



**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. 40/14

Date to Members: 03/09/14

Member's Deadline: 09/10/14 (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 providing details of

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

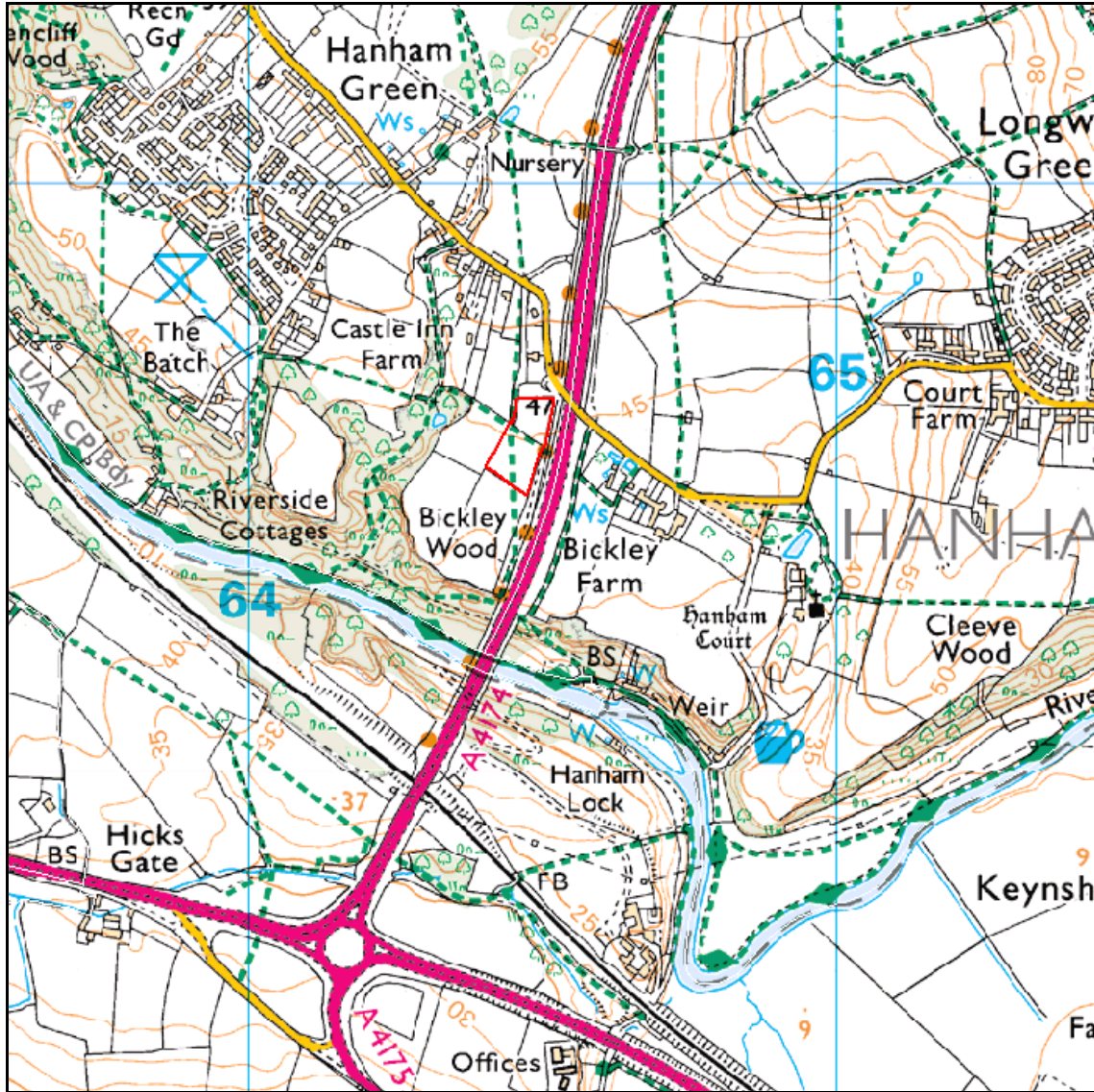
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

CIRCULATED SCHEDULE - 03 October 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK14/2527/F	Approve with Conditions	Land Adjacent To Abbots Road Hanham Abbots South Gloucestershire BS15 3NR	Hanham	Hanham Abbots Parish Council
2	PK14/2692/TRE	Approve with Conditions	19 Oakdale Court Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
3	PK14/2978/F	Approve with Conditions	22 Colston Street Soundwell South Gloucestershire	Staple Hill	None
4	PK14/3162/F	Approve with Conditions	Land Adjacent To Abbots Road Hanham South Gloucestershire BS15 3NR	Hanham	Hanham Abbots Parish Council
5	PK14/3196/F	Refusal	Southleaze Ram Hill Coalpit Heath South Gloucestershire BS36 2UF	Westerleigh	Westerleigh Parish Council
6	PK14/3276/F	Approve with Conditions	14 St Francis Drive Winterbourne South Gloucestershire BS36 1LN	Winterbourne	Winterbourne Parish Council
7	PK14/3298/CLP	Approve with Conditions	49 Firgrove Crescent Yate South Gloucestershire BS37 7AH	Yate Central	Yate Town
8	PT14/2467/F	Approve with Conditions	Unit Adjacent To Co-op 43 North Road Stoke Gifford South Gloucestershire BS34 8PB	Stoke Gifford	Stoke Gifford Parish Council
9	PT14/2664/RVC	Approve with Conditions	Admirals Yard Station Road Patchway South Gloucestershire BS34 6LR	Stoke Gifford	Stoke Gifford Parish Council
10	PT14/2897/F	Approve with Conditions	Bagstone Garage Bagstone Road Rangeworthy Wotton Under Edge South Gloucestershire	Ladden Brook	Rangeworthy Parish Council
11	PT14/3037/F	Approve with Conditions	Post Office 8 Kingsway Little Stoke South Gloucestershire BS34 6JL	Stoke Gifford	Stoke Gifford Parish Council

CIRCULATED SCHEDULE NO. 40/14 – 03 OCTOBER 2014

App No.:	PK14/2527/F	Applicant:	Mr Chris Deaker
Site:	Land Adjacent To Abbots Road Hanham Abbots Bristol South Gloucestershire BS15 3NR	Date Reg:	22nd August 2014
Proposal:	Construction of a manege with associated works.	Parish:	Hanham Abbots Parish Council
Map Ref:	364319 170928	Ward:	Hanham
Application Category:	Minor	Target Date:	30th September 2014



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 100023410, 2008. N.T.S. PK14/2527/F

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule because it represents a departure from Development Plan Policy. The proposal involves development that is inappropriate development within the Green Belt (see NPPF paras. 89 & 90) which requires very special circumstances to justify the granting of planning permission.

1. THE PROPOSAL

- 1.1 Planning permission PK07/0408/F was granted for the “Change of use of land from agricultural to the land for the keeping of horses, erection of 4 stable has since been built and the use commenced. It has since stables and hay store” at land to the west of Abbots Road, Hanham; the transpired that not all of the land that the applicant has been using for the keeping of horses is covered by the planning permission. In this respect, an application PK14/3162/F (that also appears on this Circulated Schedule) has been submitted which seeks to regularise this situation that has been ongoing for the last 6 years.
- 1.2 The application PK14/3162/F relates to a 1.01 ha area of land which is laid to grazing and is located immediately to the south of the land previously granted permission for the keeping of horses under PK07/0408/F. The site lies immediately west of the Avon Ring Road and its over-bridge with Abbots Road. The site lies in open countryside and forms part of the designated Bristol/Bath Green Belt. To the east, the site is bounded by a cycleway, which runs next to the ring road; to the south and west are open fields. The nearest residential properties lie to the north where the garden of no.104 Abbots Road abuts the land the subject of the previous consent PK07/0408/F. Vehicular access is via a gated access into the previously consented site; the access is set back from Abbots Road. The location is generally rural in character and the authorised use of the land the subject of this current application is agricultural.
- 1.3 This application PK14/2527/F is a separate application for the construction of a 30m x 20m manege with associated fencing, to be located just south of the land granted consent for the keeping of horses under PK07/0408/F and adjacent to the eastern border of the land the subject of application PK14/3162/F.
- 1.4 Notwithstanding the submission of application PK14/3162/F, this application PK14/2527/F will be determined on its individual merits.

2. POLICY

2.1 National Guidance

The National Planning Policy Framework (NPPF) March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) 6th January 2006

L1 - Landscape Protection and Enhancement
EP2 - Flood Risk and Development

- E10 - Horse related development
- T12 - Transportation
- LC5 - Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary
- LC12 - Recreational Routes

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

- CS1 - High Quality Design
- CS5 - Location of Development
- CS34 - Rural Areas

2.4 Emerging Plan

Draft Policies Sites and Places Plan – June 2014

- PSP2 - Landscape
- PSP7 - Development in the Green Belt
- PSP10 - Development Related Transport Impact Management
- PSP20 - Flood Risk, Surface Water and Watercourse Management
- PSP21 - Environmental Pollution and Impacts
- PSP42 - Outdoor Sport and Recreation Outside Settlement Boundaries

2.5 Supplementary Planning Guidance

- The South Gloucestershire Design Checklist (SPD) – Adopted August 2007
- Development in the Green Belt SPD – Adopted June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/0408/F - Change of use of land from agricultural to land for the keeping of horses. Erection of 4 stables and hay store.
Approved 23rd March 2007.
- 3.2 PK14/3162/F - Change of use of land from agricultural to land for the keeping of horses (Retrospective)..
Pending

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
No objection.

- 4.2 Other Consultees including internal consultees of the Council.

Highways Structures

No comment

Highway Drainage

No comment

Sustainable Transport

No objection subject to a condition to prevent the use of the facility for riding school purposes.

British Horse Society

No response

Hanham District Green Belt Conservation Society

No response

Other Representations

4.3 Local Residents/ Land Owners

2 no. letters of objection have been received from local residents; the concerns raised are summarised as follows:

- There are unauthorised containers, a caravan and a horse box on the land the subject of the previous permission.
- There will be additional congestion on the site.
- Increased noise from the training of horses.
- Increased traffic.

A further letter was received from a local resident who whilst not objecting to the principle of the application, raised the following concerns:

- That the robust planting of trees should comprise species native to this area.
- That all existing Public Rights of Way should remain open and completely accessible
- That the matter of the issues surrounding the problems facing cyclists and pedestrians needing to cross Abbots Road in the vicinity of the entrance to the site be addressed with urgency.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF has recently superseded various PPS's and PPG's, not least PPS7 – Sustainable Development in the Countryside, and carries a general presumption in favour of sustainable development. Para.2 of the NPPF makes it clear that applications for planning permission must be determined in accordance with the development plan and this includes the Local Plan. Para 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise. At para. 211 the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

5.2 In this case the relevant Local Plan is The South Gloucestershire Local Plan, which was adopted Jan 6th 2006. The Council considers that the Local Plan policies referred to in this report provide a robust and adequately up to date basis for the determination of the application.

- 5.3 The South Gloucestershire Local Plan Core Strategy has now been adopted and also forms part of the Development Plan. The Policies Sites and Places DPD is only a draft plan and as such carries little weight.
- 5.4 Policy LC5 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006, states that proposals for outdoor sports and recreation outside the urban area and defined settlement boundaries will be permitted, subject to a number of criteria being met.
- 5.5 Furthermore Policy E10 of the South Gloucestershire Local Plan reinforces the view that '*proposals for horse related development... will be permitted outside the urban boundaries of settlements*', subject to the following criteria being met:
- A. Development would not have unacceptable environmental effects; and
 - B. Development would not prejudice the amenities of neighbouring residential occupiers; and
 - C. Adequate provision is made for vehicular access, parking and manoeuvring and would not give rise to traffic conditions to the detriment of highway safety; and
 - D. Safe and convenient access to bridleways and riding ways is available to riders; and
 - E. There are no existing suitable underused buildings available and capable of conversion; and
 - F. The design of buildings, the size of the site and the number of horses to be accommodated has proper regard to the safety and comfort of horses.

The analysis of the proposal in relation to these criteria is considered below.

- 5.6 Impact on the Openness of the Green Belt and Landscape Issues
Paragraph 79 of the NPPF states 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 Green Belts are their openness and their permanence.
- 5.7 Inappropriate development is by definition harmful to the openness of the Green Belt and should not be approved except in very special circumstances (para. 87).
- 5.8 Para. 89 of the NPPF states that planning authorities should regard the construction of new buildings as inappropriate in the Green Belt but lists exceptions which include "*provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*". The proposal however does not relate to the construction of a new building.
- 5.9 The NPPF at para. 90 goes on to say that "*certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including*

land in the Green Belt". A list of those developments that are not considered to be inappropriate is given and these include "engineering operations" but do not include the change of use of land.

- 5.10 The current authorised use of the land where the manege is to be sited is agricultural. The proposal to construct a manege upon this land is considered to be an engineering operation to facilitate the change of use of the land to an equestrian facility. Officers must therefore conclude that the proposed change of use is inappropriate development. Furthermore case law has established that changes of use are inappropriate. On this basis therefore, very special circumstances are required if the application is to be approved.
- 5.11 In this case the proposed use is a sporting one i.e. equestrianism, which retains the open nature of the field and would not compromise any of the five purposes listed at para. 80 of the NPPF for designating land as Green Belt. The actual impact on openness is negligible, and is further protected by the use of conditions over and above the existing agricultural use. Officers consider that this clearly outweighs any harm to openness by reason of inappropriateness and amounts to very special circumstances to justify a departure from Development Plan Policy.
- 5.12 In general landscape terms, the site is well screened by the existing hedgerows and boundary vegetation. The manege would be modest in scale measuring 30m x 20m and the all weather surfacing would comprise shredded synthetic carpet and silica sand which would be permeable. The all weather arena would permit the exercising of horses during periods of inclement weather which would avoid unsightly poaching of the fields. The proposed fence enclosing the manege would be a three stand, wooden pole fence, only 1.6m high with a 350mm kickboard; no floodlighting is proposed. Given its nature, scale and location, the proposed development would not have a significant adverse impact on the landscape in general and as such accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.13 Ecology
The land has no special ecological designation and is laid to pasture. Horses currently graze the land. There are therefore no ecological constraints on the proposal.
- 5.14 E10: Would the development have unacceptable Environmental Impacts?
The site does not lie in Flood Zone 2 or 3 and the proposed change of use would have no drainage implications. All matters of erection of loose jumps and fences, use of horse-boxes or portable buildings or trailers would be controlled by the same conditions that were imposed on PK07/0408/F, which can be imposed again.
- 5.15 The disposal of foul waste should be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Water and would be the subject of Environment Agency and Environmental Health controls.

5.16 In terms of noise, the location already experiences a high level of background noise from vehicles using the adjacent ring road and to a lesser extent Abbots Road itself. The use of the site would be for private and social use only and it is not proposed to increase the number of horses that are already kept at the site. It is therefore considered that this criterion of policy E10 is satisfied.

5.17 E10: Impact on Residential Amenity

Given the rural location of the site and the surrounding agricultural use it is considered that, subject to the same conditions imposed on PK07/0408/F, using the land for the purpose proposed would make little difference in terms of impact on residential amenity. It is therefore considered that the proposal accords with this criterion of policy E10.

5.18 E10: Vehicular access, Parking and Highway Safety

The proposal would not increase the number of horses (4) kept on the wider site and the use would be for non-commercial uses only. The condition to prevent riding school or livery use of the manege is considered necessary and appropriate to address any highway safety concerns over intensifying the trip generation to and from the site. The existing parking, turning and access facilities would be utilised. Subject to the above-mentioned controls, this aspect of the proposed development is considered to accord with policy E10.

5.19 E10: Access to Bridleways

There are no direct links from the site to bridleways, however the proposed manege would provide an all weather facility for the exercising of horses which in part would negate the need to use bridleways. Condition 4 of the earlier consent PK07/0408/F, restricts the number of horses that can be kept at the site to 4. At present the horses are exercised in the field and are periodically taken off-site for competitions or exercise on nearby bridleways at Ferry Road/Chequers Pub ¼ mile away. There is sufficient space in the adjoining fields for the number of horses kept there. It is considered that this situation is satisfactory to accord with this criterion of policy E10.

5.20 E10: Preferred use of other existing buildings on the site

This criterion is not relevant to this proposal.

5.21 Landscaping

A scheme of planting was secured through the original planning permission.

5.22 PROW

The existing PROW would not be affected by the proposal.

5.23 Other Issues

Although the proposal represents a departure from the Development Plan, the application does not need to be referred to the Secretary of State as under the appropriate Circular and Direction 02/2009 para. 4 (b) the development, by reason of its small scale, nature and location would not have a significant impact on the openness of the Green Belt.

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 The application be advertised as a departure from the Development Plan.
- 7.2 That planning permission be GRANTED subject to the conditions listed on the Decision Notice, once the period of advertising the application as a departure from the Development Plan has expired.

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. At no time shall the development the subject of this permission be used for livery, riding school or other business purposes whatsoever.

Reason 1

To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 2

In the interests of highway safety, and to accord with Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 3

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

3. The number of horses kept on the site edged in red on the plans hereby approved, together with the land approved for the keeping of horses under previous planning permission PK07/0408/F, shall not exceed 4.

Reason 1

In the interests of highway safety, and to accord with Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 2

To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 3

In the interests of the welfare of horses, to accord with the guidance of the British Horse Society; and Policy E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4. 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 Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

5. Any temporary jumps erected on the land shall be stored away to the side of the associated stable, immediately after use.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

6. 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 Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March

2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt'
June 2007.

7. At no time shall there be any burning of foul waste upon the land the subject of the planning permission hereby granted.

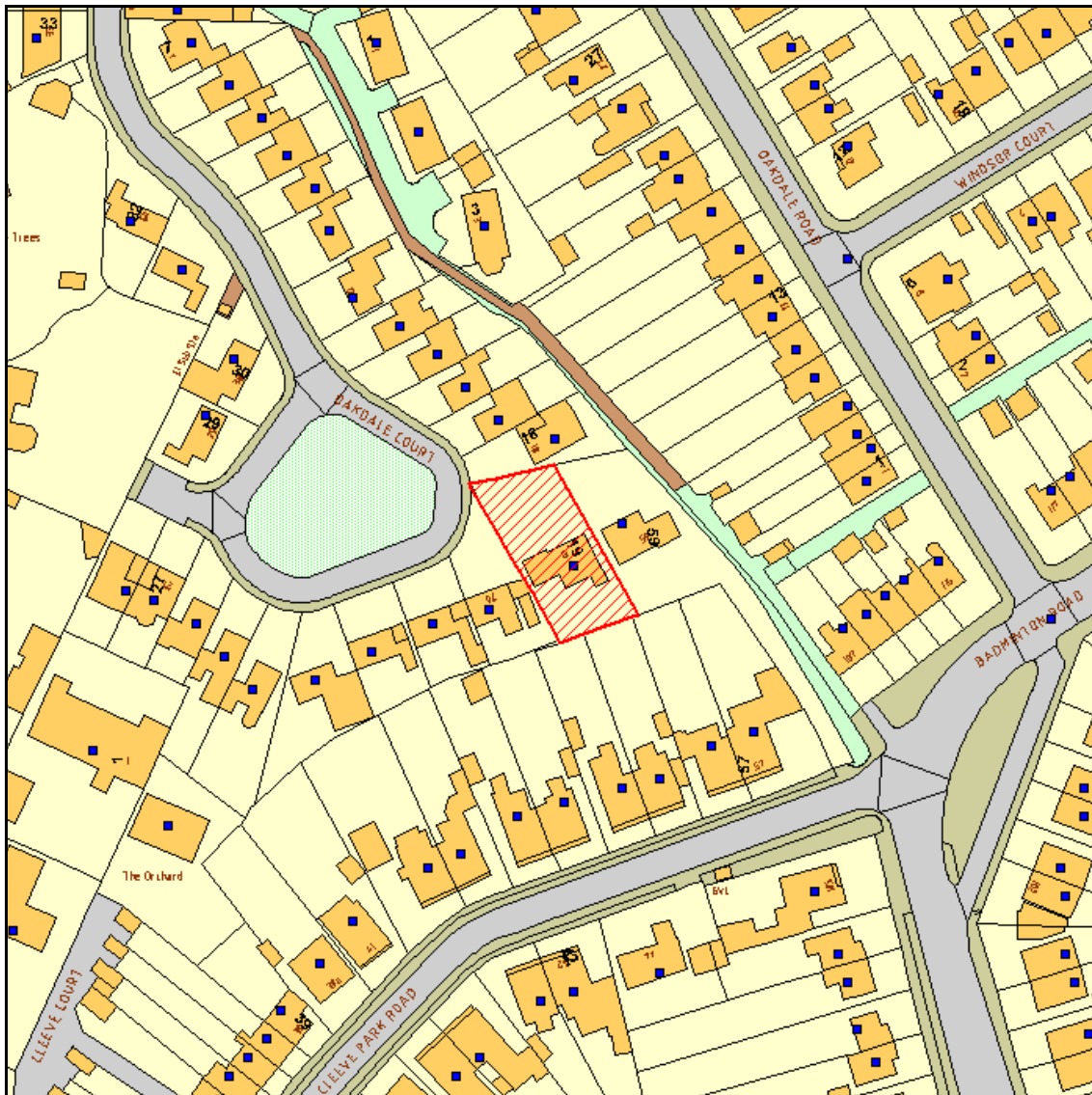
Reason

To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 2

CIRCULATED SCHEDULE NO. 40/14 – 03 OCTOBER

App No.:	PK14/2692/TRE	Applicant:	Mr Peter Williams
Site:	19 Oakdale Court Downend Bristol South Gloucestershire BS16 6DZ	Date Reg:	20th August 2014
Proposal:	Works to 1no. Field Maple Tree to reduce by 30% covered by Tree Preservation Order KTPO 07/85 dated 09 June 1986.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365097 177302	Ward:	Downend
Application Category:		Target Date:	1st October 2014



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as Downend and Bromley Heath Parish Council have commented that they feel 30% reduction is excessive and that 25% would be acceptable.

1. THE PROPOSAL

- 1.1 The proposal is to reduce by 30% the crown of 1no. Field Maple Tree covered by Tree Preservation Order KTPO 07/85 dated 09 June 1986.
- 1.2 The tree is a Norway Maple in the front garden of no.19 Oakdale Court, Downend.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK01/3349/TRE. Works to reduce the crown by 30% reshape and balance. Approved with conditions.
- 3.2 PK11/0071/TRE. Works to reduce and reshape by 30% a Norway Maple. Approved with conditions.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council had no objections to the application provided the reduction was 25% rather than 30% which the Parish Council felt was excessive.

Other Representations

- 4.2 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 The proposal is to reduce the crown of a Maple by 30%.
- 5.2 Principle of Development
The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.

5.3 Consideration of Proposal

The tree has been the subject of a number of tree surgery operations over the last 14 years and is now showing symptoms of decline. There is significant deadwood within the crown which appears to be generally dying back.

5.4 The new version of British Standard 3998:2010 Tree works – Recommendations requires that reductions are specified as final heights or as metre reductions, i.e. reduce to a final height of 10 metres or reduction in height and radial spread by 3 metres. The reason for this is to remove ambiguity that arises from percentage specifications.

5.5 The Maple in this case has been pruned regularly in recent years and the proposal of 30% is effectively repeating the reduction previously carried out. The difference between a 25% reduction and a 30% reduction is practically unmeasurable which is why the amendments were made in the new British Standard.

5.6 It is not felt, given the tree's declining condition, that 30% is an excessive reduction.

5.7 The proposed works may introduce some new vigour to the tree and will, at least, remove the deadwood which provides access points for pathogens.

6. RECOMMENDATION

6.1 That consent is GRANTED subject to the conditions in the decision notice.

Contact Officer: Simon Penfold
Tel. No. 01454 868997

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted (or other appropriate timescale).

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

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(s), and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 3

CIRCULATED SCHEDULE NO. 40/14 – 3 OCTOBER 2014

App No.:	PK14/2978/F	Applicant:	Dirty Paws Dog Grooming
Site:	22 Colston Street Soundwell Bristol South Gloucestershire BS16 4PF	Date Reg:	2nd September 2014
Proposal:	Change of use of residential garage (Class C3) to Dog Grooming (sui generis) as defined in Town and Country (Use Classes) Order 1987 (as amended). (Retrospective).	Parish:	None
Map Ref:	364679 175074	Ward:	Staple Hill
Application Category:	Minor	Target Date:	16th October 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because an objection has been received from a local resident contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks retrospective planning permission for the change of use of the existing residential garage from residential (Class C3) to a dog grooming business (*Sui Generis*).
- 1.2 The application site relates to a small garage which is situated within the rear garden of a terrace dwellinghouse and accessed by a private lane. The site is situated within the predominantly residential area of Soundwell.
- 1.3 The business operates from the applicant's residential garage and has one full time employee, the applicant. The business operates on a small scale due to the size of the garage and can cater on average for 5 dogs per day. Individual dogs are not kept on site all day and each dog has its own time slot therefore limiting the number of dogs on site at any one time. The service offered is a drop off service involving owners dropping off the dog and picking up the dog once the grooming is completed.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
E3 Proposals for Employment Development within the Urban Area
T12 Transportation Development Control Policy for New Development
South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Transportation
No objection, recommendation that two spaces would be needed for the business part of the site.
- 4.2 Drainage
No objection.

Other Representations

4.3 Local Residents

One letter of objection summarised below:

Increase in noise level

Increase in visitors to the property

Business being operated 8.30am through to 7.00pm and most weekends.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 The applicant seeks retrospective planning permission for the change of use of a residential garage to a dog grooming business. This would be considered the creation of an employment use, and the main policy consideration would be saved Policy E3 of South Gloucestershire Local Plan (Adopted) January 2006 (saved policies). The following extract from the policy is relevant to this proposal:

A. Development would not have unacceptable environmental effects; and

B. Adequate provision is made for servicing and delivery requirements and development would not give rise to unacceptable levels of vehicular traffic, especially heavy goods vehicles, or on-street parking, to the detriment of the amenities of the surrounding areas and highway safety;

C. The character of the area or settlement is not adversely affected.

5.3 Residential amenity and design are covered by Policy CS1 High Quality Design of South Gloucestershire Local Plan Core Strategy Adopted December 2013. The proposal must also satisfy saved Policy T12 Transportation Development Control of the South Gloucestershire Local Plan (Adopted) January 2006 as the business use will generate additional visitors to the site, albeit a small increase due to the number of dogs groomed per day, on average 5 customers per day.

5.4 Residential Amenity

The proposed business use would result in a small number of increased movements to and from the site and dogs being kept on site throughout the day. The dog grooming business operates with only one full time employee the applicant, and an average of 5 dogs are groomed per day. The business works on a strict time slot basis and normally only one dog would be on site at any time with a one dog in one dog out appointment system. This will limit any

disturbance to nearby residential properties as dog numbers and visitors are limited due to the size of the garage and how the business operates, with on average no more than 5 customers per day visiting the business.

Dogs are kept within the garage during the grooming process and do not have access to the residential garden. Any equipment used in the grooming of dogs is only used within the garage and the main up and over garage door is permanently locked this will further limit noise and disturbance to the surrounding residential properties.

The application site is surrounded by residential development. The proposal will generate additional visits to and from the property and some dogs being kept on site during the day. Therefore to ensure no late night working and Sunday/Bank Holiday working and to limit disturbance to nearby neighbours it is recommended that a condition is attached to the planning permission. This condition will ensure that the dog grooming business only operates between the hours Monday to Friday 9.00am to 6.00pm and Saturdays 9.30am to 2.00pm with no dog grooming business use on Sundays and Bank Holidays.

On this basis, it is considered that the proposed development would not give rise to unacceptable levels of disturbance, which would prejudice the environment or residential amenity. The development therefore accords with policies CS1 and E3.

5.5 Transportation

The site is in a quiet residential street and there are no parking restrictions in operation with ample on street parking available for customers and the garage can be accessed by a private lane. The site is also well served by public transport and some dog owners who live in the local vicinity walk to the business to drop off their dogs.

The Highways officer has recommended 2 car parking spaces are available for the business use. The street outside 22 Colston Street has ample unrestricted car parking available. The business generates an average of 5 customers a day and given the short dwell time whilst customers drop off and pick up dogs it is considered there is sufficient parking available to meet the needs of the business without causing detriment to the surrounding properties and does not cause any highway safety issues.

Accordingly there is no objection in highway safety terms. On this basis the development accords with policy T12 and E3.

5.6 Design

The development would not result in any external alterations to the garage or dwelling house. Therefore the character and appearance of the area and visual amenity would be maintained, in accordance with policies CS1 and E3.

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 planning conditions set out on the decision notice.

Contract Officer
Tel Number

Kevan Hooper
01454 863585

CONDITIONS

1. The use hereby permitted shall not be open to customers outside the following times Monday to Friday 09.00 to 18.00 and Saturdays 09.30 to 14.00. No working on any Sunday or Public Holiday.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies E3 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013

ITEM 4

CIRCULATED SCHEDULE NO. 40/14 – 03 OCTOBER 2014

App No.:	PK14/3162/F	Applicant:	Mr Chris Deaker
Site:	Land Adjacent To Abbots Road Hanham Bristol South Gloucestershire BS15 3NR	Date Reg:	22nd August 2014
Proposal:	Change of use of land from agricultural to land for the keeping of horses (Retrospective)	Parish:	Hanham Abbots Parish Council
Map Ref:	364319 170928	Ward:	Hanham
Application Category:	Major	Target Date:	7th November 2014



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100023410, 2008. N.T.S. PK14/3162/F

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule because it represents a departure from Development Plan Policy. The proposal involves development that is inappropriate development within the Green Belt (see NPPF paras. 89 & 90) which requires very special circumstances to justify the granting of planning permission.

1. THE PROPOSAL

- 1.1 Planning permission PK07/0408/F was granted for the “Change of use of land from agricultural to the land for the keeping of horses, erection of 4 stables and hay store” at land to the west of Abbots Road, Hanham; the stable has since been built and the use commenced. It has since transpired that not all of the land that the applicant has been using for the keeping of horses is covered by the planning permission. In this respect, this current application PK14/3162/F is retrospective and merely seeks to regularise a situation that has been ongoing for the last 6 years.
- 1.2 The application relates to a 1.01 ha area of land which is laid to grazing and is located immediately to the south of the land previously granted permission for the keeping of horses under PK07/0408/F. The site lies immediately west of the Avon Ring Road and its over-bridge with Abbots Road. The site lies in open countryside and forms part of the designated Bristol/Bath Green Belt. To the east, the site is bounded by a cycleway, which runs next to the ring road; to the south and west are open fields. The nearest residential properties lie to the north where the garden of no.104 Abbots Road abuts the land the subject of the previous consent PK07/0408/F. Vehicular access is via a gated access into the previously consented site; the access is set back from Abbots Road. The location is generally rural in character and the authorised use of the land the subject of this current application is agricultural.

2. POLICY

2.1 National Guidance

The National Planning Policy Framework (NPPF) March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) 6th January 2006

L1 - Landscape Protection and Enhancement
EP2 - Flood Risk and Development
E10 - Horse related development
T12 - Transportation
LC5 - Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary
LC12 - Recreational Routes

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

CS1 - High Quality Design

CS5 - Location of Development

CS34 - Rural Areas

2.4 Emerging Plan

Draft Policies Sites and Places Plan – June 2014

PSP2 - Landscape

PSP7 - Development in the Green Belt

PSP10 - Development Related Transport Impact Management

PSP20 - Flood Risk, Surface Water and Watercourse Management

PSP21 - Environmental Pollution and Impacts

PSP42 - Outdoor Sport and Recreation Outside Settlement Boundaries

2.5 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (SPD) – Adopted August 2007

Development in the Green Belt SPD – Adopted June 2007

3. **RELEVANT PLANNING HISTORY**

3.1 PK07/0408/F - Change of use of land from agricultural to land for the keeping of horses. Erection of 4 stables and hay store.
Approved 23rd March 2007.

3.2 PK14/2527/F - Construction of manege with associated works.
Pending

4. **CONSULTATION RESPONSES**

4.1 Hanham Abbots Parish Council
No objection.

4.2 Other Consultees including internal consultees of the Council.

Highways Structures

No comment

Highway Drainage

No comment

Sustainable Transport

Having reviewed all the submitted information with this application and taken in to account of the planning history of the site, we do not object to this application.

Wessex Water

No response

British Horse Society

No response

Other Representations

4.3 Local Residents/ Land Owners

No objections.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF has recently superseded various PPS's and PPG's, not least PPS7 – Sustainable Development in the Countryside, and carries a general presumption in favour of sustainable development. Para.2 of the NPPF makes it clear that applications for planning permission must be determined in accordance with the development plan and this includes the Local Plan. Para 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise. At para. 211 the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

5.2 In this case the relevant Local Plan is The South Gloucestershire Local Plan, which was adopted Jan 6th 2006. The Council considers that the Local Plan policies referred to in this report provide a robust and adequately up to date basis for the determination of the application.

5.3 The South Gloucestershire Local Plan Core Strategy has now been adopted and also forms part of the Development Plan. The Policies Sites and Places DPD is only a draft plan and as such carries little weight.

5.4 Policy LC5 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006, states that proposals for outdoor sports and recreation outside the urban area and defined settlement boundaries will be permitted, subject to a number of criteria being met.

5.5 Furthermore Policy E10 of the South Gloucestershire Local Plan reinforces the view that '*proposals for horse related development... will be permitted outside the urban boundaries of settlements*', subject to the following criteria being met:

- A. Development would not have unacceptable environmental effects; and
- B. Development would not prejudice the amenities of neighbouring residential occupiers; and
- C. Adequate provision is made for vehicular access, parking and manoeuvring and would not give rise to traffic conditions to the detriment of highway safety; and
- D. Safe and convenient access to bridleways and riding ways is available to riders; and

- E. There are no existing suitable underused buildings available and capable of conversion; and
- F. The design of buildings, the size of the site and the number of horses to be accommodated has proper regard to the safety and comfort of horses.

The analysis of the proposal in relation to these criteria is considered below.

5.6 Impact on the Openness of the Green Belt and Landscape Issues

Paragraph 79 of the NPPF states 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 Green Belts are their openness and their permanence.

- 5.7 Inappropriate development is by definition harmful to the openness of the Green Belt and should not be approved except in very special circumstances (para. 87).
- 5.8 Para. 89 of the NPPF states that planning authorities should regard the construction of new buildings as inappropriate in the Green Belt but lists exceptions which include *“provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.* The proposal however does not relate to the construction of a new building.
- 5.9 The NPPF at para. 90 goes on to say that *“certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt”.* A list of those developments that are not considered to be inappropriate is given but these do not include the change of use of land.
- 5.10 Officers must therefore conclude that the proposed change of use is inappropriate development. Furthermore case law has established that changes of use are inappropriate. On this basis therefore, very special circumstances are required if the application is to be approved.
- 5.11 In this case the proposed use is a sporting one i.e. equestrianism, which retains the open nature of the field and would not compromise any of the five purposes listed at para. 80 of the NPPF for designating land as Green Belt. The actual impact on openness is negligible, and is further protected by the use of conditions over and above the existing use. Officers consider that this clearly outweighs any harm to openness by reason of inappropriateness and amounts to very special circumstances to justify a departure from Development Plan Policy.
- 5.12 In general landscape terms, the site is well screened by the existing hedgerows and boundary vegetation, furthermore, given its nature and location, the proposed use would not have a significant adverse impact on the landscape in general and as such accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

- 5.13 Ecology
The land has no special ecological designation and is laid to pasture. Horses already graze the land. There are therefore no ecological constraints on the proposal.
- 5.14 E10: Would the development have unacceptable Environmental Impacts?
The site does not lie in Flood Zone 2 or 3 and the proposed change of use would have no drainage implications. A Flood Risk Assessment has been submitted to officer satisfaction. All matters of erection of loose jumps and fences, use of horse-boxes or portable buildings or trailers would be controlled by the same conditions that were imposed on PK07/0408/F, which can be imposed again.
- 5.15 The disposal of foul waste should be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Water and would be the subject of Environment Agency and Environmental Health controls.
- 5.16 In terms of noise, the location already experiences a high level of background noise from vehicles using the adjacent ring road and to a lesser extent Abbots Road itself. The use of the site would be for private and social use only and it is not proposed to increase the number of horses that are already kept at the site. It is therefore considered that this criterion of policy E10 has been satisfied.
- 5.17 E10: Impact on Residential Amenity
Given the rural location of the site and the surrounding agricultural use it is considered that, subject to the same conditions imposed on PK07/0408/F, using the land for the purpose proposed would make no difference in terms of impact on residential amenity. There are no proposals to intensify the use of the land. It is therefore considered that the proposal accords with this criterion of policy E10.
- 5.18 E10: Vehicular access, Parking and Highway Safety
The proposal would not increase the number of horses (4) kept on the site and the use would be for non-commercial uses only. The condition to prevent riding school or livery use of the site is again considered necessary and appropriate to address any highway safety concerns over intensifying the trip generation to and from the site. The existing parking, turning and access facilities would be utilised. Subject to the above-mentioned controls, this aspect of the proposed development is considered to accord with policy E10.
- 5.19 E10: Access to Bridleways
There are no direct links from the site to bridleways, however it is proposed to erect a manege on the land and this is the subject of a separate application (see PK14/2527/F). Condition 4 of the earlier consent PK07/0408/F, restricts the number of horses that can be kept at the site to 4. At present the horses are exercised in the field and are periodically taken off-site for competitions or exercise on nearby bridleways at Ferry Road/Chequers Pub ¼ mile away. There is sufficient space on the site for the number of horses kept there. It is

considered that this situation is satisfactory to accord with this criterion of policy E10.

5.20 E10: Preferred use of other existing buildings on the site
This criterion is not relevant to this proposal.

5.21 Other Issues

Although the proposal represents a departure from the Development Plan, the application does not need to be referred to the Secretary of State as under the appropriate Circular and Direction 02/2009 para. 4 (b) the development, by reason of its nature and location would not have a significant impact on the openness of the Green Belt.

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 The application be advertised as a departure from the Development Plan.

7.2 That planning permission be GRANTED subject to the conditions listed on the Decision Notice, once the period of advertising the application as a departure from the Development Plan has expired.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

1. At no time shall the land the subject of this permission be used for livery, riding school or other business purposes whatsoever.

Reason 1

To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 2

In the interests of highway safety, and to accord with Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 3

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

2. The number of horses kept on the site edged in red on the plans hereby approved, together with the land approved for the keeping of horses under previous planning permission PK07/0408/F, shall not exceed 4.

Reason 1

In the interests of highway safety, and to accord with Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 2

To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 3

In the interests of the welfare of horses, to accord with the guidance of the British Horse Society; and Policy E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. 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 Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

4. Any temporary jumps erected on the land shall be stored away to the side of the associated stable, immediately after use.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

5. 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 Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

6. At no time shall there be any burning of foul waste upon the land the subject of the planning permission hereby granted.

Reason

To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 5

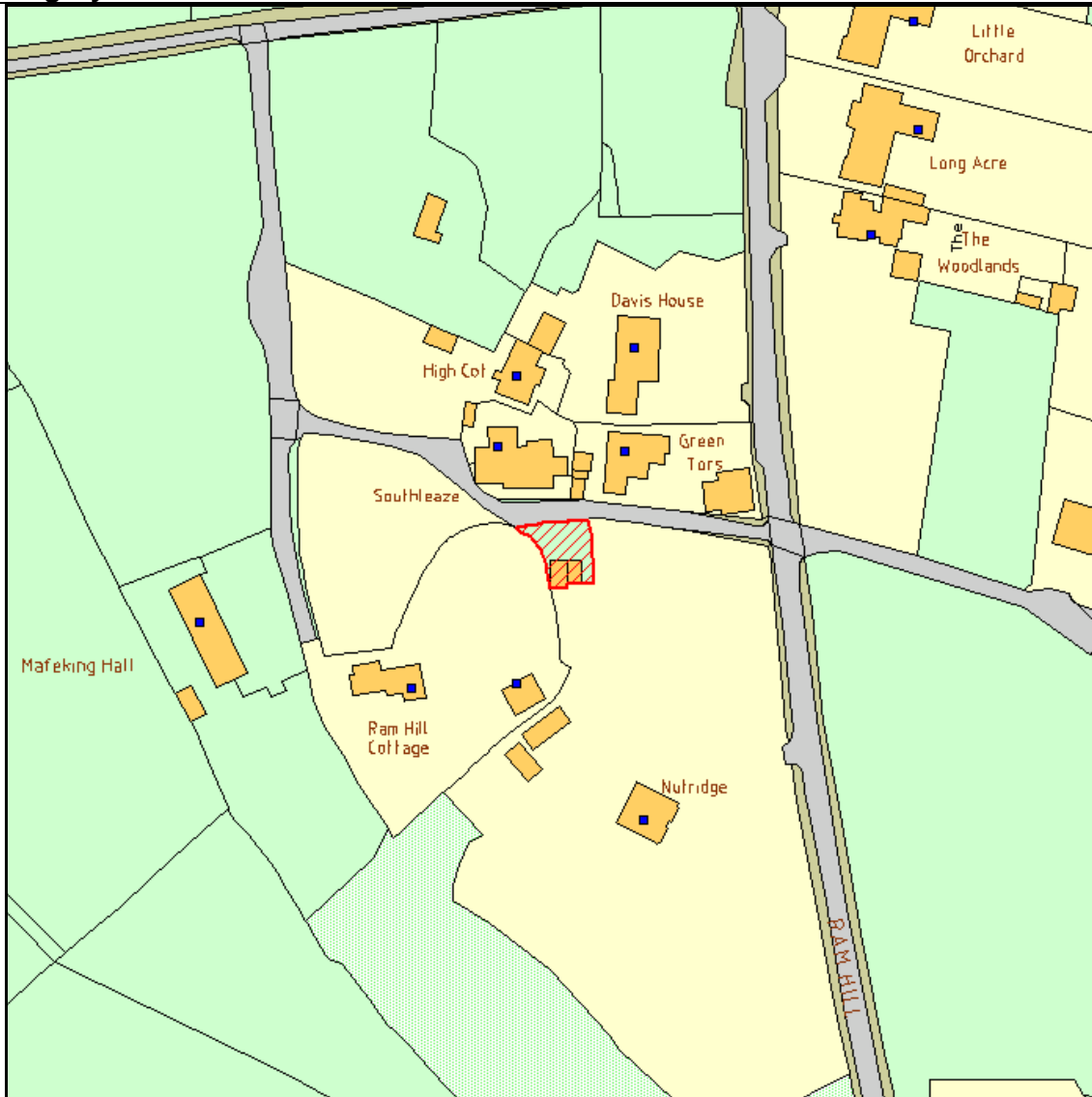
CIRCULATED SCHEDULE NO. 40/14 – 03 OCTOBER 2014

App No.: PK14/3196/F
Site: Southleaze Ram Hill Coalpit Heath
South Gloucestershire BS36 2UF
Proposal: Demolition of existing garage to
facilitate erection of granny annex
ancillary to main dwelling
(Resubmission of PK13/3698/F)

Applicant: Mrs S Goldie
Date Reg: 2nd September
2014
Parish: Westerleigh Parish
Council

Map Ref: 367756 179748
Application Category: Householder

Ward: Westerleigh
Target Date: 10th October 2014



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100023410, 2008. **N.T.S.** **PK14/3196/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The description of development provided by the applicant relates to the erection of a detached self contained 'granny annexe'. However, due to the position of the red line submitted and due to the nature of the building proposed, Officers consider the proposed development to consist of 1no. detached bungalow. The application is therefore assessed as a new planning unit with the erection of 1no. bungalow. This issue is discussed further within the body of the report.
- 1.2 The application relates to an area of land opposite 'Southleaze', Ram Hill, which currently consists of a detached single garage and lean-to canopy. The site is situated within the adopted Bath/ Bristol Green Belt falling outside of the settlement boundary of Coalpit Heath and is therefore within the open countryside.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice 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
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS34 Rural Areas

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

L1 Landscape Protection and Enhancement
L9 Protected Species
H3 Residential Development in the Countryside
H4 Development within Existing Residential Curtilages
T12 Transportation Development Control Policy

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007
Development in the Green Belt SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/3698/F - Demolition of existing garage. Erection of 1.no detached single storey annexe ancillary to residential dwelling. Withdrawn 6th December 2013
- 3.2 PT07/0293/F - Erection of 4no. stables with feed storage and tack room above to facilitate change of use from residential to land for the keeping of horses. Withdrawn 9th March 2007
- 3.3 N2527 - Use of land for bagging spent mushroom compost. Refused 30th April 1976

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No objection
- 4.2 Transportation DC
No objection
- 4.3 Drainage Officer
No comment

Other Representations

- 4.4 Local Residents
One letter of objection and one letter of support have been received from local residents. The comments are summarised as follows:

Support:

- High cost for aging population.
- Sensible to be in an environment where care is readily available.
- Applicant's would have reassurance.
- No increase in traffic.
- No burden on Council Aid.

Objection:

- No objection to annexe subject to our right of way and parking not being compromised.
- Effect on access to property.
- No restricted access to High Cot during building.
- Do not agree with blue boundary lines – encroachment.

5. ANALYSIS OF PROPOSAL

- 5.1 Proposed Development
The description of development provided by the applicant relates to the erection of a detached granny annexe ancillary to 'Southleaze', Coalpit Heath. The plans indicate that the building would have a bedroom, a kitchen, a living room, a bathroom and an entrance hallway with an area of amenity space to the side.

The area on which the building is proposed is on a parcel of land opposite Southleaze. A private access road would divide the two buildings. The location and block plan (drwg no. 02B) draws a red line around the parcel of land housing the proposed building with a blue line drawn around Southleaze and the surrounding land.

5.2 The Council consider that the proposed development is tantamount to a new separate dwelling. This is because the building has all of the characteristics of a separate and independent dwelling and is physically separated from Southleaze by a private lane. There would be no functional or intimate relationship with Southleaze and the building would be able to operate entirely as a separate planning unit. In addition, the plans submitted with the application draws that red line around the parcel of land housing the annexe only implying that the proposed development is for a new planning unit and not for a building within the curtilage of Southleaze. In light of the above assessment and the character of the site it is considered that a condition securing the ancillary nature of the building would be unreasonable and unenforceable not meeting the tests for applying conditions as set out within paragraph 206 of the NPPF. The development is therefore assessed as a new dwelling as outlined below.

5.3 Principle of Development

The application site is situated within the adopted Bath/Bristol Green Belt and outside of the defined settlement boundary. Section 9 of the NPPF makes it very clear that Local Planning Authorities should consider the erection of new buildings in the Green Belt as inappropriate development in the Green Belt. Exceptions to this are outlined within paragraphs 89 and 90 of the NPPF. Although replacing a detached garage the proposed building would be more than 100% greater in volume and is therefore materially larger. The proposed development of 1no. detached dwelling does not fall within any the exceptions considered appropriate within the Green Belt as outlined by the NPPF and as such is considered inappropriate development which is by definition harmful to the Green Belt and should not be approved except in very special circumstances. No very special circumstances have been submitted in support of the application and as such, in accordance with the provisions of the NPPF, the application should be refused.

5.4 Policies CS5 and CS34 of the Council's adopted Core Strategy do not support the erection of new dwellings in the open countryside and in the Green Belt except in the following circumstances: development brought forward through a community right to build order, other development in the Green Belt according with the NPPF. Development in the open countryside is strictly limited and settlement boundaries are to be maintained until reviewed through the Policies, Sites and Places DPD, Neighbourhood Plans or a replacement Local Plan. Saved policy H3 of the SGLP, although now afforded limited weight, states that residential development outside of the settlement boundaries will not be permitted with the exception of agricultural workers dwellings; affordable housing on rural exception sites and replacement dwellings. The proposed development does not fall within any of the categories above and as such the location of the site outside of the settlement boundary and within the open countryside is contrary to policies CS5 and CS34 of the Core Strategy, and saved policy H3 of the SGLP.

- 5.5 Whilst it is acknowledged that the proposed development would provide a self contained unit which may benefit the applicant's family member and would add to housing diversity in the area these matters do not outweigh the harm to the Green Belt or the policy objections outlined above. Although the principle of the development is considered unacceptable it is nevertheless pertinent to consider all other relevant considerations as set out below:
- 5.6 Highway Safety
The plans indicate that there would be provision for 2no. parking spaces to the front of the proposed building falling within the red line. This would be adequate to serve the new dwelling however the proposed development would result in the loss of the parking provision serving Southleaze. No other parking provision or turning areas are identified within the area marked blue on the site location plan although it is noted that there may be space within the curtilage. These details have not been requested due to the in principle policy objection to the development. It is therefore considered that insufficient information has been submitted to demonstrate that the proposed development would not prejudice the retention of adequate parking provision and manoeuvring areas for Southleaze and would not prejudice highway safety.
- 5.7 Residential Amenity
The proposed building would be single storey replacing an existing smaller single storey detached garage. The site is situated opposite Southleaze backing onto the gardens of Ram Hill Cottage and Nutridge. It is considered that the proposed development would not prejudice the amenity of the surrounding occupiers due to the scale of it, its maximum height and the separation afforded between the relevant buildings. There are therefore no concerns in this respect.
- 5.8 In terms of the amenity afforded to the future occupiers the application identifies a small area of amenity space to the front, side and rear of the building however this would be largely over shadowed by the adjacent trees and, due to the variation in land levels at the rear of the building, would not offer a useable private amenity space. The elevations identify windows to the rear and front elevations however due to the very cramped nature of the site these windows would be afforded very little outlook for future occupiers. The front windows on the new dwelling would be overlooked by the occupiers of Southleaze, which is situated opposite the site and on higher ground. It is therefore considered that the proposed dwelling would not provide a high standard of living for future occupiers contrary to saved policy H4 of the SGLP, policy CS16 of the Core Strategy and the provisions of the NPPF.
- 5.9 Design
The application relates to a small parcel of land situated opposite Southleaze which is a detached dormer bungalow. The dwellings in the locality have a mixed character and appearance however all are situated within large and spacious plots which reflects the open and rural character of the surrounding area.

5.10 The proposed dwelling would not be highly visible in the greater landscape or locality due to its screened location on a private access road. However, it is considered that the very cramped nature of the site and the building has not been informed by, would not respect and would not enhance the character or distinctiveness of the site or the locality which or the prevailing pattern of development in the area as described above. The proposal is therefore considered to fail to meet a high standard of design contrary to policy CS1 of the Core Strategy and the provisions of the NPPF.

5.11 Environment

The application is supported by an arboricultural survey which shows that the building would be within the root protection area of 2no. oak trees, neither of which are covered by a TPO. The report states that no works would be required to T1, which has been given a category B (moderate quality) rating however pollarding is recommended to T2 which has been given a category C (low quality) rating. The report further identifies protection measures for the trees during construction. It is considered that, had the application been recommended for approval a condition securing the carrying out of development in accordance with the arboricultural report would suffice in order to protect the health and amenity of the trees and as such there are no concerns in this respect. There are not considered to be any other environmental constraints associated with the application.

5.12 Other Matters

Concern raised in relation to land ownership is a civil matter that does not hold material weight in the determination of this planning application. This issue therefore has not been afforded weight in the determination of the application. Further concern has been raised that the development could result in the blocking of access to the neighbouring property. Whilst these comments are noted the plans do not indicate that the development would block a right of access. The blocking of a right of access is again a civil matter which is not within the remit of this application to control.

6. CONCLUSION

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

6.2 The recommendation to **refuse** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 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 REFUSED for the following reasons:

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

REFUSAL REASONS

1. The application site is situated within the adopted Bath/ Bristol Green Belt and the proposed development does not fall within any of the limited categories of development normally considered appropriate in the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply such that the normal presumption against inappropriate development in the Green Belt should be overridden. The proposal is therefore, contrary to the provisions of the National Planning Policy Framework 2012; policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and the Development in the Green Belt SPD (adopted) June 2007
2. The site falls outside of the defined settlement boundaries and within the open countryside. The proposed development would be in an unsustainable location and is contrary to Council's location of development strategy in rural areas as outlined within policies CS5 and CS34 of the Core Strategy. The development is therefore contrary to policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, saved policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006, and the provisions of the National Planning Policy Framework March 2012.
3. The proposed development, by virtue of the very cramped nature of the site, would fail to respect or enhance the distinctly open and rural character of the locality or the prevailing pattern of development in the locality which is characterised by detached dwellings on open and spacious plots. The development is therefore contrary to policies CS1 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the provisions of the National Planning Policy Framework 2012.
4. It is considered that the proposed development, by virtue of the lack of adequate private amenity space, the limited outlook that would be afforded to future occupiers, and the level of overlooking over the new dwelling, would fail to provide a high standard of living for future occupiers contrary to saved policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS16 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the provisions of the National Planning Policy Framework 2012.
5. Insufficient information has been submitted to demonstrate that the proposed development would not prejudice the retention of adequate off street parking provision and manoeuvring areas for 'Southleaze' and would not prejudice highway safety. The development is therefore contrary to saved policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Residential Parking Standards SPD (Adopted) December 2013.

ITEM 6

CIRCULATED SCHEDULE NO. 40/14 – 03 OCTOBER 2014

App No.:	PK14/3276/F	Applicant:	Miss P Wynn-Griffiths
Site:	14 St Francis Drive Winterbourne Bristol South Gloucestershire BS36 1LN	Date Reg:	4th September 2014
Proposal:	Erection of single storey side extension to form additional living accommodation	Parish:	Winterbourne Parish Council
Map Ref:	365571 180806	Ward:	Winterbourne
Application Category:	Householder	Target Date:	14th October 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated schedule following an objection from the Parish Council.

1. THE PROPOSAL

1.1 The applicant seeks full planning permission for the erection of a single storey side extension to form additional living accommodation. The application site relates to a single storey semi-detached property situated within the settlement boundary of Winterbourne.

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
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

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

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

T12 Transportation Development Control

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

3. RELEVANT PLANNING HISTORY

3.1 None

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

Objection:

The committee is concerned about parking as it does not reach minimum parking standards

4.2 Other Consultees

Transport Engineer

No objection subject to a condition attached to the decision notice

Highway Drainage

No objection subject to an informative attached to the decision notice

Other Representations

4.3 Local Residents

None received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application stands to be considered against the above listed policies and all other material considerations. Of particular importance is the overall design of the proposal and its impact on the character of the host property and area in general. In addition regard will be had to the impact on the residential amenity of neighbouring dwellings and the impact of the proposal on residential parking and highway safety.

The proposal is considered to accord with the principle of development and this is discussed in the report below.

5.2 Design and Visual Amenity

The application site is a modest single storey dwellinghouse. The proposal would result in the erection of a side extension to the south elevation. The roof line and building line would follow on from the existing lines of the main dwelling. In this instance this is considered appropriate. The structure would extend along the side of the house reaching a length of approximately 9.6 metres and would extend across the existing driveway by 2.3 metres. Materials used in its construction would comprise reconstructed stone, render and spar to match the existing with double roman tiles (or similar) to match the existing.

5.3 In terms of its design, scale, massing and materials used the proposed single storey side extension is considered to accord with policy and can be supported.

5.4 Residential Amenity

The host property has a paved front garden and driveway leading to an enclosed garden to the rear. Neighbours to the south have a single window and door in this opposing elevation, both with obscure glazing. It is acknowledged that the proposed side extension would extend out close to the boundary between the two properties but regard must be given to the single storey nature of the properties and the overall orientation. Extensions of this sort are not unusual in built up areas and as such it is considered that the impact on residential amenity would not be unacceptable.

5.4 Sustainable Transport

A plan, identified as Drawing no. 0646/2 submitted with this application shows 2 parking spaces to the front of the dwelling. This level of car parking meets the Council's minimum parking standards and as such there is no objection to this application. However it is suggested that any consent is made subject to a condition regarding the parking provision and surface area and that they be satisfactorily maintained thereafter.

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 attached to the decision notice

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. Prior to occupation of the extension, the off-street parking shall be provided in accordance with submitted and approved plan Drawing 0646/2 and subsequently maintained. In addition the parking area shall be surfaced with a permeable bound surface material and also shall be maintained to a satisfactory standard 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 Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the SPD: Residential Parking Standards (Adopted) 2013

3. The hours of working on site during the period of construction shall be restricted to 8:00 to 18:00 Monday to Friday and 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

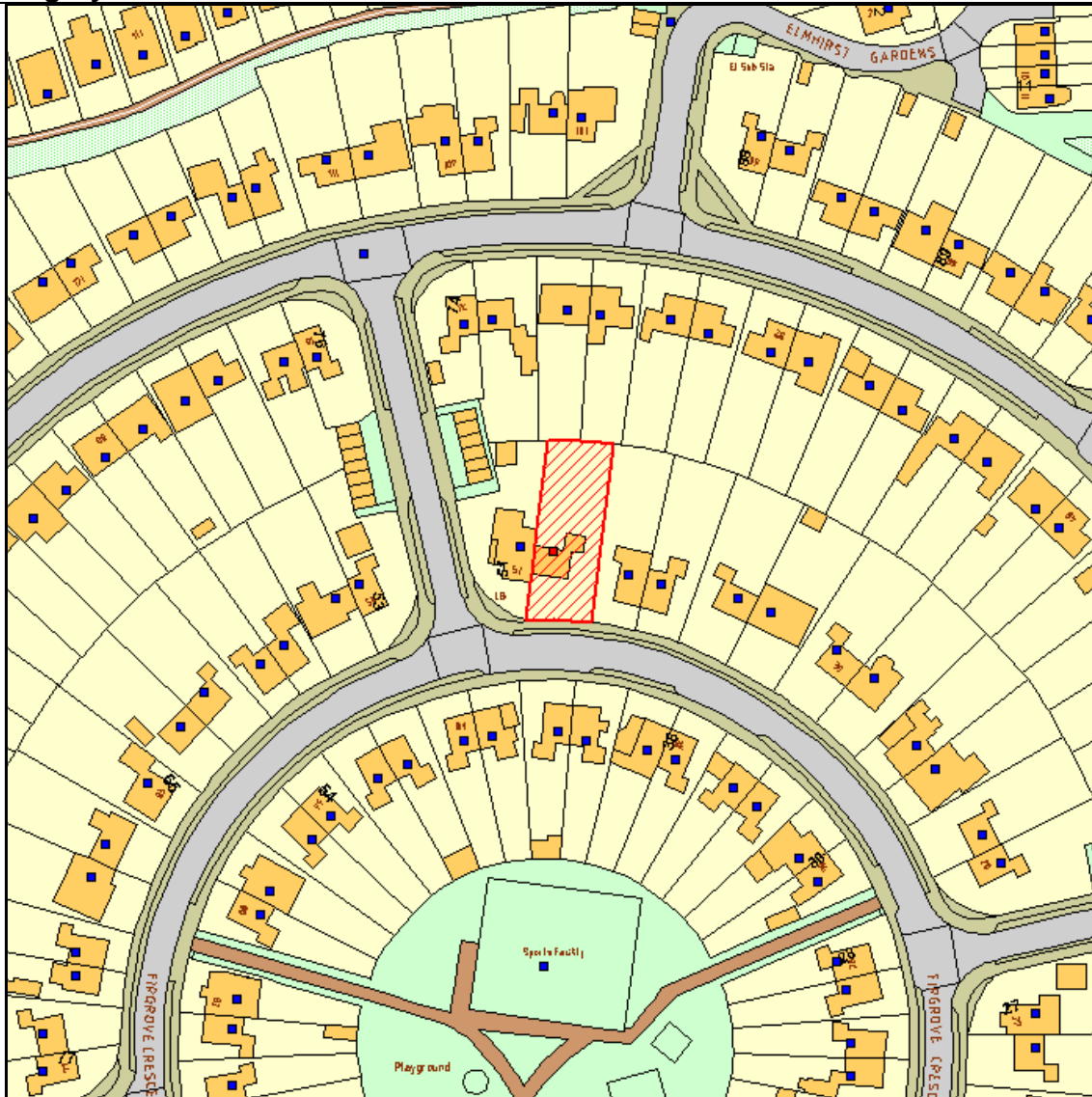
To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013

ITEM 7

CIRCULATED SCHEDULE NO. 40/14 – 3 OCTOBER 2014

App No.: PK14/3298/CLP
Site: 49 Firgrove Crescent Yate Bristol
South Gloucestershire BS37 7AH
Proposal: Application for a certificate of
lawfulness for the proposed erection of
a single storey side extension.
Map Ref: 372035 182868
**Application
Category:**

Applicant: Mr Stan Chapman
Date Reg: 10th September
2014
Parish: Yate Town Council
Ward: Yate Central
**Target
Date:** 15th October 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 single storey side extension at 49 Firgrove Crescent, Yate 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.
- 1.3 Additional information was received from the agent on 15th September 2014 at the Officer's request. A period of re consultation was not deemed necessary, as the information was regarding the materials and the proposal was unchanged.

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.

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No comment received.
- 4.2 Other Consultees
Highway Drainage
No objection, subject to an informative advising the applicant to contact Wessex Water, due to the development being within close proximity to a public sewer.
Councillor
No comment received.

Other Representations

- 4.3 Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Existing Ground Floor – 547-E1; Existing First Floor – 547-E2; Existing Elevations 547-E3; Proposed Ground Floor – 547-P1; Proposed First Floor – 547-P2; Proposed Elevations – 547-P3; Site Location Plan & Block Plan – 547-P4. All received 20th August 2014.
- 5.2 Email from agent regarding materials received 15th September 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, Part 1, Class A of the GPDO (As Amended) 1995.

- 6.3 The proposed development consists of a single storey side 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 to a dwellinghouse, subject to the following:

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

- (a) **As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**
The 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 not exceed the eaves of the existing dwellinghouse.

- (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 extension extends beyond the side elevation of the dwellinghouse, however it does not front a highway. The proposal therefore meets this criteria.

- (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 would not extend beyond the rear wall of the original dwellinghouse.

- (f) The enlarged part of the dwellinghouse would have more than one storey;**

The proposal is single storey.

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

The proposal is exactly 2 metres away from the nearest boundary of the curtilage and the height to the eaves is 2.32 metres. The proposal therefore meets this criteria.

- (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 proposed extension would extend beyond a side wall of the original dwellinghouse. It would not exceed four metres in height and would have

only one storey. The width is less than half the width of the original dwellinghouse, and therefore the proposal meets this criteria.

- (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.

A2 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 on article 1(5) land.

Conditions

A3 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;**
The plans submitted do not clearly state the proposed materials. The agent was asked to submit details of the materials, who confirmed via email on 15th September 2014 that all of the materials proposed for the extension will match the host dwelling. The proposal therefore meets the requirements of this condition.
- (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**

The proposal does not include the installation of any upper floor windows.

- (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 proposal is single storey.

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 8

CIRCULATED SCHEDULE NO. 40/14 – 03 OCTOBER 2014

App No.:	PT14/2467/F	Applicant:	Ms Vickie Burge
Site:	Unit Adjacent To Co-op 43 North Road Stoke Gifford Bristol South Gloucestershire BS34 8PB	Date Reg:	8th August 2014
Proposal:	Change of use from Retail (Class A1) to Hot Food Takeaway (Class A5) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of replacement flue, new shopfront and associated works.	Parish:	Stoke Gifford Parish Council
Map Ref:	362200 179825	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	23rd September 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks permission for the change of use of the existing premises from Retail (Class A1) to Hot Food Takeaway (Class A5) and the installation of a replacement flue, new shopfront and associated works.
- 1.2 The site is an existing premises, understood to have previously been used as a commercial kitchen to serve an adjoining public house. The public house has since closed and the adjacent/attached property is now a convenience store. The site is located on an area of land surrounded by Hatchet Road, North Road and Hatchet Lane within the built up area of Stoke Gifford. To the immediate north and west of the site is a car park, whilst to the south is the attached convenience store, to the east, within the parcel of land surrounded by the roads is a public house and associated car parking. The nearest residential properties are located to the west, across Hatchet road. The site does not form any part of a primary or secondary shopping frontage.

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)
RT11 – Change of use of Local Shops, Parades, Village Shops and Public Houses

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design

Draft Policies Sites and Places DPD
Policy PSP31 – Hot Food Takeaways
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 There are numerous permissions and advertising consents associated with the sites former use as a public house and subsequent more recent consents for various works associated with the sites use as a shop.

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

Objection - Under the New Local Plan Policy PSP31 which specifically states that takeaways within 400m of schools and youth facilities will not be permitted where they are likely to influence behaviour harmful to health or the promotion of healthy lifestyles. This proposed application is within 400m of the St Michaels School, Army cadets, The Medical Centre and possibly the St. Michaels playgroup.

4.2 Sustainable Transportation

No additional car parking is proposed for the change of use to a take-away however I am satisfied that adequate parking exists within the existing car park to accommodate any additional demand which would generally be of a short term nature. In addition the busiest times for a take-away are generally outside of the peak shopping times when more spaces would be unoccupied in the car park. I recommend no highway/transport objection to the proposal.

Drainage

No comment

Environmental Protection

No objection in principle subject to recommendations ensuring the nature of the proposed flue/ventilation system are as specified and the flue achieves specified sound ratings.

Other Representations

4.3 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy RT11 states that the change of use of existing retail premises would not be permitted unless the proposed use would not result in an overconcentration of non-shop uses, there are satisfactory alternative retail uses within the locality, it can be demonstrated that the premises would be incapable of supporting a retail use and the use would not result in unacceptable environmental or transportation effects and would not prejudice residential amenity.

5.2 In respect of the above consideration it should be noted that the previous use of the building was as a public house (The Parkway Tavern). This smaller single storey element of the public house was understood to have been used as the kitchens serving the public house. The main building has subsequently

become a convenience store, although this use has not extended into the single storey element the subject of this application. The A1 use therefore appears to have been assumed as part of the conversion of the remainder of the site. It is not considered that the site has been in retail use, certainly not recently, such as to establish that a viable retail use would be lost. Given that the remainder of the adjacent building is now a major chain (Co-Op) convenience store it is considered that this provides satisfactory retail use within the vicinity, (which is not a designated local centre or primary or secondary shopping frontage) and renders the remainder of the building unlikely to be used in such retail capacity.

5.3 There are takeaways within the general Stoke Gifford area, although not in the immediate site and the nearest other outlets are not a fish and chip shop as proposed, although an A5 use would cover hot food takeaways generally. It is not considered that the proposals would result in an overconcentration of hot food uses (A3 – A5), within the immediate area and as stated above the use is not as such taking over an exiting or established retail use.

5.4 It is noted that the Parish Council have referred to draft policy PSP31 (Hot Food Takeaways) of the Draft Policies, Sites and Places Plan, specifically in relation to the policies reference to proximity to schools and youth facilities whereby it states that *'takeaways within 400metres of schools and youth facilities will not be permitted where they would be likely to influence behaviour harmful to health or the promotion of healthy lifestyles'*. This document and the policies within it are at early draft stage and have not yet gone to an Examination in Public or been tested for soundness. On this basis very little weight can be given to this proposed policy at this stage and the considerations of the merits of the principle of the proposal are as set out above in the context of existing adopted policies.

5.5 In respect of the above it is considered that the principle of the location of the proposal is acceptable, subject to detailed development control criteria.

5.6 Local Amenity

The site is essentially located on an 'island' surrounded by roads. Within the island are other retail uses and a pub. The site itself previously formed part of a pub that also served food. The site itself is therefore relatively contained, with associated parking already in existence. The nearest residential properties are located approximately 40 metres to the west across Hatchet Road, the properties themselves actually front on the estate to the west along Charles Avenue, with their gardens backing onto Hatchet Road. There are also properties approximately 45 metres to the east of the site, across Hatchet Lane. An extraction/flue site is proposed the specification and details of which are acceptable. A condition, as recommended by the Councils' Environment Protection officer could secure compliance with the system proposed. Given the location and nature of the site and its relationship with the surrounding area, as well as the requirement for a suitable flue/extraction system and mitigation measures, it is not considered that the proposals would prejudice the local amenity of the area.

5.7 At this early stage of the draft of the Policies, Sites and Places DPD it is not considered that the relative proximity to educational facilities or youth centres, other than to assess the amenity impacts set out in existing policy, can be given much weight in respect of the comments from the Parish Council in relation to the untested draft policy referred to (PSP31), such as to warrant or substantiate a reason for refusal.

5.8 Transportation

Whilst no additional parking is proposed the site benefits from an existing car park, previously serving the pub and now the adjacent shop. This will jointly serve the proposal site as the building is incorporated on the side of the shop and the car park extends around the front and side of the proposed takeaway. It is considered that adequate parking exists within the existing car park to accommodate any additional demand which would generally be of a short term nature. In addition the busiest times for a take-away are generally outside of the peak shopping times when more spaces would be unoccupied in the car park. On this basis there are no transportation objections to the proposals.

5.9 Design

The design changes to the frontage of the premises associated with the change of use are considered to be relatively modest with a relatively small new shop front and stepped and ramped access and are not out of keeping with the site or surroundings at this location.

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 application is considered to be acceptable in terms of its location, local amenity, design and transportation, and is in accordance with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan 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 the conditions recommended

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

2. The use hereby permitted shall not be open to customers outside the following times; 11.30 - 22.00, Mondays to Fridays, 11.30 - 22.00, Saturdays and 12.00 (midday) to 21.00 on Sundays and Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses and the locality, and to accord with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The ventilation system designed and specified in the 'Existing and Proposed Elevations and Specification' ((Drawing No. 1) and 'Proposed Ground Floor Plan' (Drawing No. 2), dated 14th June, shall be implemented prior to the first use of the premises as a Class A5 Hot Food Takeaway outlet and thereafter retained.

Reason:

To safeguard the amenity of the area and in accordance with Policy RT11 of the South Gloucestershire Local Plan (Adopted January 2006).

4. The flue shall at all times achieve a sound rating of no more than 34db at 1 metre from the outlet, as specified in the approved 'Existing/Proposed Elevations and Specification' (Drawing No. 1), dated 14th June.

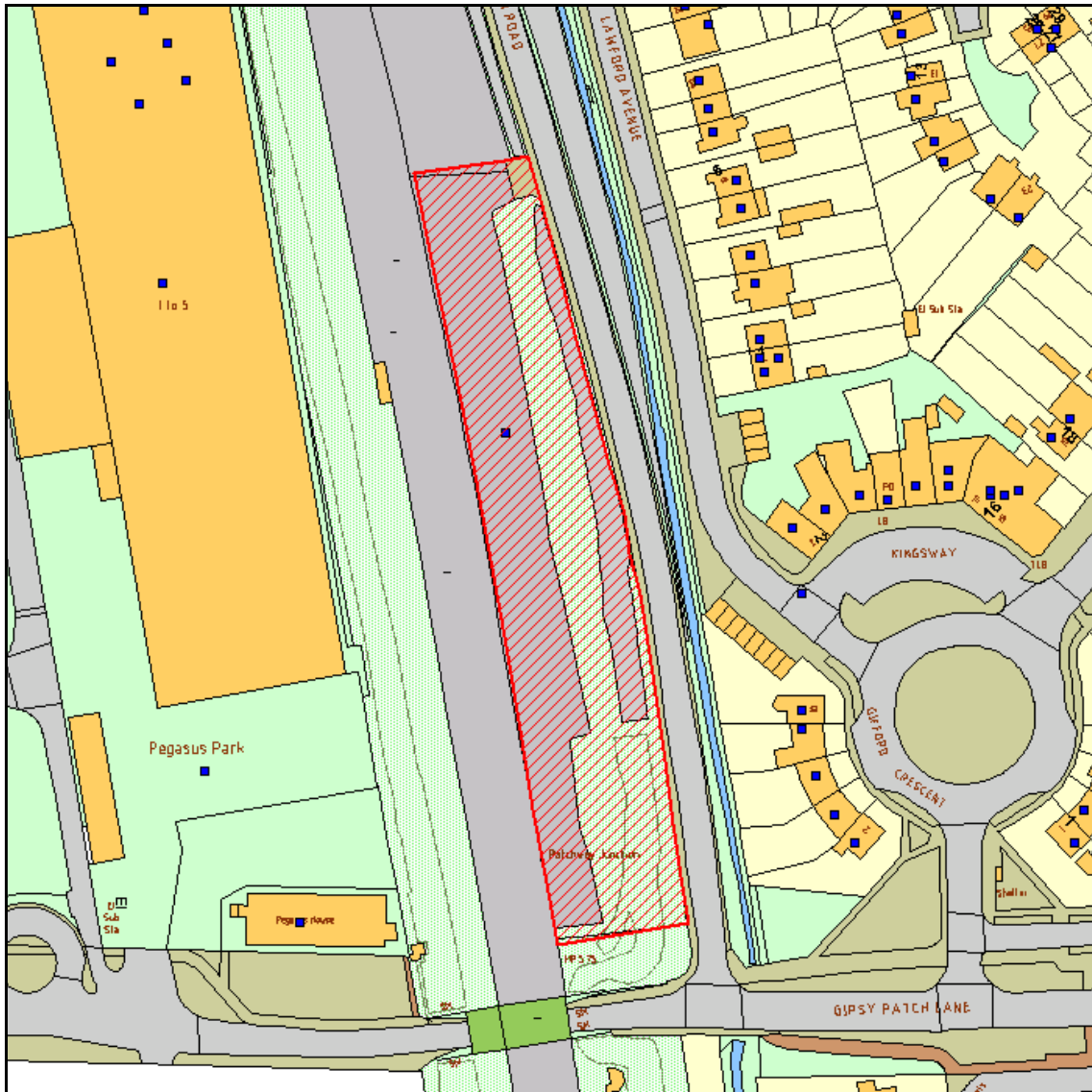
Reason:

To safeguard the amenity of the area and in accordance with Policy RT11 of the South Gloucestershire Local Plan (Adopted January 2006).

ITEM 9

CIRCULATED SCHEDULE NO. 40/14 – 03 OCTOBER 2014

App No.:	PT14/2664/RVC	Applicant:	Admirals Yard Self Storage
Site:	Admirals Yard Station Road Patchway South Gloucestershire BS34 6LR	Date Reg:	24th July 2014
Proposal:	Variation of condition 3 attached to planning permission PT13/1812/F to extend hours of access to 06.00 - 22.00 Monday to Saturday and 09.00 - 18.00 on Sundays.	Parish:	Stoke Gifford Parish Council
Map Ref:	361160 180683	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	15th September 2014



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100023410, 2008. N.T.S. PT14/2664/RVC

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 has been submitted under section 73 of the Town and Country Planning Act 1990 and seeks permission for the variation of condition 3 attached to planning permission PT13/1812/F to extend openings hours of access from 06:00 to 22:00 Monday to Saturday, and 09:00 to 18:00 on Sundays.

1.2 Condition 3 of application PT13/1812/F reads as follows:

The use hereby permitted shall not be open to customers outside the following times:

Monday - Friday 08.00- 20.00

Saturday 08.00- 19.00

Sundays 09.00- 18.00

Reason

In the interests of residential amenity and to accord with Planning Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

1.3 The application relates to Admiral's yard self storage which is situated on the east side of Station Road, Patchway, adjacent to the junction on Gipsy Patch Lane. The site is adjacent to the railway which runs to the western side of the site.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

National Planning Practice Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS25 Communities of the North Fringe of Bristol Urban Area

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

E3 Employment Proposals in the Built up Area

T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/1812/F - Change of use from Coach/Car park (Sui Generis) to Class B8 Storage as defined in the Town and Country Planning (Use Classes) Order 1985 (as amended). Siting of portacabin. Approved 17th July 2013
- 3.2 PT10/2246/F: Change of use from former Watson's car park (sui generis) to ancillary car/coach parking for users of South Gloucestershire Bus and Coach Company and siting of a mobile tea/coffee shop (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987. Permitted: 7 October 2012
- *Cond. 3 - The use hereby permitted shall not be open to users outside the following times; Monday to Saturday 06:00 to 20:00*
- 3.3 PT10/0636/F: Erection of 2.4 metre high-galvanised palisade fence with 1 pedestrian gate. Permitted: 19 May 2010
- 3.4 PT07/3021/F: Erection of 1 office and 1 storage building to be used as a maintenance delivery unit (MDU) and 2.4 metre high boundary fence. Refused: 11 March 2008- Appeal Dismissed: 3 October 2008
- 3.5 PT02/3636/F: Use of former Watson's car park for coach parking and former station yard for staff car parking in connection with bus and coach business. Withdrawn: 24 March 2003
- 3.6 P87/1480: Construction of car park. Approved: 29 July 1987

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
Council note a number of objections from local residents from within the immediate community. The proposed extended hours are intrusive to these residents in relation to increased lighting and noise from both pedestrians and vehicles accessing the site outside of daytime working hours. Parking is already extremely congested at this location during the day and this may well be extended into the evening or at weekends should an extension of hours be granted.
- 4.2 Transportation DC
No objection
- 4.3 Environmental Health Officer
No noise complaints since the site has been used by the storage company.

Other Representations

- 4.4 Local Residents
Three letters and one petition with 31 signatures have been received in objection to the proposed variation. The comments are summarised as follows:
- Impact on residential amenity.
 - Noise

- Vehicle activity on site out of hours.
- Only half of storage containers are on site and none double stacked – difficult to make full assessment. It would be better to wait until all 132 containers are on site.
- Number of customers during extended hours would exceed the figure given in the applicant's survey.
- No difference to noise from railway.
- Noise on station road has increased since calming measures were introduced in Little Stoke Lane. Expect South Glos to remedy this in the future.
- Ref. potential commuter car park adjoining site – the railway line was laid before houses built and regarded as valuable asset. Ref. potential opening hours of car park – car park would only be in use when train services are operating.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Since the determination of application PT13/1812/F the Council has adopted its Core Strategy (Adopted December 2013). Within application PT13/1812/F the principle of the change of use was considered under policy E3 of the SGLP (Adopted 2006). Policy E3 of the SGLP remains saved and is considered to be consistent with the provisions of the NPPF. As such it is considered that the changes in policy since the determination of the previous application do not materially alter the determination of the current application. Saved policy E3 advises that proposals for employment uses within the existing urban area and the boundaries of settlements are considered acceptable in principle subject to the following criteria:

- o It would not have an unacceptable environmental impact;
- o Adequate provision is made for service and delivery and the proposal would not give rise to unacceptable levels of vehicular traffic;
- o It would not prejudice residential amenity;
- o It would not adversely affect the character of the area;
- o The maximum density compatible with the sites location is achieved.

5.2 The application seeks to vary condition 3 to enable the permitted storage use to be accessible to customers for extended hours as follows: 06:00 to 22:00 Monday to Saturday, and 09:00 to 18:00 on Sundays.

5.3 The reason for condition 3 is in the interests of residential amenity. It is therefore considered that the pertinent issue to consider is the impact of the proposed extended opening hours on the residential amenity of surrounding occupiers.

5.4 Residential Amenity

Admiral's yard self storage was approved for Class B8 (storage) in July 2013 changing the use of the site from a coach car park. The storage use has been implemented and it is understood that approximately half of the ground level containers are on site. The site is situated on the east side of Station Road, Patchway, adjacent to the junction from Gipsy Patch Lane. The site is adjacent to the railway which runs to the western side of the site. On the east side of

Station Road is a large established residential area set down on lower ground. There have been no material changes in the circumstances of the area since the determination of the previous application.

- 5.5 Within the previous change of use application a number of concerns had been raised by local residents in relation to the potential noise disturbance from the proposed use. Whilst the Officer did not consider that the storage use would have an adverse impact on residential amenity given the separation afforded between the use and the residential dwellings it was nevertheless considered necessary and reasonable to condition the opening hours of the site in order to protect the amenity of neighbours during early morning, late evening and night time periods. The key issue in amenity terms is considered to be the noise and light generated from unloading and loading the metal containers and as such, in order to avoid such disturbance during early mornings and evenings, at which point nearby residents can be reasonably expected to experience the quiet enjoyment of their home, the opening hours condition was attached.
- 5.6 Officers are also mindful of a previous appeal decision for ref. PT07/3021/F, which sought permission for the erection of 1no. office and 1no. storage building to be used as a maintenance delivery unit (MDU) and 2.4 metre high boundary fence. The Admirals Yard application site formed part of PT07/3021/F, the application for which was subsequently dismissed due to the Inspector's concerns that the development would have an unacceptable impact on the amenity of the neighbouring occupiers during the night time. Whilst the development subject to the appeal differs from that approved under PT13/1812/F Officers are nonetheless mindful of the Inspector's assessment that a B8 use in this location, if active during night time hours, could prejudice the amenity of the nearby occupiers. This further confirms that necessity to condition working hours appropriately in the interests of residential amenity.
- 5.7 In support of the proposed variation of condition the applicant has submitted a supporting statement. The points outlined are summarised as follows:
- An earlier application PT10/2246/F set an unfortunate precedent for restricting hours on site.
 - I do not believe that either the nearby residents or the LPA fully appreciated the quiet nature of the use or the very low levels of traffic and noise generated. The development has reduced noise levels for nearby residents. The containers introduce a very effective noise barrier to the railway line.
 - During the last full week of June there were 75 customer visits during the permitted hours. 11 people per day and all just light vans and cars. Even in full capacity the expectation is for approx. 20 per day during currently permitted hours. A survey of our Sheffield facility which is twice the size of Patchway showed that in July last year the number of customers accessing the site between 6am and 8am ranged from 2 to a maximum of 6 each day. The comparable estimation for Patchway is between 1 and 3 customers between 6am and 8am each day. In the context of the problems with the previous coach and car park use condition 3 is unnecessarily restrictive, prejudicial to local small businesses and simply inappropriate.
 - Aware the local authority transportation department has an ambition to create a station 'commuter' car park on land adjoining the site and the railway line. It would be impossible to run a commuter car park with access

restrictions such as condition 3. If the car park proceeds I would expect that it would have to be accessible 24 hours a day. It would also generate much more early and late traffic than our site.

5.8 Assessment

On consideration of the proposed variation in condition Officers are mindful that there have been no material changes in circumstances since the determination of PT13/1812/F. Whilst the applicant's justification for the variation as outlined above is acknowledged no additional evidence to suggest that the use would not prejudice amenity in the proposed hours has been submitted. In considering the consultation responses received from local residents an occupier refers to a '*period of calm and pleasant outlook*' between the departure of the previous use and the approved storage use. A resident also refers to use of the site outside of hours which implies that residents are aware of movements and activity on the site. Officers are also mindful that the full extent of the development has not yet been established with only half of the containers on site.

5.9 The justification provided by the applicant, and in particular the reference to supporting local businesses is acknowledged and Officers are mindful of the Government's emphasis on supporting economic growth. However, it is not considered that this justification outweighs the potential harm to the amenity of the nearby occupiers. There is no evidence to prove that the containers have reduced noise to local residents from the nearby railway and in any case this is not considered to be a justification for extended opening hours. Justification relating to a potential commuter car park is also premature based on assumption rather than an assessment of the existing situation in the area. It should also be highlighted that the site is assessed on its own planning merits taking account of all prevailing material considerations at that time.

5.10 In balancing the arguments put forward and on reflection of the history and material considerations associated with the site it is considered that the proposed extended hours of opening into the early morning and late evenings would prejudice the amenity of the nearby occupiers. Whilst Officers are mindful that no complaints have been received by Environmental Protection since the implementation of the storage use this could be a result of the time restrictions that are in place. There have been no material changes in circumstances since the determination of PT13/1812/F and as such it is considered that the reasoning for the condition as discussed in paragraphs 5.5 and 5.6 still stand.

5.11 Use of Planning Conditions

The application has been submitted under section 73 of the Town and Country Planning Act 1990 which allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue.

5.12 In considering whether the condition should be removed/ varied, in addition to the assessment above, it is also pertinent to consider whether the condition

meets the six tests as outlined within the National Planning Practice Guidance 2014 and paragraph 206 of the National Planning Policy Framework March 2012. Planning conditions should only be imposed where they are: necessary, relevant to planning, and to the development permitted, enforceable, precise and reasonable in all other respects.

- 5.13 In consideration of the above tests it is considered that, as discussed previously, the condition restricting opening hours is necessary in order to protect the amenity of nearby occupiers. It is also considered that the condition is relevant to planning, to the development permitted, is enforceable and is precise.
- 5.14 In terms of whether the opening hours proposed are reasonable weight needs to be afforded to circumstances and history of the site. The application site is situated between a commercial and residential area and as such the opening hours need to reflect this. Officers are mindful that the previous use was allowed between 6am and 8pm Mondays to Saturdays but residents did refer to disturbance within their previous consultation responses ref. PT13/1812/F. In terms of the opening hours imposed Officers consider the closing hour of 8pm Mondays to Fridays and 7pm Saturdays to be reasonable and in the context of its commercial use does provide some flexibility for the use of the site whilst protecting the amenity of neighbouring occupiers in the late evenings. In terms of the opening hour of 8am it is considered that this does appear somewhat restrictive given that during the working week it is not unusual for activity in commercial and residential areas to take place from 7am onwards. Therefore in consideration of the six tests outlined in paragraph 206 of the NPPF Officers consider the opening time of 8am to be unreasonable and instead allow a variation of the condition to allow the use to be open to customers from 7am to 8pm Mondays to Fridays. All other time restrictions remain unchanged.
- 5.15 Other Matters
Further concerns have been raised by local residents and the Parish Council in relation to increased traffic and parking congestion that would be associated with the variation in condition. It is not however considered that the proposed extension in opening hours would adversely increase traffic congestion at the site as there would be no increase in the scale of the site or the number of containers within it. It is actually considered that the variation is likely to generate the same number of visitors spread over a longer period thereby reducing the hourly traffic flow associated with the site. This does not however remove the concerns outlined above associated with the potential impact on residential amenity and as such does not justify the variation of the condition.
- 5.16 Residents are advised that matters relating to activity on site outside of the allowed hours should be referred to the Council's Enforcement team for investigation. Other matters raised in relation to traffic calming elsewhere in the area are not within the remit of this application to control.

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 condition 3 is varied to read as follows:

The use hereby permitted shall not be open to customers outside the following times:

<i>Monday - Friday</i>	<i>07.00- 20.00</i>
<i>Saturday</i>	<i>08.00- 19.00</i>
<i>Sundays</i>	<i>09.00- 18.00</i>

Reason

In the interests of residential amenity and to accord with Planning Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

1. The site shall be used for storage only and for no other purpose (including any other purpose in Class B8; of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

In the interests of visual and residential amenity and to accord with Planning Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006, and policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

2. The use hereby permitted shall not be open to customers outside the following times:

<i>Monday - Friday</i>	<i>07.00- 20.00</i>
<i>Saturday</i>	<i>08.00- 19.00</i>
<i>Sundays</i>	<i>09.00- 18.00</i>

Reason

In the interests of residential amenity and to accord with Planning Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to their installation details of any floodlighting and external illuminations in addition to those identified in the lighting plan and specification received by the Council on 6th August 2013 shall be submitted to and approved in writing by the Local Planning Authority. Details shall include measures to control light spillage. Development shall thereafter be carried out in accordance with the approved details.

Reason

In the interests of visual and residential amenity and to accord with Planning Policy E3 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 outside storage shall take place at the premises.

Reason

In the interests of visual amenity and to accord with Planning Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006, and policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

5. The office building hereby permitted shall be removed and the land restored to its former condition on or before 17th July 2016

Reason

The building comprises a temporary storage container and is not considered to be acceptable in design terms as a long-term solution at this more prominent location at the site entrance and to accord with Planning Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006, and policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013

6. All existing tree/hedgerow screening along the site frontage (facing Station Road) shall be retained.

Reason

In the interests of visual and residential amenity and to accord with Planning Policies L1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006, and policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

7. Storage containers shall not exceed two containers in height with all storage below 6m in height (measured from ground level).

Reason

In the interests of visual amenity and to accord with Planning Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006, and policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

8. There shall be no more than 132 storage containers stored on the application site.

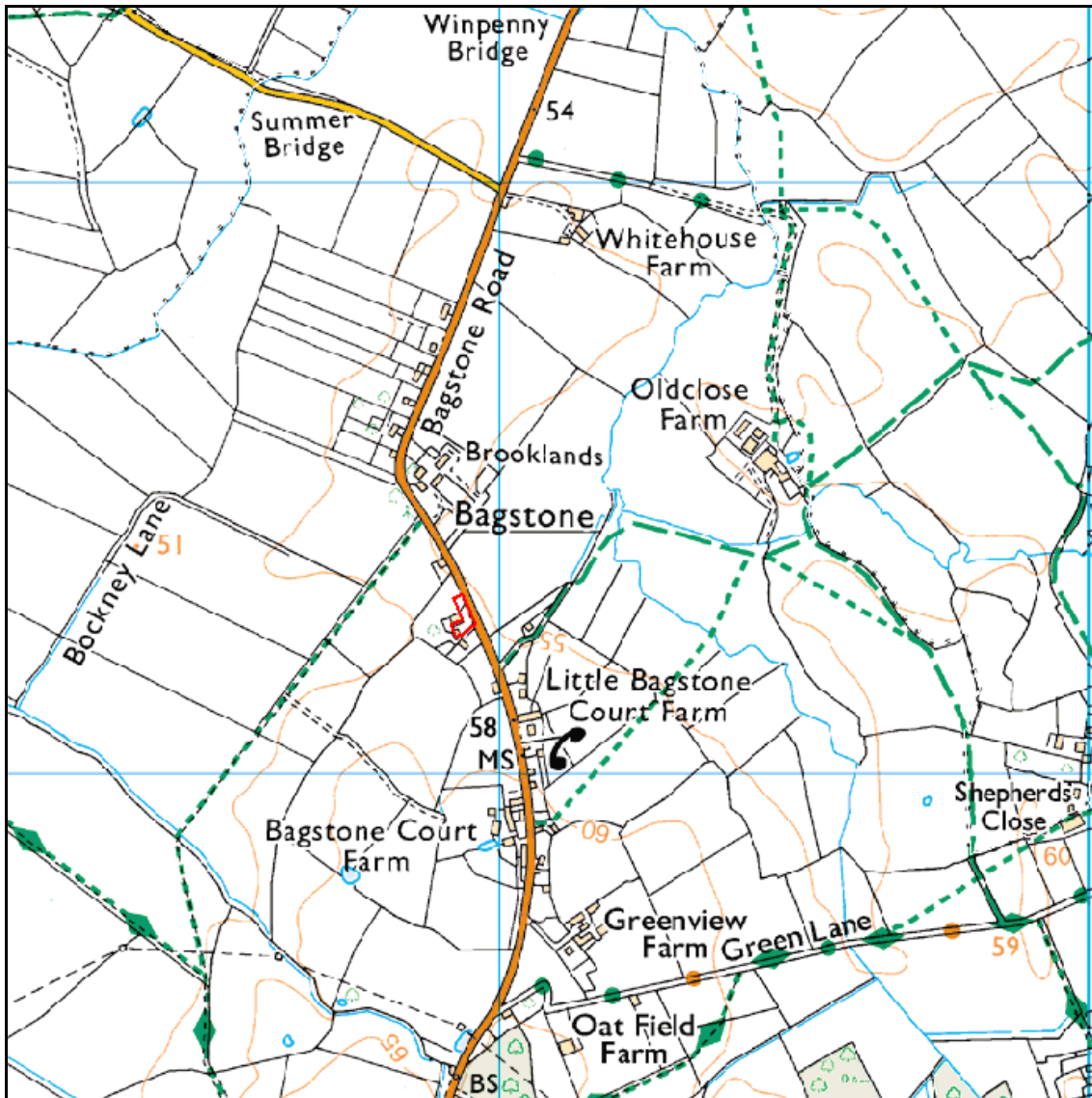
Reason

In the interests of visual amenity and to accord with Planning Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 10

CIRCULATED SCHEDULE NO. 40/14 – 03 OCTOBER 2014

App No.:	PT14/2897/F	Applicant:	Mr RJ Cottingham
Site:	Bagstone Garage Bagstone Road Rangeworthy Wotton Under Edge South Gloucestershire GL12 8BD	Date Reg:	14th August 2014
Proposal:	Change of use of land for car sales to allow up to 44no. cars to be displayed for sale. (Retrospective). (Resubmission of PT14/1927/F).	Parish:	Rangeworthy Parish Council
Map Ref:	368923 187264	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	22nd September 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is being reported to Circulated Schedule for consideration given that one letter of objection has been received which is contrary to the officer's recommendation of approval.

1. THE PROPOSAL

- 1.1 This application relates to a 1485 squared metre site located adjacent to the B4058 road at Bagstone, Rangeworthy, South Gloucestershire. The application site submitted forms part of an existing established car sales business comprising of 1230 squared metres. Included within the application site boundary is 255 squared metres of existing haulage yard land whereby the change of use to car sales is sought.
- 1.2 The application seeks to increase the size of an existing car sales use business through the change of use of additional land; facilitating a re-arrangement of vehicle layout and subsequent increase of 7 no vehicles being parked on the site.
- 1.3 The additional land submitted within application site has been used for the purposes of car sales since February 2014 and, therefore, the nature of this application is retrospective.
- 1.4 The application does not propose to erect any buildings on the land and solely proposes the change of use of the application site. The application seeks to retain the existing office on site and car valeting area utilised by the cars for sale on the land only.
- 1.5 The application site is bounded on its eastern elevation by the B4058 road which has a speed limit of 40 mp/h. The application proposal proposes two separate accesses onto the B4058 at the northern and southern points on the eastern elevation.
- 1.6 Immediately adjacent to the northern boundary of the site is an established sui generis haulage yard land that is currently used by haulage goods vehicles. The western elevation of the site is bounded by existing buildings whereby a car garage/maintenance facility operates. This land is in the ownership of the applicant.
- 1.7 The nearest residential dwellings to the site are to the northern and southern boundaries of the application site. Towards the north of the site is School House, situated approximately 58 metres from the boundary of the application site.
- 1.8 On the southern boundary of the application site is Rose Cottage which is approximately 5 metres from the application site. There is significant vegetation between the application site and Rose Cottage which visually screens the activities on this parcel of land.

- 1.9 Already established on the application site is the car sales use for 42 vehicles in total (37 of which for the purpose of sales – LPA ref: PT01/2959/F). The submitted application proposes additional land within the red line boundary which facilitates an increase in the number of car sales, re-arrangement of parking/layout and variation of the composition and numbers of vehicles.
- 1.10 It must be noted that much of the application site, and capacity of cars, already benefits from an existing planning consent under planning permission LPA ref: PT01/2959/F and this represents the applicant's fall back position. Equally, this will be a material consideration throughout the determination of this application.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

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

Policy E6: Employment Development in the Countryside

Policy EP2: Flood Risk and Development

Policy T12: Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013

Policy CS1: High Quality Design

Policy CS4A: Presumption in Favour of Sustainable Development

3. RELEVANT PLANNING HISTORY

- 3.1 The application site contains a plethora of mixed planning histories which are considered to have material relevance since 1990. It is understood that the historical use of the site, as submitted within the applicant's Planning, Design and Access Statement, was that of a former petrol filling station.
- 3.2 However, the established use of the site is that of car sales and a multitude of applications have been submitted to South Gloucestershire Council since the 1990's in respect of this. These comprise namely of the following:

LPA ref: P90/2138: Refusal 23rd August 1990

Erection of extensions to garage building totalling approximately 550 squared metres to provide showroom and self contained vehicle repair workshop units. Alterations to existing petrol station/workshop building.

LPA ref: P99/1280: Approved 9th July 1999

Use of land for the sale of cars to a maximum of 15 and the siting of associated portacabin office; use of land for the storage of plant equipment and siting of additional portacabin related to the plant hire business (retrospective application).

LPA ref: PT00/2259/F: Approved 2nd April 2001

Erection of second storey portacabin

LPA ref: PT01/2959/F: Approved 29th January 2002

Use of land for car sales (removal of lapsed temporary consent)

LPA ref: PT13/3740/CLE: Refused 20th December 2013

Certificate of Lawfulness application for use of the land as an MOT station and workshop

LPA ref: PT14/1927/F: Withdrawn 15th July 2014

Use of additional land for car sales and increase number of cars displayed to 58

Application PT01/2959/F, which is the current lawfully implemented permission, permits the following composition of vehicles on the site:

2 x staff
3 x valeting
7 x customers
32 x car sales
42 TOTAL .

- 3.3 The submitted proposal, given the increase of land, seeks to vary the above composition of vehicles to the following:

5 x customers
44 x car sales
49 TOTAL .

- 3.4 The existing permission under PT01/2959/F obtained a density across the existing site of 29.29 sq/m per car. The submitted proposal seeks to obtain a density across the site of 30 sq/m per car.

- 3.5 The application seeks to obtain a net increase in the parking of vehicles by 7 which should be considered comparatively in accordance with the additional change of use of 255 squared metres of land proposed.

4. CONSULTATION RESPONSES

4.1 Rangeworthy Parish Council

Rangeworthy Parish Council have objected to the proposal stating that they believe that the existing levels of 32 car sales and 7 customer parking spaces should be maintained.

Further, the Parish Council would propose that a verge outside the Garage be instated with the erection of reflective bollards around the edge of the verge included, in order to deter vehicles (both customer and cars for sale) from parking in this area.

The Parish Council have noted that when vehicles are parked on the verge this obscures the view of vehicles exiting the site.

4.2 Internal Consultees: Highway Drainage

Highway Drainage has not submitted any consultation response in respect of this application.

4.3 Internal Consultees: Sustainable Transportation Officer

The Sustainable Transportation Officer have submitted that the proposed alterations, which build upon the previously withdrawn scheme, are considered acceptable; subject to a condition requiring that the site is permanently laid out in accordance with the submitted site plan (Dwg 7163/4/A).

Subject to the imposition of this condition, there is no transportation objection.

Other Representations

4.4 Local Residents

No letters of objection have been received from local residents in respect of this application proposal.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The proposal seeks the change of use of 255 squared metres of existing sui generis haulage land to the north of the existing site to use for sui generis car sales.

The redline submitted covers both this additional parcel of land and land that has a previous consent (LPA ref: PT01/2959/F); which permits the sale of 32 cars (within a total of 42 vehicles).

This application proposes the additional parking of 7 vehicles on the land whereby the composition and arrangement of vehicles is altered to that which is previously consented under PT01/2959/F.

Haulage Yard land is defined within the Town and Country Planning (Use of Classes) Order 1987 (as amended) as sui generis use; with car sales use being defined as sui generis use. Any change of use within this use class is considered development in accordance with Section 55 of the Town and Country Planning Act 1990 (as amended) and, thus, requires the benefit of planning consent.

The local development plans are absent in terms of policies for changes of use within these classes although the principles underpinning Policies E6 and T12

of the South Gloucestershire Council Local Plan (adopted January 2006) can be used to guide the material considerations that typically derive from such a change of use.

Further, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the determination of this application will additionally be dictated by the material considerations relevant to this change of use.

The relevant material considerations in the context of Policies E6 and T12 are outlined as follows:

- ☐ Parking;
- ☐ Access;
- ☐ Highways Safety;
- ☐ Residential Amenity;
- ☐ Flood Risk; and
- ☐ Proposed Signage

The proceeding sections of this report provide further details in respect of these considerations.

5.2 Planning Considerations: Parking

The application proposes an increase in parking spaces on the existing and additional land as submitted from 42 to 49 cars. A reconfiguration of parking layout has been submitted within plan 7163/4A which demonstrates the composition of parking layout and associated turning areas.

The increase in parking should be assessed in conjunction with the additional increase of 255 squared metres in land; making the increase in parking available comparative.

The increase in parking is not considered to be contrary to policy subject to their not being any additional impacts on material considerations such as access and highway safety.

Sufficient customer parking spaces have been provided for within this proposal although it should be noted that a decrease in customer parking has resulted from that of the previously consented application PT01/2959/F; which previously permitted 7 customer parking spaces.

However, this decrease in customer parking by 2 vehicles would reasonably be considered to be proposed in proportion to demand for such a facility. Whilst there is additional capacity proposed in the storage of vehicles, the reduced number of customer parking spaces could be considered to demonstrate a reduction in frequency of customers at any one given time.

Therefore, the resultant impacts associated with customers accessing the site would be reasonably expected to be comparatively less.

Significant issues have been raised throughout the consultation and application process in respect of parking on the verge on the eastern boundary of the application site. These issues are dealt with in greater detail throughout the latter part of this report and in the subsequent imposition of conditions.

The parking plan submitted within this application will be conditioned to require that the parking layout is retained throughout the lifespan of the development in conjunction with the Highways Officer's recommendations throughout the consultation period.

A further condition requiring no parking to be undertaken outside of the application site boundary, will be implemented, to limit any potential implicating factors that could result in terms of highways safety.

This will allow for the extent of other resultant potential negative issues, which are regarded as material considerations, to be minimised.

5.3 Planning Considerations: Access

Access to the site is off Bagstone Road (B4058) which is a 40mp/h speed limit restricted road. In reality, speeds along this road are higher although visibility splays entering and exiting the site allow for this.

It should be noted that no Highways objection has been received throughout the consultation period in respect of this matter.

Further, previously implemented planning permission PT01/2959/F permits the both accesses to the northern and southern parts of the site along the eastern elevation and, therefore, represents the applicant's fall back position.

Therefore, the matter to be assessed within this application, in terms of access, is whether the increase in 7 no vehicles on the site will materially alter the safety of the existing, consented access points under permission PT01/2959/F.

The two access points on the eastern boundary of the site are to the north and south. The southern entrance point is that which will be used most for the customers entering and exiting the site.

There is an adequate turning space of 12 metres in diameter which will allow for vehicles entering and exiting the site to do so in a forward gear; thus, limiting potential impacts that could derive from a perceived lack of visibility.

The northern access point will be the less used of the two and will likely be used on an occasional basis. Whilst the visibility splay from this access point is not as adequate as the southern entrance, the lesser frequency of use of this point is considered to mitigate these impacts considerably and sufficiently.

The use of a bollard and chain to be instated at the northern entrance, and appropriate signage to the southern access, will provide clarity for users entering the site as to which entrance point is the relevant one.

Given the size and location of the site, it is not considered that there would likely be any more than 5 customers visiting the site at any one time. On the occasions when there are, this would likely be considered to be infrequent and any resultant impacts in terms of access would be considered di minimus.

In light of the above, is it considered that the access proposed within plan 7163/4A is considered sufficient for the numbers of car sales and customers proposed.

5.4 Planning Considerations: Highway Safety

The site proposes two entrance and exit points onto Bagstone Road (B4058) at the northern and southern ends of the site.

The B4058 is a 40mp/h stretch of road although, in reality, speeds are generally considered to be higher.

Visibility splays across from the southern access point are considered to be greater than that of the northern elevation. It should be noted that the Council's Highways Officer has not submitted any objection to this proposal in respect of this matter.

The existing PT01/2959/F consent does not place any restrictions on the entrance/exits and, in the granting of permission, the Council has considered these access points to be appropriate in terms of highways safety.

It is noted, however, that additional vehicles can often be found parked on the verge which borders the eastern boundary of the site; and this was further expressed as an initial concern by Rangeworthy Parish Council throughout the consultation period.

In light of the above, a condition will be implemented that requires no parking for customers, sales of vehicles, or otherwise, to take place on the land and/or highway on the eastern boundary of the application site at any time.

Should any parking take place this can be appropriately addressed through the Council's Planning Enforcement Team whereby subsequent appropriate action can be undertaken at their discretion.

In light of the above, opportunities for vehicles to park on the verge will be limited, thus, increasing the visibility splays from the entrance/exit of the site.

Therefore, it is considered that the proposed development would not result in any undue impacts in terms of highway safety and the appropriate use of conditions will be sufficient in mitigating potential impacts in respect of such issues.

5.5 Planning Considerations: Residential Amenity

The nearest residential properties to the development site are that of School House to the north and Rose Cottage to the south.

School House measures approximately 58 metres from the development site and only the side elevation of this dwelling affords views to the development site. However, between the development site and dwelling is an established haulage yard which would be considered to cause greater impacts in terms of residential amenity than that of the proposed development.

Equally, to the southern elevation of School House is significant planting which extends to a comparative height to that of the physical dwelling. Therefore, this results in limited views being available of the development site.

The inclusion of the change of use of the additional land from haulage (sui generis) to car sales (sui generis) use moves the car sales activities towards School house at its nearest point by approximately 6 metres (existing distance approximately 52 metres).

There are not considered to be any undue impacts on the residential dwelling of School House that would occur as a result of this development proposal.

Rose Cottage which is located south of the development site is approximately 5 metres to the boundary of the development site; with potential impacts being more present on this dwelling, in comparison to School House.

Along the southern boundary of the development site is significant planting with an established set of hedging/trees being present. This significantly mitigates the potential visual impacts that could be present that could result from the development proposal.

However, planting alone is not considered sufficient in order to mitigate impacts deriving from a development proposal given that it can be removed at any point without the benefit of planning permission. Therefore, the development should be assessed from the perspective of the planting being not present (i.e. worst case scenario).

In this eventuality, it would be unlikely that residents of Rose Cottage could view the site from their dwelling given the fencing between the two sites; unless viewed from upstairs windows. Impacts relating to the use of the additional use of the site would only likely be apparent from the upper rooms of the building.

Further, noise deriving from the site has the potential to cause detrimental impacts on the occupants of Rose Cottage. However, it should be noted that the increase in the display of car vehicles does not necessarily denote an increase in noise; only an increase in capacity of physical vehicles.

The applicant's fall back position under the 2001 consent would permit the same level of noise, in terms of their operations, as to that which is being proposed under this application. The increase in the number of cars available for viewing is not typically considered to result in an increase in noise directly.

Subject to the imposition of a condition that restricts the hours of operation, it is not envisaged that there would be any detrimental impacts on the residents of Rose Cottage in terms of noise which is considered to be in excess of that previously consented under the applicant's 2001 consent.

In light of the above, it is considered that the development proposal would not cause any detrimental impacts in terms of residential amenity on the occupants within the immediate locality.

5.6 Planning Considerations: Flood Risk

The application site falls within Flood Zone 1 and, therefore, the contents of Policy EP2 of the South Gloucestershire Council Local Plan (adopted January 2006) apply.

Policy EP2 states that development which generates surface water run-off or water discharge will not be permitted... It is considered that the proposed change of use and re-configuration of parking layout would not generate any additional surface water run off than that which is already permitted under existing permission PT01/2959/F.

Further, the more recently issued National Planning Practice Guidance document states, in table 3 of paragraph 67, that development that is essential for infrastructure, development that is highly vulnerable and less, are considered to be appropriate within flood zone 1.

It is considered, in accordance with table 2, paragraph 66 of the NPPG, that the above use falls within the 'less vulnerable' category whereby development is appropriate.

No Flood Risk Assessment is required to be submitted as part of this application given that the site falls within flood zone 1.

5.7 Planning Considerations: Proposed Signage

The submitted application proposes signage in the form of 2 no. signs measuring 0.75 metres wide by 0.3 metres tall to be positioned at the southern entrance of the application site.

The signs will be placed facing outwards along the eastern boundary of the application site in an easterly direction. The signage will not be facing any oncoming traffic although it will provide directional command for vehicles entering the site when turning off the B4058.

The use of signage at this southern entrance is considered to assist in the differentiation of entrance and exit points between the northern and southern access points for users.

The sign would not be considered to cause any adverse impacts on highway safety and limited opportunities to view the signs will be available when passing the sign's locations at the entrance along the B4058.

The placement of the signage, facing outwards in an easterly direction, along the easterly boundary of the application site, means that visibility splays for vehicles entering and exiting the site will not be unduly infringed.

In light of the above, it is considered that the signage is appropriate for the location and will assist issues relating to highways safety in terms accessing the site at the correct location.

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 It is recommended that conditional planning permission be granted subject to the following conditions:

- 1) *The site is to be laid out in accordance with Dwg 7163/A within 60 days of the date of this permission and retained as such thereafter.*

Reason

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

- 2) *No parking for customer vehicles, vehicles for sale, or vehicles for any other purposes in association with the use granted by this consent, shall take place on any other land except that which is approved by this permission at any time.*

Reason

In the interests of highway safety according with the contents of Policy T12 of the South Gloucestershire Council Local Plan (adopted January 2006).

- 3) *No activities permitted by this permission shall take place on the land outside of the following times:*

Monday - Friday: 0830 - 1700 hours

Saturday: 0900 - 1700 hours

Sundays 1030 - 1530 hours

Reason

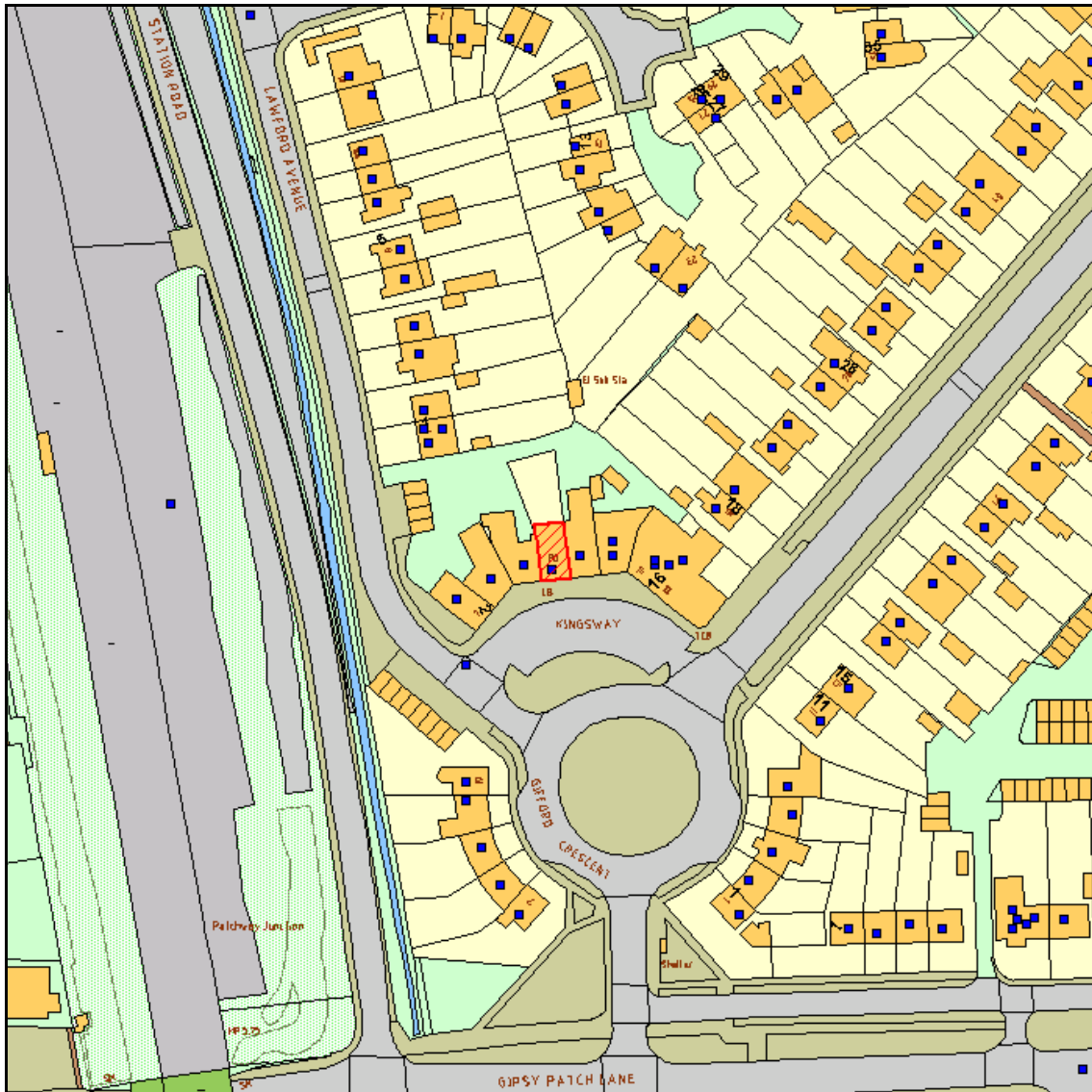
To ensure no adverse impacts on residential amenity result according with the contents of Policy T12 of the South Gloucestershire Council Local Plan (adopted January 2006).

Contact Officer: James Cross
Tel. No. 01454 863162

ITEM 11

CIRCULATED SCHEDULE NO. 40/14 – 03 OCTOBER 2014

App No.:	PT14/3037/F	Applicant:	Bank Of Ireland
Site:	Post Office 8 Kingsway Little Stoke Bristol South Gloucestershire BS34 6JL	Date Reg:	4th September 2014
Proposal:	Installation of ATM.	Parish:	Stoke Gifford Parish Council
Map Ref:	361241 180669	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	22nd October 2014



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100023410, 2008. N.T.S. PT14/3037/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule procedure due to Parish Council concerns which go against the officer's recommendation.

1. THE PROPOSAL

- 1.1 The application is for the installation of an automated teller machine (ATM).
- 1.2 The application site is located on an existing shop front of a two storey terraced property in a small retail development in Kingsway, Little Stoke.
- 1.3 An application has also been submitted seeking advertisement consent for the signage surrounding the proposed ATM, reference PT14/3038/ADV.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework 2012
National Planning Policy Guidance 2014
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
RT8 Small Scale Retail Uses within the Urban Areas and Boundaries of Settlement
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (Adopted)

3. RELEVANT PLANNING HISTORY

PT14/3096/F – Erection of a single storey rear extension to form a storage area. Approved 28/03/2014.

PT14/3038/ADV – Installation of ATM collar – Pending decision.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No objection, although raised concern over proximity of ATM to door to flat above.
- 4.2 Highways Drainage
No comment.

4.3 Sustainable Transport
No objection.

4.4 Highway Structures
No comments.

Other Representations

4.3 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The main issues to consider would be the impact on visual amenity (policy CS1 of the Core Strategy and RT8 of the Local Plan), the impact on residential amenity (policy RT8 of the Local Plan) and highway safety (policies T12 and RT8 of the Local Plan).

5.2 Visual and Residential Amenity

The proposed ATM is typical in its design and would be located on the principal elevation of an existing shopfront amongst an existing mixed retail and residential area. Stoke Gifford Parish Council raised concerns over the proximity of the ATM to the door to the flat above, however considering the retail development is already established, the ATM is not considered to have a material effect and as such, it is considered that the proposal would not adversely affect the character or appearance of the area nor would the proposal result in any significant increase in crime due to the natural surveillance in the area. Furthermore, the proposal is not considered to prejudice the living conditions currently enjoyed by neighbouring dwellings.

5.3 Overall, it is considered that the proposal would not adversely affect the visual or residential amenity of the surrounding area.

5.4 Highway Safety

The proposed ATM is unlikely to generate any significant vehicular trips on its own, furthermore, the ATM appears flush with the existing front elevation of the building and would front a relatively wide pavement, as such it is considered unlikely that the proposal would cause any obstruction to pedestrians to the detriment of highway safety.

6. CONCLUSION

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

6.2 The application is considered to comply with the requirements of Policy CS1 of the Core Strategy. The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local

Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is granted.

Contact Officer: Hannah Minnett
Tel. No. 01454 862495

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).