respect the character of the street scene. The rear elevation of the dwelling is very simple with a central gable end feature and 2no. windows. This does not reflect the character of the surrounding properties, however, given that it is not visible from the public highway, would not detract from local distinctiveness. The lower height of the dwelling compared to no.5 would appear slightly unusual in the streetscene however would not be detrimental to local distinctiveness due to the slight changes in land levels already present.

5.13 The plans submitted do not clearly identify the proposed boundary treatments to the site. As identified above and as highlighted by local residents the low stone boundary walls are a distinct feature of the street scene and as such should be retained. Accordingly, in order that the development respects and enhances the character of the estate a condition will secure the submission of boundary treatments: to include a low wall to the front boundary.

5.14 Comments have been made relating to the loss of the attached garage and archway and the impact this will have on the character of the street scene.

Whilst it is noted that the garage and archways are a prevalent feature on this street scene their loss would not be detrimental to local distinctiveness.

5.15 Environment

It is noted that within the application site there are a number of minor trees and landscaping features with low amenity value. The neighbouring site (no.3C) has a small silver birch tree adjacent to the boundary which again is considered to be of low amenity value. Nevertheless it is necessary for the applicant to take all precautionary measures during the construction of the development to protect the health of the trees from risks such as compaction of the ground around the trees and runoff of toxic materials to the rooting areas. Accordingly a condition is imposed to secure the submission of protection measures for existing landscape features prior to the commencement of development.

5.16 The application does not have any details on the method of drainage proposed for the new dwelling. There is no objection in principle on these grounds subject to a condition securing the submission of sustainable drainage systems (SUDS). This will ensure that satisfactory drainage is achieved in the interests of floor prevention and environmental protection. Comments from a local resident make reference to the location of a foul sewer and the applicant is directed to Wessex Water for further advice on this matter.

5.17 Other Matters

Additional concerns have been raised by local residents that are not addressed in the assessment above. These are considered in the following paragraphs:

5.18 Concern has been raised that the proposed development would devalue the surrounding properties in the area, and reference is made to the deeds of the existing properties and associated restrictions to changes on the plots. Although noted these matters are not a material consideration in the determination of a planning application and as such hold no weight in the recommendation of the application.

5.19 Comments made in relation to future proposals to extend the existing property are not a consideration of this planning application. Should additional proposal come forward on the site the application would be assessed on the merits of the proposed development and all other material considerations relevant at that time.

**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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

7.1 That the application is APPROVED subject to the following conditions:

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

### CONDITIONS

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those used in no.5 Hillcrest.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and saved policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006

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

Reason

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

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

Reason

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

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

6. The access and off-street parking facilities shown on the plan (E.256/2a) hereby approved shall be provided in a permeable bound 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 and the amenity of the area, to accord with saved policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006, and the Residential Parking Standards SPD (Adopted) December 2013

7. Prior to the commencement of development a a plan indicating the existing trees on and adjacent to the site together with measures for their protection during the course of the development shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details and protection measures shall remain in situ throughout the duration of the construction phase.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health of the trees, to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

8. 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 treatments shall be completed before the building is first occupied. Development shall be carried out in accordance with the approved details. For the avoidance of doubt details shall include the erection of a low wall to the front boundaries.

Reason

In the interests of the character and distinctiveness of the street scene and to accord with PolicyCS1 of the South Gloucestershire Local Plan (Adopted) December 2013, and saved policy H4 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 08:00 to 16:00 Mondays to Fridays (inclusive), 08:30 to 13:00 Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To minimise disturbance to occupiers during construction and to accord with saved policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006, and the provisions of the National Planning Policy Framework 2012.

# ITEM 24

## CIRCULATED SCHEDULE NO. 24/14 – 13 JUNE 2014

**App No.:** PT14/1672/F  
**Site:** 16 - 18 Manor Lane Winterbourne Bristol  
South Gloucestershire BS36 1QJ

**Applicant:** Mr Gary Bartlett  
**Date Reg:** 9th May 2014

**Proposal:** Erection of two storey and single storey rear extension to form additional living accommodation. Erection of front porch.

**Parish:** Winterbourne Parish Council

**Map Ref:** 365943 181329  
**Application Category:** Householder

**Ward:** Winterbourne  
**Target Date:** 23rd June 2014



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**N.T.S.**

**PT14/1672/F**

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

The application is referred to the circulated schedule owing to comments received from a local resident.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the erection of a double storey and single storey rear extension to form additional living accommodation, and the erection of a front porch.
- 1.2 The application relates to a semi-detached dwelling accessed from Manor Lane. The site is surrounded by residential development to the north, west and southwest. The rear boundary of the site marks the boundary of the Bath/Bristol Green Belt with open countryside beyond.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
H4 Development within Existing Residential Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) 2007  
Residential Parking Standards (Adopted) 2013

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

- 3.1 No planning history.

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection
- 4.2 Transportation DC  
No objection

#### **Other Representations**

- 4.3 Local Residents

One letter has been received from a local resident. The comments are summarised as follows:

- Like to ensure that the new window on the side of the house does have obscure glass to maintain privacy.
- Seek to ensure safe removal of outbuilding at the rear – this looks to have asbestos.
- Noise and disruption of the work – ask for considerate working hours.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The application seeks permission for the erection of a double storey and single storey rear extension, and the erection of a front porch, all to form additional living accommodation. Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highway safety, and design.

### **5.2 Residential Amenity**

The application relates to a double storey semi-detached dwelling, which was originally two properties now amalgamated into one. The dwelling is set within a large plot accessed from Manor Lane, Winterbourne. The site is surrounded by residential development to the north, west and southwest. The rear boundary of the site however marks the boundary of the Bath/Bristol Green Belt with open countryside beyond (northeast and southeast). The attached neighbour has an existing double and single storey rear extension. The host dwelling has an existing double storey flat roof rear extension adjacent to the mutual boundary of the attached neighbour. The southwest boundary of the rear garden is bordered by the mutual boundary and side elevation of no.21 Beaver Close, which is an end of terrace dwelling double storey dwelling. No.21 is clearly visible from the application site with the rear elevation of it being 9.5 metres from the original rear elevation of the host dwelling. An existing detached outbuilding is sited on the boundary of the site adjacent to no.21.

5.3 The proposal is to erect a double storey and single storey rear extension extending the width of the host dwelling. The depth of the double storey extension would be 2.55 metres from the original rear elevation of the original dwelling which would match the depth of the existing flat roof rear element, and would match the depth of the double storey rear extension on the attached property. The double storey extension would have a hipped roof match the maximum ridge height of the original dwelling. The proposed single storey element would extend a further 3.9 metres with a pitched roof and a maximum height of 4 metres (eaves level 2.4 metres). The proposed porch would be sited centrally on the front elevation replacing an existing porch and measuring 3.5 metres in width by 1.3 metres in depth.

5.4 It is considered that the proposed extensions would not materially affect the residential amenity of the occupiers of the attached neighbouring property owing to the location and scale of their existing extensions. The extension would be most noticeable from no.21 Beaver Close with the double storey extension sited closer to the mutual boundary than the existing and the single



storey extension would be 3.4 metres from the rear conservatory of no.21. The proposal would result in a double storey wall in closer proximity to the rear elevation of no.21 than the existing layout. It is however considered that this would not significantly alter the existing outlook from the rear windows of no.21 given the location of the existing host dwelling. Although the proposal would result in an additional bulk adjacent to the rear garden of no.21 it is considered that this would not appear overly overbearing on the occupiers of no.21 and, due to the orientation of the host dwelling to the north of no.21, would not significantly alter existing light levels to the property. It is therefore considered that the living standards of the occupiers of no.21 would be retained. It is considered that the proposed porch, by virtue of its scale and location, would have no impact on the amenity of neighbouring occupiers. The dwelling is sited within a large plot and as such the proposed development would not prejudice the retention of adequate private amenity space.

5.5 In terms of privacy a first floor window is proposed on the side elevation of the extension facing the rear garden of no.21. The proposal is to obscure glazed this window and this will be secured by a condition in order to protect the privacy of the occupiers of no.21. Similarly a condition will remove the right to install any further windows in the side elevation in the interests of privacy. The proposed windows on the rear elevations would not materially change the existing levels of privacy experienced by surrounding occupiers.

5.6 It is acknowledged that during the construction of the development there can be some temporary disruption and noise from the building works. Given the close proximity of the neighbouring occupiers it is considered reasonable and necessary to condition working hours in the interests of the amenity of these occupiers.

5.7 Design

The application site consists of a semi-detached dwelling with a rural cottage character situated within a spacious plot on the edge of the settlement boundary. The open countryside and green belt extends beyond the rear of the site. The locality has a very mixed character with cottage style properties on large plots accessed from Manor Lane, and 20<sup>th</sup> century residential cul de sacs to the southwest. The host dwelling was once two properties now amalgamated in to one. Some indicated of the building former self are evident from the fenestration and location of external doors on the front elevation. It has a render finish with double roman roof tiles on a pitched roof.

5.8 The proposed extensions are at the rear of the site and would not be highly visible within the public view. The width of the extensions exaggerate the scale of them however the actual depth is considered proportionate and appropriate scaled in the context of the site. It is considered that the extensions would not detract from the rural character of the site or the character of the surrounding residential development. The proposed porch located centrally on the front elevation is appropriately designed and scaled for the host dwelling. Some additional alterations are proposed to the location of the windows however these elements do not require planning permission. The changes to the front fenestration and the location of the porch would remove the existing evidence of the dwelling as two separate properties however this is not considered

detrimental to its distinct character. The location of the extensions would not prejudice the visual amenity or openness of the adjacent green belt. Overall, provided materials used match the existing dwelling, there are no concerns in terms of design.

#### 5.9 Highway Safety

The host dwelling is accessed from Manor Lane which is a narrow quiet access lane off Factory Road. The site has an existing large area to the front used for parking vehicles with ample additional space to turn. The floor plans indicate that there would be no increase in the number of bedrooms in the dwelling. Nevertheless there is sufficient parking within the boundary of the site to accommodate three cars, which is the minimum standard for a 5+ bedroom dwelling, and as such there are no concerns in terms of parking or highway safety.

#### 5.10 Other Matters

Concern has been raised by a local resident in relation to potential asbestos within the outbuilding to be removed. The outbuilding itself is relatively small in scale and as such the risk to health as a result of any asbestos within the building is considered low. The applicant is however advised that any existing buildings on site should be assessed for asbestos materials prior to demolition and any asbestos found must be removed in full consultation with the Health & Safety Executive. This information is outlined as an informative on the decision notice.

### 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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

- 7.1 That the application is APPROVED subject to the following conditions:

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

## **CONDITIONS**

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

3. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the southwest(side) elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed

Reason

To protect the privacy and amenity of the occupiers of no.21 Beaver Close, and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006

4. No windows other than those shown on the plans hereby approved shall be inserted at any time in the southwest (side) elevation of the extension hereby approved.

Reason

To protect the privacy and amenity of the occupiers of no.21 Beaver Close, and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006

5. The hours of working on site during the period of construction shall be restricted to 08:00 to 16:00 Mondays to Fridays (inclusive), 08:30 to 13:00 Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To reduce disruption to the occupiers of nearby dwellinghouses during the construction phase, in the interests of residential amenity, and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

