



**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. 39/14

Date to Members: 26/09/14

Member's Deadline: 02/10/14 (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:

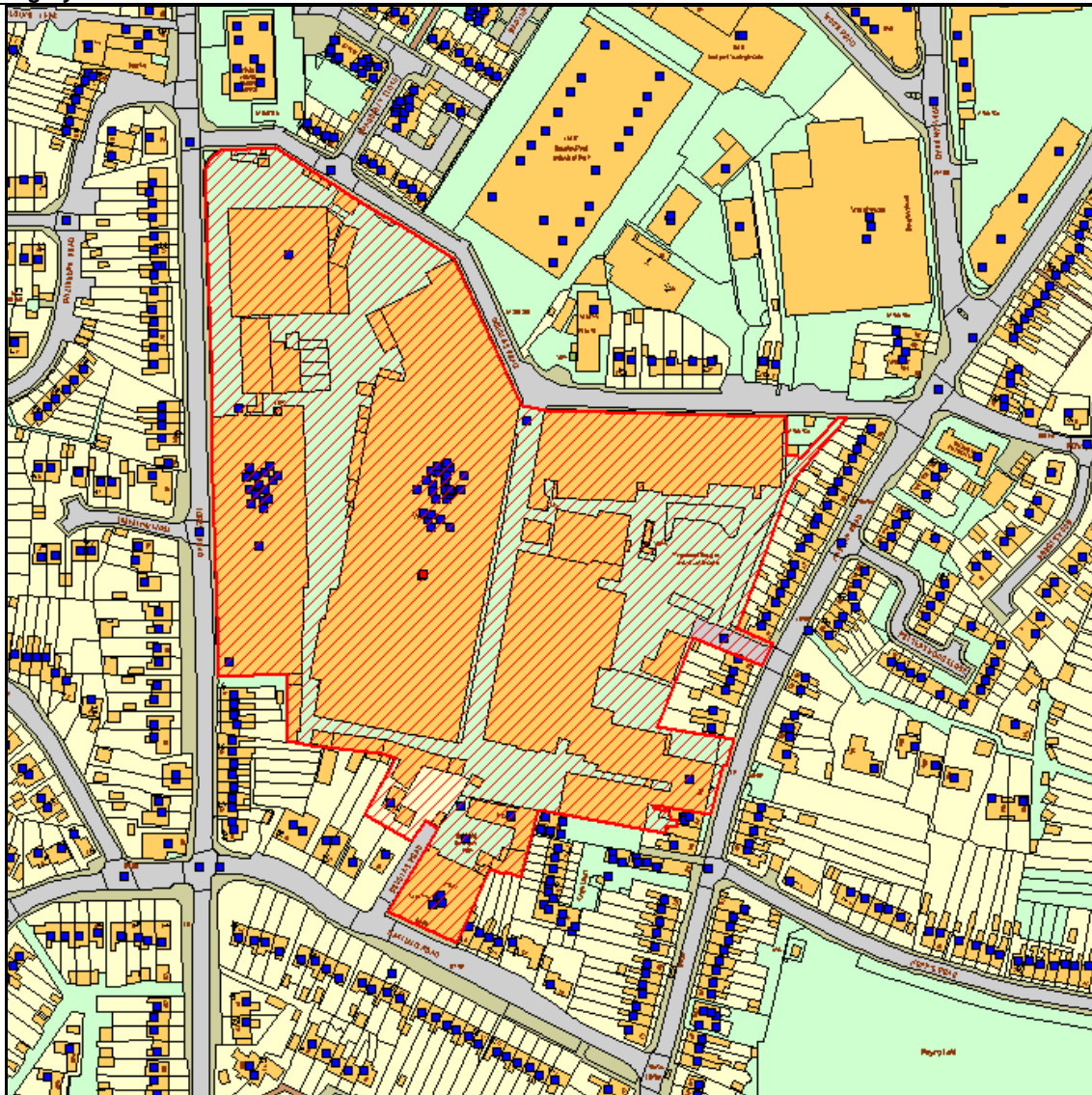
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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. 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 - 26 September 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/1057/F	Approved Subject to 106	The Former Douglas Motorcycle Works Douglas Road Kingswood South Gloucestershire BS15 8NL	Woodstock	None
2	PK14/2180/F	Approve with Conditions	10 Kenilworth Drive Willsbridge South Gloucestershire BS30 6UP	Bitton	Oldland Parish Council
3	PK14/2622/F	Approve with Conditions	Wendover House 170 Downend Road Downend South Gloucestershire BS16 5EB	Downend	Downend And Bromley Heath Parish Council
4	PK14/2707/TRE	Approve with Conditions	1 Stockwell Glen Downend South Gloucestershire BS16 6XD	Rodway	None
5	PK14/2891/F	Refusal	Land At Normandy Drive Yate South Gloucestershire BS37 4FJ	Yate Central	Yate Town
6	PK14/2931/R3F	Deemed Consent	The Old School House Lansdown Lane Upton Cheyney Bitton South Gloucestershire	Bitton	Bitton Parish Council
7	PK14/2977/F	Approve with Conditions	26 & 28 Soundwell Road Soundwell South Gloucestershire BS16 4QW	Staple Hill	None
8	PT14/1885/PDR	Approve with Conditions	80 Stafford Crescent Thornbury South Gloucestershire BS35 1DH	Thornbury North	Thornbury Town Council
9	PT14/3046/CLP	Approve with Conditions	21 Dunkeld Avenue Filton South Gloucestershire BS34 7RH	Filton	Filton Town Council
10	PT14/3168/F	Approve with Conditions	Upper House Knightwood Farm Mead Road Stoke Gifford South Gloucestershire BS34 8PS	Stoke Gifford	Stoke Gifford Parish Council
11	PT14/3195/CLP	Approve with Conditions	9 Elm Park Filton South Gloucestershire BS34 7PR	Filton	Filton Town Council

CIRCULATED SCHEDULE NO. 39/14 – 26 SEPTEMBER 2014

App No.:	PK10/1057/F	Applicant:	Douglas Homes South West Ltd
Site:	The Former Douglas Motorcycle Works Douglas Road Kingswood Bristol South Gloucestershire BS15 8NL	Date Reg:	17th May 2010
Proposal:	Demolition of existing buildings on site and redevelopment of the land for housing: 306 residential units (including the conversion of Douglas House into 10 flats), a 40-bed nursing home, and 28-bed Sheltered Housing Scheme. Provision of public open space and construction of vehicular access onto Forest Road and Douglas Road.	Parish:	None
Map Ref:	364631 173238	Ward:	Woodstock
Application Category:	Major	Target Date:	12th August 2010



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 100023410, 2008. N.T.S. PK10/1057/F

1. INTRODUCTION

- 1.1 This application sought full planning permission for the demolition of existing buildings on site and redevelopment of the land for housing: 306 residential units (including the conversion of Douglas House into 10 flats) a 40-bed nursing home, and a 28-bed Sheltered Housing Scheme. Provision of public open space and construction of vehicular access onto Forest Road and Douglas Road.
- 1.2 Members may recall that an application was presented to the Development Control (East) Committee on the 23 June 2011, when Members resolved to approve the application subject to conditions and the completion of a S106 agreement. Since that time further update reports have been presented to and agreed by Members amending the Heads of Terms including the inclusion of a private management schedule and allowing an extension of time within which to complete the S106 agreement. This lapsed on the 28th April 2013.
- 1.3 A copy of the original committee report is appended for Member's information.
- 1.4 Since 2011 the applicant has failed to complete the agreement to allow the Council to issue the planning permission. This prompted the Council to serve a 'Finally Disposed' letter on the 17 February 2014 which allows the Council to withdraw the application should the agreement remain uncompleted. This generated renewed interest from the applicants. However, given the time which has elapsed since the original committee resolution and the fact that the Core Strategy has been adopted in the interim period it is necessary to review the agreed Heads of Terms and request an additional period within which the agreement can be completed.
- 1.5 In addition for completeness, other schedules included in the agreed S106 will be reviewed and updated accordingly. These changes are outlined below and have largely resulted as the s106 has been drafted.
- 1.6 Furthermore, the approved conditions will also be updated to make reference to the adopted Core Strategy and are outlined as part of this Circulated Schedule update report.

2. PURPOSE OF THE REPORT

- 2.1 The reason for this update report is for members to consider changes to the already agreed Heads of Terms as follows:
 - An increased contribution towards the provision and maintenance of off-site public open space to serve the development; and
 - An update to the affordable housing schedule to substitute the term 'intermediate rent' which is no longer recognised product to 'shared ownership'. All other terms in respect to affordable housing remain as agreed; and

- To amend the title of the schedule relating to education from 'additional primary school places' to 'education contribution'. The amount of contribution remains unchanged: and
- To amend the schedule relating to transportation from traffic management and road safety measures' to 'highway improvements', the amount of contribution remains unchanged : and
- To amend the schedule relating to 'the upgrading of bus facilities' to 'public transport', the amount of contribution remains unchanged.

2.2 In addition it is necessary to agree an extension of time to allow for the completion of the agreement

2.3 Public Open Space

For clarity, the original S106 agreement secured the following:

- *£573,221 public open space off-site contribution for provision/enhancement and maintenance of public open space in the area.*

The revised agreement in light of the adoption of the Core Strategy and the application of CS24 now needs to read:

- *£1,514,263 public open space off-site contribution for provision/enhancement and maintenance of public open space in the area.*

In addition the agreement will be updated to address different POS types now reflected as part of the adopted CS24.

For clarification, this change in amount of contribution is explained by the more onerous public open space requirements when compared to deleted Policy LC8, which the original contribution was based on.

2.4 Affordable Housing

The original S106 agreement secured the following:

- *Provision of 25% affordable housing at nil subsidy and provision of 8.3% to be delivered with sufficient public subsidy or other investment to gap fund the difference between the open market value and the value a registered social landlord is willing to pay. Options will be set out in the S106 to ensure that a number of alternative methods of funding can be researched including:*
- *Homes and Communities Agency grant funding*
- *Investment options using a Registered Provider, local authority funding or other investment*

The following applies to all affordable housing, whether provided with subsidy or at nil subsidy:

- 80% social rent and 20% intermediate rent
- Mix to be agreed by a condition of the planning permission
- 5% of affordable housing to meet wheelchair accommodation standards
- 100% of initial occupants and 75% subsequent lettings to be nominated by the Council
- Affordable housing to be distributed in small clusters of no more than 6
- All units to be built in line with the same standards as market units, at present to include minimum Level 3 of the Code for Sustainable Homes
- Social rented accommodation is to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy is provided
- Any capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire

The revised agreement in light of the lapse in time since the original resolution in 2011 now needs to reads:

Provision of 25% affordable housing at nil subsidy and provision of 8.3% to be delivered with sufficient public subsidy or other investment to gap fund the difference between the open market value and the value a registered social landlord is willing to pay. Options will be set out in the S106 to ensure that a number of alternative methods of funding can be researched including:

- Homes and Communities Agency grant funding
- Investment options using a Registered Provider, local authority funding or other investment
- The following applies to all affordable housing, whether provided with subsidy or at nil subsidy:
 - 80% social rent and 20% shared ownership
 - Mix to be agreed by a condition of the planning permission
 - 5% of affordable housing to meet wheelchair accommodation standards
 - 100% of initial occupants and 75% subsequent lettings to be nominated by the Council
 - Affordable housing to be distributed in small clusters of no more than 6
 - All units to be built in line with the same standards as market units, at present to include minimum Level 3 of the Code for Sustainable Homes
 - Social rented accommodation is to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy is provided
 - Any capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire

2.5 The alterations have been agreed with the applicant and a revised draft agreement is now being finalised to allow for completion of the agreement following close of the period for members to refer the Circulated Schedule report to Committee.

- 2.6 It is considered that the proposed amendments are appropriate, and comply with the Community Infrastructure Regulations.

3. RECOMMENDATION

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

1. £526, 606 towards education improvements/enhancements
2. £1,514,263 public open space off-site contribution for provision/enhancements and maintenance of public open space in the local area
3. £59, 220 towards the provision of library services in the area
4. £220, 000 towards highway improvements in the vicinity of the site
5. £20, 000 towards public transport in the area
6. Provision of 25% affordable housing at nil subsidy and provision of 8.3% to be delivered with sufficient public subsidy or other investment to gap fund the difference between the open market value and the value a registered social landlord is willing to pay. Options will be set out in the S106 to ensure that a number of alternative methods of funding can be researched including:
 - Homes and Communities Agency grant funding
 - Investment options using a Registered Provider, local authority funding or other investment

The following applies to all affordable housing, whether provided with subsidy or at nil subsidy:

- 80% social rent and 20% shared ownership
- Mix to be agreed by a condition of the planning permission
- 5% of affordable housing to meet wheelchair accommodation standards
- 100% of initial occupants and 75% subsequent lettings to be nominated by the Council
- Affordable housing to be distributed in small clusters of no more than 6
- All units to be built in line with the same standards as market units, at present to include minimum Level 3 of the Code for Sustainable Homes
- Social rented accommodation is to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy is provided
- Any capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire.
- 7. Provision of on-site “Informal Recreational Open Space” and “Provision for Children and Young People” to be managed and maintained privately in perpetuity, subject to a private management and maintenance scheme, which sets out the details for the satisfactory future upkeep and management of the

on-site public open space following the satisfactory layout out of the public open spaces as agreed by the Director of Environment and Community Services

- 3.2 If the S106 agreement is not signed and sealed within 2 months of this determination then, in view of the length of time, the application should be refused due to the failure to secure the Heads of Terms.
- 3.3 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.

Contact Officer: Donna Whinham

Tel. No. 01454 865204

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. Samples of all external facing materials shall be submitted to and approved in writing prior to the commencement of the relevant part of development. The development shall be built in accordance with the approved details and maintained thereafter as such.

Reason

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

3. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatment(s) to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

4. Prior to the commencement of development details of any external lighting, including measures to control light spillage, shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To protect the amenities of the occupiers of nearby dwelling houses.

5. Prior to the commencement of development full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved, unless otherwise agreed in writing by the Local Planning Authority. These details shall include: proposed finished levels or contours, hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines indicating lines, manhole). Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason

To protect the character and appearance of the area to accord with Policies H1, L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts and including details of the two water bodies within the on-site public open space and how the water levels in them will be maintained, shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy Adopted December 2013.

7. Prior to the commencement of development details of the landscape management of the site, including the treatment of the two approved water bodies on the on site public open space, shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS2 of the South Gloucestershire Local Plan: Core Strategy December 2013.

8. Prior to the commencement of development a soil survey of the site shall be undertaken and the results submitted to the Local Planning Authority. The survey shall be taken at such points and to such depth as the Local Planning Authority may stipulate. A scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority in writing and the scheme as approved shall be fully implemented and completed before any residential unit hereby permitted is first occupied.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy Adopted December 2013

9. The building shall not be occupied until the associated car parking areas and manoeuvring areas have been drained and surfaced in accordance with the details approved in writing by the Local Planning Authority. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles.

Reason

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

10. Prior to the commencement of development a residential travel plan shall be submitted to the Local Planning Authority for approval. The agreed scheme, which will include modal transfer targets and monitoring mechanisms, will be implemented as approved before the development hereby permitted is brought into use; or otherwise as agreed in the residential travel plan.

Reason

To encourage means of transportation other than the private car, to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. No development hereby approved shall take place until the Local Planning Authority has been provided with, and has approved in writing, a Pre-Assessment of the development carried out by a BRE Licensed Code for Sustainable Homes (CSH) Assessor, proving CSH Level 3 achievement for all residential units (excluding the care home and the nursing home).
Each residential unit (excluding the care home and the nursing home) shall be subject to a post completion CSH assessment by a BRE Licensed CSH Assessor and a final Code Certificate of compliance for each dwelling shall be submitted to, and confirmed in writing by the local planning authority prior to the first occupation of the dwelling.

Reason

To ensure the development minimises the use of energy and natural resources and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy Adopted December 2013

12. Prior to the commencement of development, a site wide affordable housing plan and an accompanying schedule to include the affordable housing mix and location for all affordable housing, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan and schedule.

Reason

To ensure that the provision of affordable housing assists in the creation of inclusive and mixed community and to accord with Policy CS18 of the South Gloucestershire Local Plan: Core Strategy Adopted December 2013

13. The cycle parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

To encourage means of transportation other than the private car, to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. Prior to the commencement of demolition works a programme of archaeological recording of the buildings on site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects.

Reason

To safeguard the special architectural and historic character of the buildings to accord with the National Planning Policy Framework

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

Reason

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

16. Prior to the relevant elements of the development, details of all bin storage to all flatted development hereby approved shall be submitted to and approved in writing by the local planning authority, including justification for the size of bin storage proposed. A revised scheme for the bin storage for the future residents of Douglas House, to rear of 142 and 144 Hanham Road shall be submitted prior to the residential occupation of Douglas House. The development shall be carried out in accordance with the approved bin storage details and maintained thereafter as such.

Reason

To protect the amenities of the future occupiers of the site, and to protect the residential amenities of nos. 142 and 144 Hanham Road.

17. The first floor window on the west (end) elevation of the car home hereby approved shall be obscure glazed and maintained thereafter as such.

Reason

To protect the residential amenity of the neighbouring occupiers.

18. No development hereby approved shall take place until the Local Planning Authority has been provided with, and has approved in writing, an assessment proving BREEAM Very Good standard achievement for both the nursing home and the sheltered housing. The development shall be implemented in accordance with the approved details.

Reason

To ensure the development minimises the use of energy and natural resources and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy Adopted December 2013

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

Reason

To protect the amenity enjoyed by those living in the locality.

20. Details of an equipped area of play on the on-site public open space shall be submitted to and approved in writing by the local planning authority, prior to the implementation of the relevant part of the development and the play equipped so agreed shall be erected prior to the occupation of any dwellings.

Reason

To ensure that appropriate play equipment is erected on site and to accord with Policy CS24 of the South Gloucestershire Local Plan: Core Strategy: Adopted December 2013

CIRCULATED SCHEDULE NO. 39/14 – 26 SEPTEMBER 2014

App No.:	PK14/2180/F	Applicant:	Mr Nigel Rogers
Site:	10 Kenilworth Drive Willsbridge Bristol South Gloucestershire BS30 6UP	Date Reg:	22nd August 2014
Proposal:	Erection of single storey extension and conversion of garage to form additional living accommodation	Parish:	Oldland Parish Council
Map Ref:	366880 170873	Ward:	Bitton
Application Category:	Householder	Target Date:	3rd October 2014



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure, following a representation received which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a single storey front extension in order to facilitate a garage conversion at a property in Willsbridge.
- 1.2 Permission is sought for the garage conversion in order to provide an additional bedroom, an office and a store room.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 Saved Policies
T12 Transportation
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
 - (a) South Gloucestershire Design Checklist (Adopted) August 2007
 - (b) Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 K803/7 Approval 25/04/1978
Erection of 105 dwellinghouses with associated garages, roads & footpaths & incidental open space.
- 3.2 K803/3 Approval 11/09/1975
Detailed site layout & plotting plan for 145 dwelling units

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No objection on the condition that adequate provision is made for off-street parking.
- 4.2 Bitton Parish Council
No comment received.

4.3 Other Consultees

Ecology Officer

No objection, subject to the applicant receiving informatives advising them about the possibility of bats and breeding birds.

Highway Drainage

No objection, subject to an informative advising the applicant to contact Wessex Water, as the development is in close proximity to a public sewer.

Other Representations

4.4 Local Residents

One letter of objection has been received from a local resident, whose concerns are as follows:

- No. 12 was advertised as a detached property when it was purchased in 2005, and if this approval goes ahead it will become semi detached leading to a reduction in property value of approximately £30,000 to £50,000.
- No. 12 is linked to no. 10 by the asbestos roof covering the garage, and the only intrusion into no. 12 is the lead flashing on the garage of no. 10. Advice has been sought and the external wall of no. 12 cannot be considered a party wall and they will not accept any new works being attached to our property.
- There would be an increase in noise from the new adjacent living accommodation.
- The new wall will extend forward of the building line at no. 12 and block light to the living room.
- The original planning permission should be investigated to ascertain if the garages are subject to a covenant which states that they can only be utilised for vehicles and general storage and not for living accommodation

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives. Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 Design

The application site relates to a link detached, two storey dwelling within the well established residential area of Willsbridge, which is adjoined to the neighbour to the east by a garage with an asymmetrical gable roof. The dwelling is finished in pale brickwork, double roman tiles and brown UPVC windows. In order to facilitate the garage conversion proposed, the applicant intends to extend the garage forward by 1.2 metres by keeping the same ridge height and reducing the angle of the roof pitch of the forward facing slope. A replacement garage style door will be installed on the principal elevation to form the entrance to the store room, and all other external materials are to match the existing dwelling. The design is therefore considered to blend sympathetically and is in accordance with policy CS1 of the Core Strategy (Adopted) December 2013.

5.3 Residential Amenity

Residential amenity should not be harmed as a result of development. Amenity should be considered in terms of the application site and all nearby occupiers. The proposed development will have little impact on the amenity of the application site, due to the minimal amount which the garage is to be extended forward. The only window proposed is rear facing, which only provides an indirect view into neighbouring properties, similar to the outlook of the existing rear windows.

5.4 Concerns have been expressed from a neighbouring occupier regarding the potential loss of light to the living room of no. 12, and the additional noise from the new adjacent living accommodation which the garage would provide. Due to the low height of the extension and its position to the east of no.12, it would not affect the availability of sunlight to the living room window of the neighbouring property for the majority of the day. With regards to increased noise levels, this may be a possibility but would not be dissimilar to noise levels experienced in semi detached or terraced housing, as the garage conversion would be required to meet building regulation standards. It is considered that the proposal is acceptable in terms of policy H4 of the Local Plan (Adopted) January 2006.

5.5 Transport

The garage conversion adds a fourth bedroom to the property whilst removing the garage, and it therefore requires two other off-street parking spaces. The applicant was asked to submit a parking plan to show these two spaces however it was not received, and therefore they will be secured by a condition on the decision notice. Despite the removal of the garage, a condition regarding cycle parking is not considered necessary due to the erection of a store room.

5.6 Other matters

A comment from a local resident raised several issues with the proposal. Firstly, concerns were raised regarding the adjacent dwelling being devalued from a link detached dwelling to a semi detached dwelling. This point has been taken into account but is not considered to be a material consideration in this instance, and therefore has limited weight in the decision. The neighbour has advised that they would not accept any new development attached to their external wall as it is not a party wall. To address this, the applicant will be

reminded by means of an informative on the decision notice that they must have the owner's consent to carry out works on land which does not belong to them.

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 to **GRANT** planning permission subject to the conditions listed on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

2. The development shall not be occupied until two on-site car parking spaces with minimum dimensions of 2.4 metres by 4.8 metres have been provided. The parking spaces shall be retained as such thereafter.

Reason

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

CIRCULATED SCHEDULE NO. 39/14 – 26 SEPTEMBER 2014

App No.:	PK14/2622/F	Applicant:	Early Years Investments Ltd
Site:	Wendover House 170 Downend Road Downend South Gloucestershire BS16 5EB	Date Reg:	16th July 2014
Proposal:	Erection of second floor extension and other multiple alterations to facilitate the change of use to an Early Years Day Nursery (Class D1) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364291 176375	Ward:	Downend
Application Category:	Minor	Target Date:	28th August 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following a mixed comment from a local resident contrary to Officer's recommendation and for reasons of an appropriate legal agreement being entered into between the applicant and the Council.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a second floor extension and various other minor alterations to facilitate the change of use to an Early Years Day Nursery (Class D1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 Wendover House is an early 19th century grade II listed building located in the 20th century suburban development between Downend and Fishponds. The property is set back to the north-west of Downend Road in approximately 0.5 acres of grounds, with large areas of hardstanding used for car parking to the north and east. The site is adjacent to a large Day Centre (currently closed) and semi-detached and terrace houses. The building has been extended and altered with two sets of flat-roof, rendered blocks attached to the North East and South West of the main building.
- 1.3 The proposed use is to provide accommodation suitable for a day nursery for children between 3 months to 5 years of age. It is expected that the building will accommodate approximately 100 children. The building has been sensitively designed to have a minimal impact upon the significant parts of the historic fabric of the listed building.
- 1.4 The building was last owned by the NHS used by the Children's Community Health Partnership as offices and consultation rooms. Consequently, it has undergone internal alterations that have affected its original character. This application is to be read in conjunction with approved listed building consent for the 'Erection of second floor extension and other multiple internal and external alterations to facilitate the conversion of building to an Early Years Day Nursery' (Ref. PK14/2623/LB, approved 17 September 2014). This application seeks to restore the building by removing some of the modern alterations, as well as proposing others.
- 1.5 There have been a number of positive revisions to the submitted drawings as a result of on-site meetings and feedback on the application, mainly involving internal alterations to the listed building and minor amendments to the proposed terraces to the rear of the building.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans
South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS23 Community Infrastructure and Cultural Activity

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

- L1 Landscape Protection and Enhancement
- T8 Parking Standards
- T12 Transportation Development Control
- LC4 Education and Community Facilities within Existing Urban Area and Defined Settlement Boundaries

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/2623/LB Erection of second floor extension and other multiple internal and external alterations to facilitate the conversion of building to an Early Years Day Nursery' Approved 17.09.14
- 3.2 PK14/1652/CLE Application for Certificate of Lawfulness for an existing use as a Non-residential institution (Use Class D1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Withdrawn 11.06.2014

4. CONSULTATION RESPONSES

- 4.1 Conservation Officer
No objection subject to conditions. Appropriate listed buildings have been attached to Ref. PK14/2623/LB.
- 4.2 Downend and Bromley Heath Parish Council
No objection
- 4.3 Drainage
No comment
- 4.4 Children and Young People
Confirms support for this application.
- 4.5 Environmental Protection
No objection
- 4.6 Highway Structures
No comment
- 4.7 Landscape Architect
No objection, subject to a condition concerning a detailed planting plan, details of hard landscaping and proposed boundary treatments.

4.8 Transportation DC

No objection, subject to conditions and the developer entering into a s278 agreement to secure financial contribution towards the implementation of a Traffic Regulation Order (TRO) for waiting restrictions in the vicinity.

Other Representations

4.9 Local Residents

One mixed comment was received from a local resident:

- Welcome an appropriate scheme to revitalise the site that has been vacant for a number of years;
- Concerned about the submitted proposals, whether they adequately address the traffic safety issues that this scheme would bring;
- Proposed use would exclude a number of sustainable modes of travel;
- Most likely parents/guardians will use the pavements outside to drop off/collect their children;
- Previous accidents in the area on Downend Road;
- Main concern is safe access and parking;
- Suggested additional double yellow lines along Downend Road to stop additional parking on the road.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

CS1 of the Core Strategy (Adopted) 2013 seeks to ensure that proposals area of a high standard in design. Policy CS23 of the Core Strategy outlines the importance of community infrastructure and states that providing services for children and young people is key to the development sustainable communities.

5.2 Saved Policy LC4 of the Local Plan (Adopted) 2006 advises that proposals for community facilities such as nurseries, within the existing urban areas and the settlement boundaries will be permitted provided that the proposal is located on a site that is highly accessible by foot/bike, provided that it would not unacceptably impact upon residential amenity, it would be unacceptable in environmental or transportation terms and provided that it would not give rise to unacceptable levels of on-street parking to the detriment of the amenities of the area and highway safety.

5.3 Policy CS8 of the Core Strategy confirms that priority will be given to providing users with a range of travel options, with a preference to locating development in areas of good accessibility and providing adequate parking. Saved Policy T12 seeks to ensure that proposal are acceptable in terms of transportation, ensuring that the development would not create, or unacceptable exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety.

5.4 The principle of the proposed change of use is considered in accordance with national and local planning policies and is considered acceptable.

5.5 Design / Visual Amenity

This application proposes the erection of a second floor extension, and various internal and external alterations, to facilitate the conversion of the building to an Early Years Day Nursery (Class D1). The application involves the conversion of a vacant listed building into a day nursery, split over three floors with office/administrative space in the attic level. Externally the building has retained the majority of its original features, as well as the opportunity to update and modernise some of the previous unsightly additions. Internally the building will largely be returned to its original form, with sub-divisions being removed. Additions to the building include the erection of a small extension on the east wing roof and replacement of the existing metal fire escape on the rear elevation with a highly glazed structure to accommodate the head of the new staircase. The structure appears as a high level conservatory on the roof and it is welcomed that the previous harmful addition is removed.

5.6 Overall, the building will be restored and brought back into use, whilst vastly improving its appearance and historic significance. It is important to note that listed building consent (Ref. PK14/2623/LB) has recently been granted and numerous conditions have been attached concerning the buildings restoration. A positive effect of the proposed works is that an empty, vacant historic building will be restored with a modern use. The building will be used as a whole unit rather than being sub-divided. There is considered to be a significant benefit to the proposal, particularly in relation to its repair and enhancement. It is considered the proposal would have a positive impact on the vitality and character of the area. The scheme would therefore comply with Policy CS1 of the Core Strategy (Adopted) 2013.

5.7 Residential Amenity

The building has been vacant since 2012 and it is proposed to re-use it as an Early Years Day Nursery. Empty, disused buildings have a negative impact on the local community. It is proposed to re-use the building as a Day Nursery which is similar to the last use by the NHS as a Children's Community Health Partnership as offices and consultation rooms (Class D1).

5.8 The site is located within the urban area and the closest neighbours are located to the north on Overndale Road and to the west on Downend Road. The application site sits slightly above the properties on Overndale Road. It is proposed to use the garden to the rear and west of the site for outdoor play, subject to it being terraced and landscaped. It is accepted that noise from children could potentially impact upon existing levels of amenity. There is some existing vegetation along the rear boundary and large trees on the north and east boundary (one decayed tree on the north boundary is to be removed); it is proposed that this will be enhanced. The Council's Environmental Protection Officer has assessed the proposal and has no concerns regarding noise. The proposed use would take place during reasonable day time hours and as such, given the location of the building and size of the curtilage, it is not considered the proposed use would have any detrimental impacts on the existing levels of residential amenity in the vicinity.

- 5.9 Given the location of the building within the urban area, adjacent to a busy road and next to a large Day Care Centre (although currently vacant), a condition will be attached restricting the opening hours. The proposed hours of use are 07:30 hrs – 18:30hrs Monday to Friday, which are not considered to be excessive for a Day Nursery; there would be no working on Saturdays or Sundays. A condition will be attached to limit the opening hours of the site in order to protect the amenity of the surrounding residential properties. Overall, it is considered that the proposed use would not cause significant noise or disturbance upon the neighbouring residential properties.
- 5.10 Parking and Highway Safety
The Council's parking standards outline that the provision of adequate and safe space for pick-up and set down is a requirement for day nurseries. The application site is located in a relatively sustainable location being close to local amenities, shops and public transport links. A bus stop is located outside the property on Downend Road, a major arterial route. It is proposed to widen the existing driveway in order to provide a safe drop-off/pick-up facility to parents. Some car parking is provided within the curtilage for visitors on site, on site turning and an 'in-out' configuration from the main road, but parking will be limited. The parking layout plan shows 10no. spaces within the curtilage, 6no. of which will be used by parents for drop-off/pickup activities and 4no. for key staff. The level of parking provided for this development is below the Council's parking standards.
- 5.11 Although the site is relatively sustainable location, there is a predicted increase in vehicular movements during AM and PM peak hours compared with the current lawful use. Council accident records show no accidents within the last 3 years. Given the nature and scale of the proposed development, the Transportation DC Officer considers it necessary to enhance traffic management in the immediate area in order to mitigate any further on-street parking issues. In light of this, a planning Section 278 Agreement has been used to address the traffic management impacts in the area. These should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning obligations should only be sought were they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 5.12 It is considered that that the proposed financial agreement for a Traffic Regulation Order for a "waiting restriction" to avoid inappropriate parking in the local area meets the above tests.
- 5.13 Given the above, Officers are satisfied that the works for improvements to the access, off-street parking provision, cycle parking and travel plan can be secured under planning conditions; but any financial contribution for the TRO must be secured under an appropriate legal agreement. Officers acknowledge the various concerns raised by a local resident; these issues have been addressed in this section and appropriate conditions will be attached to ensure the development does not negatively impact on the local area. In conclusion,

there are no outstanding highway objections from the Transportation DC Officer, subject to the conditions attached to the decision notice and s278 agreement.

5.14 Children and Young People

The Councils Early Years & Schools Planning Officer has confirmed that they support this planning application. With appropriate modifications, Wendover House and the outdoor space available at the site will offer the opportunity to provide good facilities for early years provision and allow expansion of the number of pre-school places available in the area. It is projected that an increased population of pre-school aged children in the area in future years, with plans for over 1,500 new homes in the Downend and Fishponds area. Officers support the proposed Day Nursery use and it is considered that the location is appropriate.

5.15 Landscaping

There is some existing intermittent vegetation along the rear boundary and larger TPO trees on the north and west boundary. The Design and Access Statement proposes a number of landscape improvements, all of which are acceptable; this will be included as a condition. Additional planting around the boundary of the site will enhance the privacy of the residential properties on Overdale Road and potentially buffer some of the noise from outdoor activities. Given the existing situation and current boundary treatments, the impact on residential amenity of existing neighbours is considered acceptable.

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 **approve** 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 conditions and informatives as outlined in the decision notice and the developer first entering into an appropriate legal agreement to secure the following:

1. A sum of £10,000 towards the completion of a Traffic Regulation Order for waiting restrictions outside the site and to pay the Council's costs with regards to this agreement.

7.2 Should the 278 legal agreement not be completed within 3 months of the date of determination, then the application will be refused or returned to the Circulated Schedule for further consideration on this basis.

Contact Officer: Katie Warrington
Tel. No. 01454 863436

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: 07:30hrs to 18.30hrs Monday to Friday, with no opening on Saturdays and Sundays.

Reason

In the interests of residential amenity in accordance with the requirements of Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development a scheme of landscaping, which shall include details of hard landscaping; details of the proposed boundary treatments; and a detailed planting plan (1:200 scale) showing all proposed tree and shrub planting, shall be submitted to the Local Planning Authority for approval. The landscaping must be carried out in accordance with the agreed details and must be implemented on the first planting season following the occupation of the building.

Reason

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

4. 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 neighbouring residential properties, and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

5. Prior to the occupation of the building, details of the bin stores and cycle stores shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

6. At no time shall play equipment, sheds, canopies or shelters be erected, installed or stored on first floor terraced area in the east wing.

Reason

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

7. The approved Travel Plan shall be implemented in accordance with the details agreed.

Reason

To encourage means of transportation other than the private car, to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

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

Reason

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

9. Prior to the occupation of the building, the existing driveway [within the site boundary] shall be widened to create drop-off/pick-up facility in accordance with submitted and approved plans (Refs. Proposed Site Plan HGR3057.PR07B and Proposed Car Park Layout SP02). All works shall be carried out exactly in accordance with the details agreed.

Reason

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

CIRCULATED SCHEDULE NO. 39/14 – 26 SEPTEMBER 2014

App No.:	PK14/2707/TRE	Applicant:	Top Tree Services
Site:	1 Stockwell Glen Downend Bristol South Gloucestershire BS16 6XD	Date Reg:	18th August 2014
Proposal:	Works to 1no. Oak tree to reduce lower limb by 3 metres, pruning to growth point at 3 metres and works to 1no. Oak tree to reduce 3 x low limbs overhanging gardens by 3 metres and crown lift lowest limb to 5 metres, covered by Tree Preservation Order SGTPO04/11 dated 29 June 2011.	Parish:	None
Map Ref:	366014 177122	Ward:	Rodway
Application Category:	Works to Trees	Target Date:	29th September 2014



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100023410, 2008. **N.T.S.** **PK14/2707/TRE**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The Council has received an objection to the proposal from Mangotsfield Rural Parish Council.

1. THE PROPOSAL

1.1 The proposal is to reduce lower limb by 3 metres, pruning to growth point at 3 metres to an Oak tree and to reduce 3 x low limbs overhanging gardens by 3 metres and crown lift lowest limb to 5 metres to another Oak tree. Both trees are covered by Tree Preservation Order SGTPO04/11.

1.2 The trees are in the rear garden of no. 1 Stockwell Glen, 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 PK00/2504/TRE – To remove low branch and thin crown of 2no. Oak trees by 10%. Approved with conditions.

4. CONSULTATION RESPONSES

4.1 Mangotsfield Rural Parish Council has provided the following comments in response to the application. Objection, the Planning Committee does not support the removal, or the reduction by such a significant amount of the healthy limbs of these protected trees. Limbs should only be pruned if this aids the health of the oak tree with a main stem cavity. Both trees are over 5 metres from properties and therefore are not likely to be of a risk to those properties. The committee would welcome the opinion of the SGC arboriculturist

Other Representations

4.2 Local Residents
None received

5. ANALYSIS OF PROPOSAL

5.1 The proposal is to reduce lower limb by 3 metres, pruning to growth point at 3 metres to an Oak tree and to reduce 3 x low limbs overhanging gardens by 3 metres and crown lift lowest limb to 5 metres to another Oak tree. Both trees are covered by Tree Preservation Order SGTPO04/11.

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 two Oak trees are growing on the eastern boundary of no.1 Stockwell Glen on the bank of the watercourse that runs between this property and the backs of several properties in Kingston Drive.

5.4 The trees provide some amenity, visible as they are from both Stockwell Glen and, in part, from Kingston Drive. The trees are screened by the houses in both streets to some extent so that generally only the upper crown is visible.

5.5 The proposal is to reduce the lower branches that are encroaching onto the gardens of the Kingston Drive properties. This will improve the resident's reasonable enjoyment of their gardens.

5.6 The work will not reduce the amenity provided by the trees as the section of the crown to be pruned is not visible to the public.

5.7 If the work is carried out according to the guidance in 'BS3998:2010 Tree work – Recommendations', it will not have a detrimental affect on the health and longevity of the tree.

6. RECOMMENDATION

6.1 That consent is GRANTED subject to the conditions on 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.

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

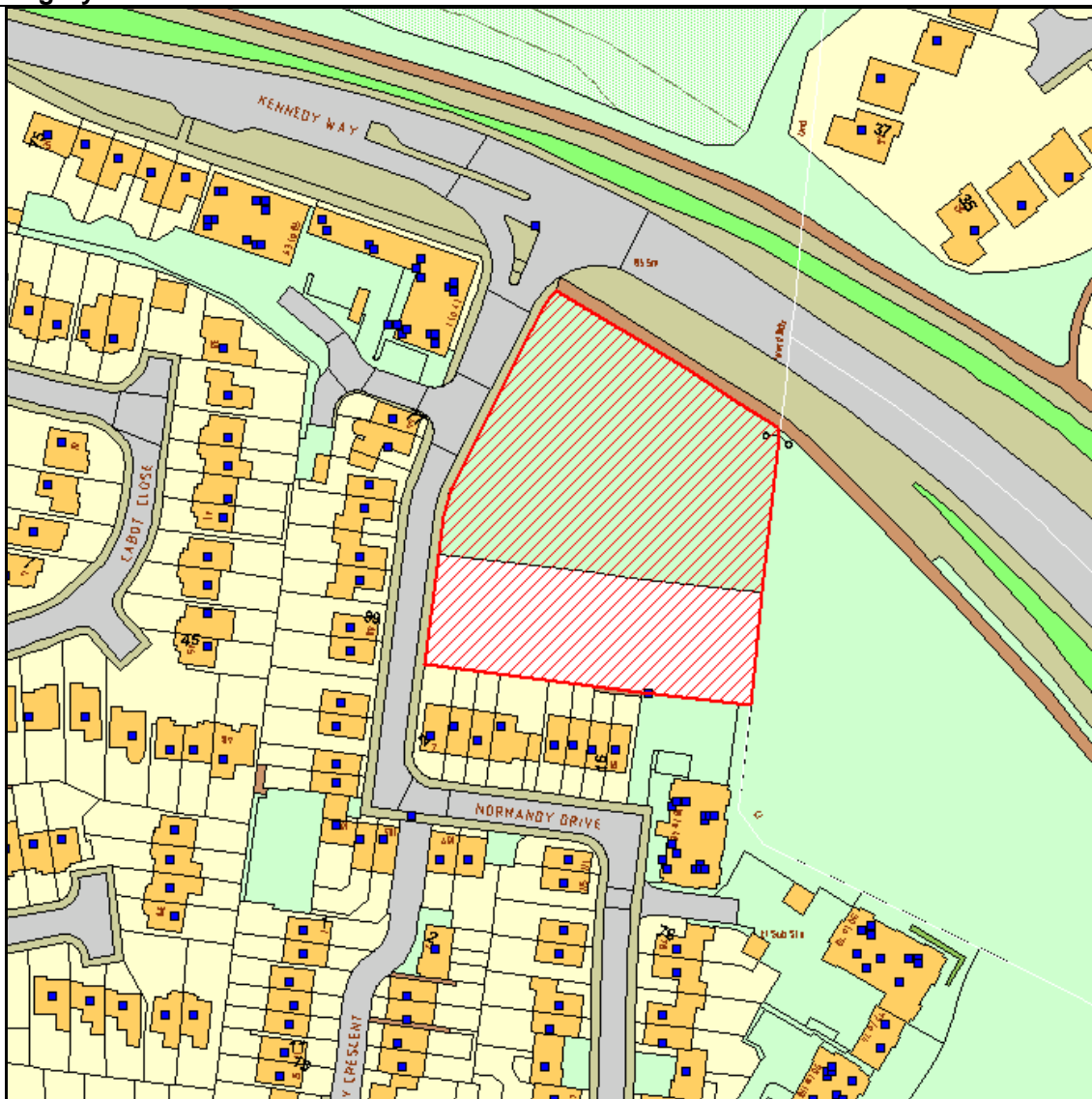
2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

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.

CIRCULATED SCHEDULE NO. 39/14 – 26 SEPTEMBER 2014

App No.:	PK14/2891/F	Applicant:	Taylor Wimpey Bristol
Site:	Land At Normandy Drive Yate South Gloucestershire BS37 4FJ	Date Reg:	7th August 2014
Proposal:	Erection of 9no. dwellings, garaging, parking, landscaping, new access and associated works. Outline permission for use of part of the site for community use with access to be determined and all other matters reserved.	Parish:	Yate Town Council
Map Ref:	371867 182161	Ward:	Yate Central
Application Category:	Minor	Target Date:	30th September 2014



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule for determination as one comment of support has been received; the officer recommendation is for refusal.

This application previously appeared on Circulated Schedule no.38/14. However, the reasons for refusal were not listed in the correct order. Therefore, for the purposes of clarity and proper decision making, the application has been re-referred to the Circulated Schedule for determination. The opportunity has also been undertaken to make minor amendments to the wording of the report.

1. THE PROPOSAL

- 1.1 This is a hybrid application: full planning permission is sought for the erection of 9 dwellings; and, outline planning permission is sought for a community building. The outline application has access to be determined and all other matters reserved. As a hybrid application, both elements will be determined as part of this decision.
- 1.2 The application site is land to the front of the Elswick Park development, fronting both Normandy Drive and Kennedy Way in Yate. This site was formally referred to as 'Sea Stores' prior to the development of the land to the rear of this application site for residential (PK09/1388/F).
- 1.3 In area, the total site covers 0.47 hectares of land, of which 0.3 hectares is allocated to housing, the rest being set aside for a community building. The proposed residential development consists of 4x three-bedroom houses, 4x four-bedroom houses, and 1x five-bedroom house. No affordable housing is proposed.
- 1.4 This land parcel was described as 'reserved land' as part of application PK09/1388/F and fell outside of the application's red line. As such, this application will be assessed separately from PK09/1388/F as a stand alone application.
- 1.5 The proposed residential element would result in a housing density of 30 dwellings per hectare (dph).
- 1.6 The application site is located in a highly sustainable location in very close proximity to Yate town centre and the recently approved development on the land to the east of Link Road, commonly referred to as Yate Cinema.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans
South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development

- CS5 Location of Development
- CS6 Infrastructure and Developer Contributions
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS18 Affordable Housing
- CS23 Community Infrastructure
- CS30 Yate and Chipping Sodbury

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- L1 Landscape
- L5 Open Areas within the Existing Urban Area
- L9 Species Protection
- T7 Cycle Parking
- T8 Parking Standards
- T12 Transportation Development Control Policy
- LC2 Provision for Education Facilities
- LC4 Proposals for Educational and Community Facilities

2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Residential Parking Standard (Adopted) December 2013
- (c) Affordable Housing and Extra Care Housing (Adopted) May 2014
- (d) Landscape Character Assessment (Adopted) November 2005

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/1388/F Approve with Conditions 27/09/2010
Proposed erection of 228 residential units and associated works.
- 3.2 P91/0103/10 Withdrawn 01/04/1999
Residential Development (Outline). (In accordance with amended plan received by the Council on 26 February 1992).

4. CONSULTATION RESPONSES

4.1 Yate Town Council

- 1. Layout and density: town centre location should have higher density housing
- 2. The size of land made available for community use is inappropriate and not viable
- 3. Access to the community building will cause highway issues, noise and disturbance
- 4. Inadequate parking is provided for the community building.

4.2 Dodington Parish Council

- 1. Layout and density: town centre location should have higher density housing

2. The size of land made available for community use is inappropriate and not viable
3. Access to the community building will cause highway issues, noise and disturbance
4. Inadequate parking is provided for the community building.

4.3 Affordable Housing

This application is subject to s106 Deed of Variation dated 24 September 2010 in relation to planning permission PK09/1388/F. Therefore, the site is subject to an on-site provision of 33.3% affordable housing (3 units of social rent).

The site should have a greater density as it is located in close proximity to Yate town centre

4.4 Archaeology

No objection: the extent of previous ground disturbance means little archaeology is likely to survive

4.5 Department for Children, Adults and Health

At primary level there is a projected deficit of places in the local area. The proposed development of 9 dwellings will generate 4 additional primary pupils according to the pupil number calculator. A contribution of £45,896 is required for additional primary provision.

There is a projected surplus of places at secondary schools in the local area. No contribution is required for additional secondary provision.

The total contribution required for additional school provision is £45,896

4.6 Ecology Officer

The application site comprises an area of seeded grassland of negligible nature conservation interest. There are no ecological constraints to granting planning permission

4.7 Environmental Protection

The wider area including this proposed development site was the subject of ground investigations for the development area of Elswick Park. Ground investigations carried out at that time revealed some contamination which has been remediated on those parts of the site now developed. At that time the land use for this application area had not been determined. It is recommended that the ground investigation and remediation method statement are reviewed to assess if any additional information is required for this proposed development (residential and community use) and the applicability of the remediation statement for this area. A report should be submitted presenting the findings and proposals for remediation where required. Thereafter the development should proceed in accordance with the recommendations and prior to occupation a report should be submitted confirming that all necessary remediation work has been completed satisfactorily

4.8 Highway Structures

No comment

- 4.9 Trading Standards
Surrounding area is subject to weight restrictions
- 4.10 Transportation Development Control
No in principle objection; however, there are significant areas of concern which need to be revised before a full highways comment can be provided
- 4.11 Tree Officer
No objection. There are two low quality trees on the site, if these are to be retained then detail is required regarding protection measures during construction works. However, there is no objection to the removal of these trees.
- 4.12 Urban Design Officer
No in principle objection. Design improvements could be made to increase the design standard of the development.

Other Representations

- 4.13 Local Residents
Three letters of objection have been received that raise the following points:
- A residents parking zone should be considered for the whole site
 - Big houses are out of [financial] reach to local young people
 - Contact will be made with the local MP
 - Development is motivated by profit
 - Development will affect privacy
 - Development would affect outlook
 - Development would result in a loss of light to the existing dwellings
 - Elswick Park is inhabited by young families who use this space to play
 - Land is set aside for community use
 - Land would be perfect for a play area
 - Little provision for parking for community building
 - More houses will lead to more parking and a reduction in highway safety
 - Naïve to think that parking at Yate Shopping Centre will contribute to the needs of the community building
 - No provision is made for visitor parking
 - On purchase it was stated that there were no plans to develop this part of the site
 - Residents have been misled and lied to by Taylor Wimpey
 - Second access to the site has been closed – there is now one road to the site
 - There is insufficient parking in the estate for the existing development
 - Vehicles do not park in accordance with the Highway Code
 - Vehicles use the section of road from which access will be gained for parking for the flats where there are inadequate spaces
 - Would result in more traffic

One letter of support has been received that raises the following points:

- Development would significantly improve the Normandy Drive street scene
- Landscaping will improve area
- Loss of compound would be good
- Lower density housing is appropriate against the high density housing in the rest of the estate (although would not support higher density housing on this site)
- Much of the site is covered by rubble and does not make a pleasant outlook
- Support the principle of community use – details of reserved matters would be critical

5. ANALYSIS OF PROPOSAL

5.1 This application seeks full planning permission for the erection of 9 dwellings and outline planning permission (with access to be determined and all other matters to be reserved) for the use of part of the site for a community facility.

5.2 Principle of Development

Policy CS1 only permits development 'where the highest possible standards of design and site planning are achieved.' Whilst the development site is an appropriate location in policy terms for residential development and the provision of a community facility, the proposal does not meet an acceptable design standard and is therefore unacceptable.

5.3 In addition to the above, the development also generates contributions towards affordable housing and primary school provision in accordance with policies CS6, CS18 and LC2. No provision is made for affordable housing and in the absence of a s106 agreement no contribution is provided towards education provision.

5.4 Site Context

The application site is located on land approximately 280 metres to the east of Yate town centre, and the associated bus station, shopping centre and services. It is situated on the south side of the A432 Kennedy Way; this road is the logical approach to Yate from the east as it connects to the A46 and junction 18 of the M4. People travelling to Yate from places such as Bath, Cirencester, Chippenham, and Swindon would be likely to approach the town along this route.

5.5 As one travels into the town along the A432, the application site acts as a key gateway to the town centre. As part of the development of the Sea Stores site, great attention was given to the street frontage onto Kennedy Way and the buildings here are more substantial indicating the approach to the town centre.

5.6 Behind the application site stands 'Elswick Park', a residential estate built on the former Sea Stores site granted planning permission under PK09/1388/F. This is a tightknit estate where the housing density stands at 70 dph. Around the application site, the dwellings are a mix of three storey and two and a half storey townhouses. There are also four storey blocks of flats adjacent to the development site. Whilst Elswick Park backs onto earlier residential

development at Cabot Close and Shackleton Avenue, these developments are accessed from Scott Way and play a far reduced role in the street scene and therefore have a lesser effect in establishing the feeling of being in the town centre.

5.7 Site Layout and Design

The application site is divided into two parts. The 'front' part of the site is that to the northern end fronting onto Kennedy Way. It is on this land parcel that outline permission is sought for a community building. Behind this, on the main internal part of the site, which would contain the access road to the community building, is the area proposed for housing.

5.8 The entire layout of the site appears to be based around the access road which dominates the site. From the outer edge of the pavements, the road is 9 metres wide. This culminates in a large hammerhead turning area between the residential and community uses.

5.9 Residential development is proposed around this access road. Five of the proposed dwellings would face onto Normandy Drive and four would be located on the proposed access road. Plots 5 to 9 are larger, low density, detached houses whereas plots 1 to 4 more closely resemble the existing development along Normandy Drive.

5.10 Critique: Housing Scheme

Policy CS16 of the Core Strategy requires development to make the most efficient use of land, particularly in and around town centres. As proposed, the application does not make the most efficient use of the site area. Much of the site is given over to the provision of the access road and turning area. However, it has not been established that a road of this grade is required to serve the level of development proposed. This is particularly the case as permission for the community facility is sought in outline only and limited detail is provided on the layout and scale of the building.

5.11 Turning to the residential element, plots 5 to 9 have a contrived layout and appearance. Parking areas and garages are separated from the dwellings that they serve leaving significant parts of the site underutilised. In addition to this, the placement of some of the proposed dwellings, namely the relationship between plots 6 and 7 and plot 8 and the existing development, are considered to have a poor relationship to one another. This has resulted in large, blank, elevations in order to retain privacy. The fact that some elevations have been left intentionally void of windows is indicative that the layout of this part of the site is contrived.

5.12 Being located in close proximity to the town centre, the site is considered to be in a highly sustainable location. Within walking distance of the site is Yate Shopping Centre which includes a range of high street shops and restaurants as well as a Tesco Extra supermarket, leisure centre and NHS minor injuries unit and walk in clinic. Redevelopment of the land to the east of Link Road is set to commence shortly which would see the construction of a six-screen cinema, three retail units and six restaurants between the application site and Yate Shopping Centre. The main bus station serving the town is also located

within the shopping centre from which there are a number of bus routes including direct routes to Bristol city centre.

- 5.13 As the site is located within a highly sustainable location it is considered to be an appropriate site for higher density housing. It is acknowledged by the Local Planning Authority that the rest of Elswick Park has a high housing density standing of 70 dph. Whilst replication of housing to this density may not achieve the highest possible standards of site planning and design, as required by policy CS1, it is considered that the proposed housing density of 30 dph is untenable in a location such as this. The site is considered to be capable of supporting a housing density of 40 to 50 dph whilst still meeting a high standard of design.
- 5.14 Critique: Community Facility
It is proposed to locate the community facility on the northern part of the site adjacent to the A432 Kennedy Way. This is the most prominent part of the site and in terms of the street scene the most sensitive aspect of the proposed development.
- 5.15 When the Sea Stores development was approved, great attention was given to the site frontage as it acts as a gateway to the town centre. This is even more the case now that development of the Yate Cinema site has been approved and ground works are imminent.
- 5.16 Although not forming part of the Sea Stores site, the area of land on which this application was made was set aside as reserved land for a community facility. The s106 agreement that accompanied planning permission PK09/1833/F placed no legal obligation on the developer to provide a community building. The applicant has submitted with this application a draft s106 agreement which provides an opportunity for the sale of the land indicated for a community building to Yate Town Council for the sum of £1.
- 5.17 As part of this planning application, outline permission is sought for a community building. By the very nature of the site layout and the road, access to the proposed community building would be determined. All other matters are reserved. This results in a significant level of uncertainty that the development of the community building would come forwards. This is particularly the case when the comments of Yate Town Council are taken into consideration who state 'the size of land made available for community use is inappropriate and not viable'.
- 5.18 More detail is required regarding the community building before the Local Planning Authority is in a position to be able to determine whether or not the proposed building would reach the highest possible standards of site planning and design, as required by policy CS1. This site represents the key frontage to the development and should be occupied by a building of suitable mass and proportions to designate it as a community building in the heart of the town centre. Should development of a community building on this site not come forward, then the view from Kennedy Way would be of an over-engineered hammerhead turning area, domestic boundary treatments, and the end of various properties. This would be harmful to the character and appearance of

the area and street scene and would not comprise a comprehensive and well designed development of this site.

- 5.19 More detail is also required with regard to the scale and layout of the community building to ensure the provision of adequate parking on the site. The applicant has indicated that the proposed community building would be used for purposes falling in either Class D1 or D2 of the Use Classes Order.
- 5.20 Under policy T8 of the Local Plan, parking standards are set for different uses within the Use Classes Order. Should a D1 use come forward it is likely that it would fall into one of three subcategories (places of worship/ church halls; clinics/health centres/ consulting rooms; day nurseries/ crèches/ day centres) rather than for educational provision. Should a D2 use be presented then it is possible it could be either a cinema/ conference facility or another use within the Class.
- 5.21 Different numbers of parking spaces would be required depending on the subcategory as set out in the table below.

Parking Standards: (taken from policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies))	
Use Class/Subcategory	Parking Provision
D1: Non-residential Institutions	
Places of Worship, Church Halls	1 space per 10 seats
Clinics, Health Centres, Consulting Rooms	3 spaces per consulting room; 1 space per duty doctor, nurse or other medical staff; 1 space per 2 admin/clerical staff
Day Nurseries, Crèches, Day Centres	1 space per 2 staff
D2: Assembly and Leisure	
Cinema and Conference Facilities	1 space per 5 seats
D2 other than Cinema or Conference Facility	1 space per 22m ²

- 5.22 As the size and use of the community building is at this stage unknown, it is not possible to calculate what parking requirement would be generated. Furthermore, it is not possible to determine whether the area allocated to the community building would be able to support a building as envisioned by the provider (i.e. Yate Town Council) and the associated parking and other requirements, whilst meeting the high design standard that would be required on a site of this prominence. Indeed, at this stage it is still dubious that a community building will come forward on this site as there is no legal agreement in place for its provision and the Town Council has indicated the site is unviable.
- 5.23 The Local Planning Authority consider this to be a key development site that has a significant and important role in defining the town centre and creating a strong and well designed street scene. The lack of detail regarding the community building and the uncertainty over its delivery means that, although in principle a community building on this site is acceptable, the Local Planning Authority cannot be assured that the highest possible standards of site planning

and design are met by this application; therefore the development as proposed is unacceptable.

5.24 Affordable Housing

Policy CS18 of the Core Strategy requires the provision of on-site affordable housing when certain thresholds are met. Within the urban areas (in which Yate/Chipping Sodbury would fall), affordable housing should be provided on sites where 10 or more dwellings are proposed or the site area exceeds 0.33 hectares. Further guidance is given on defining the site in section 3.2 of the Affordable Housing and Extra Care Housing SPD. This section states 'the area of land, against which site size thresholds will be measured is the 'red line' boundary of the whole of the application site'. The application site is 0.47 hectares and therefore affordable housing is triggered.

5.25 It is considered that the applicant has knowingly subdivided the application site to avoid triggering the affordable housing threshold as the development proposes 9 dwellings and the area set aside for housing amounts to 0.3 hectares of the site. Notwithstanding the triggers or the proposal set out above, the application is considered to make inefficient use of the land.

5.26 Based on the site area in line with the commentary in paragraph 5.24 above, 35% affordable housing is required on this site to comply with policy CS18. No affordable housing has been proposed.

5.27 The area identified for residential development could easily be developed more densely especially considering its close proximity to Yate town centre. The application seeks outline permission for access to a potential community building. As there is no requirement under the s106 connected with PK09/1388/F for a community building on this site, this land could also be developed for residential use. If this was to happen then affordable housing would be sought based on the total numbers of dwellings across the whole of the development site including the land currently proposed for a community building.

5.28 Affordable housing contributions for planning permission PK09/1388/F required the provision of 33.3% affordable housing; this was determined under policy H6 of the Local Plan, a policy that expired on the adoption of the Core Strategy in December 2013. Policy CS18 replaced policy H6 and requires a provision of 35% affordable housing. On a development of this size, the number of dwellings to be provided is three, irrespective of a requirement for 33.3% or 35% affordable housing. In the absence of any affordable housing on the site, the proposed development fails to accord with policy and this is unacceptable.

5.29 Education Provision

Contributions to the provision of educational facilities is required under policies CS6 and LC2. The Department for Children, Adults and Health has calculated that the development would generate four additional school pupils. At primary level, there is a projected deficit of school places in the local area. Cost of the provision of a primary school places are calculated at a figure of £11,474 per place. A contribution of £45,896 is sought from this development for additional primary school places.

- 5.30 At present, there is a projected surplus of secondary school places in the local area. As such, no contribution is sought for the provision of additional secondary school places.
- 5.31 In the absence of a s106 agreement to secure the contribution of £45,896 towards the provision of additional primary school places, the development fails to accord with policies CS6 and LC2 and is therefore unacceptable.
- 5.32 Residential Amenity
Development should not be permitted that results in a prejudicial impact on existing levels of residential amenity and proposed dwellings should enjoy a good standard of amenity. The inadequacies of the proposed layout have been discussed above. It is considered that a poor relationship is proposed between plots 6 and 7 and between plot 8 and the existing properties on Normandy Drive.
- 5.33 This application requires a comprehensive and complete redesign before it would be considered acceptable by the Local Planning Authority. The redesign is required to improve the layout of the scheme and make a more efficient use of the land. Therefore, whilst the development as proposed reaches a less than good standard of residential amenity, this is considered to be caused by the design and layout and not by the principle of development and it is likely any issues regarding residential amenity can be overcome through a sensitive redesign of the site.
- 5.34 Environment and Ecology
The application site forms part of the existing urban area on land which has been redeveloped as part of Elswick Park. The site is not covered by any statutory or non-statutory nature conservation designations.
- 5.35 At present, the application site comprises an area of seeded grassland and the former site compound. As such it is of negligible nature conservation interest and there are no ecological constraints to granting planning permission.
- 5.36 Landscape and Trees
There are two very low quality trees growing within the proposed site area which are not considered worthy of retention. However, it is unclear from the submitted documents whether or not these trees are to be retained. There are no objections to the loss of these trees, however, should the applicant wish to retain these trees, adequate tree protection measures in accordance with BS5837:2012 would be required by condition.
- 5.37 There are no other landscape constraints to granting planning permission.
- 5.38 Other Matters
A number of points have been raised during the public consultation of this application which have not been addressed above. A response to these points is set out in the section below.

- 5.39 Comments have been received regarding parking matters. The consideration of a residents parking zone would fall outside of this planning application and would be a matter for discussion at the relevant local area forum. Whether people park in accordance with the Highway Code is not relevant in determining this planning application. The Elswick Park development has been determined and therefore the parking related to these houses cannot be reconsidered. Whilst a consideration within this application, visitor parking, highway safety, access and existing levels of on-street parking would form part of the consideration of any further application to develop this site which has taken into consideration the in principle objection to the existing proposal on design grounds.
- 5.40 The correspondence between Taylor Wimpey and residents of Elswick Park and whether residents have been misled or not are not relevant to the determination of this application. There is no restriction on any planning applications for either housing or community uses being submitted on this site.
- 5.41 Whilst it is recognised that the site provides an informal play area, the development as proposed falls under the threshold for contributions towards public open space or play equipment.
- 5.42 The planning system works within the public interest and for this application profit of the developer is not relevant in the determination of this application. Affordable housing is required on site to provided for local need.
- 5.43 Residents are at liberty to lobby their MP about planning matters although the decision lies with the Local Planning Authority.

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 It is recommended that planning permission be **REFUSED** for the reasons listed below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

REFUSL REASON (OUTLINE)

1. The applicant has failed to demonstrate, in the absence of sufficient information regarding layout and scale or certainty that the provision of a community building would be forthcoming, that the land made available for the proposed community building is capable of accommodating a community use as well as the required associated infrastructure, or that the proposed building would meet the highest possible standards of site planning and design on a site that makes a key contribution to the character and appearance of the town centre or would make an acceptable contribution to a high quality street scene. The proposed development is therefore contrary to policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, the provisions of the National Planning Policy Framework March 2012, and the South Gloucestershire Design Checklist SPD (Adopted) August 2007.

REFULAS REAONS (FULL)

1. The proposed development fails to reach the highest possible standards of site planning and design and represents a contrived and inefficient use of land in close proximity to Yate town centre where higher density housing is considered to be achievable and sustainable. It has not been demonstrated that a greater housing density cannot be achieved on this site. It has not been demonstrated that a road of the grade proposed is required to serve the development or that adequate parking and turning facilities are proposed. It has not been demonstrated that the proposed properties would benefit from a good standard of residential amenity. The proposed development is therefore contrary to policies CS1, CS4A, CS8, and CS16 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, the provisions of the National Planning Policy Framework March 2012, and the South Gloucestershire Design Checklist SPD (Adopted) August 2007.
2. In the absence of a section 106 agreement to secure 35% on-site affordable housing, the proposed development is contrary to policy CS18 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, the provisions of the National Planning Policy Framework March 2012, and the Affordable Housing and Extra Care Housing SPD (Adopted) May 2014.
3. In the absence of a section 106 agreement to secure £45,896 towards the provision of additional primary school places, the proposed development is contrary to policy CS6 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy LC2 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

CIRCULATED SCHEDULE NO. 39/14 – 26 SEPTEMBER 2014

App No.:	PK14/2931/R3F	Applicant:	South Gloucestershire Council
Site:	The Old School House Lansdown Lane Upton Cheyney Bitton Bristol South Gloucestershire	Date Reg:	14th August 2014
Proposal:	Conversion of existing Old School House to form 1no. detached dwelling with associated works.	Parish:	Bitton Parish Council
Map Ref:	369442 170029	Ward:	Bitton
Application Category:	Minor	Target Date:	17th September 2014



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 100023410, 2008. N.T.S. PK14/2931/R3F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

In accordance with the Council's scheme of delegation the application is referred to the circulated schedule as it comprises an internal submission.

1. THE PROPOSAL

- 1.1 The application seeks permission for the conversion of 'The Old School House' to form 1no. detached dwelling with associated work.
- 1.2 The application relates to a detached locally listed building situated within Upton Cheyney Conservation Area. The site also falls within the adopted Bath/Bristol Green Belt and the Cotswolds Area of Outstanding Natural Beauty.
- 1.3 During the course of the application revised plans were submitted in response to the comments of the Conservation Officer. In addition an addendum to the ecological survey was also submitted. A re-consultation period was not deemed necessary as there were no substantial changes to the development.

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
CS8 Improving Accessibility
CS9 Managing Environment and Heritage
CS15 Housing Distribution
CS16 Housing Density
CS17 Housing Diversity
CS30 Rural Areas

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

L1 Landscape Protection and Enhancement
L2 Cotswolds AONB
L9 Protected Species
L12 Conservation Areas
L15 Locally Listed Buildings
T12 Transportation DC Policy
H3 Residential Development in the Countryside
H10 Conversion and Re-use of Rural Buildings for Residential Purposes

2.3 Supplementary Planning Guidance

Residential Parking Standards SPD (Adopted) December 2013
Local List SPD (Adopted) February 2008
Development in the Green Belt SPD (Adopted) 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 K4274 - Change of use from primary school to light industrial (Previous ID: K4274). Approved 11th July 1983

4. **CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council
No objection
- 4.2 Ecology Officer (Revised Comments)
No objection subject to condition.
- 4.3 Conservation Officer (Revised Comments)
No objection subject to conditions
- 4.4 Landscape Architect
No objection
- 4.5 Transportation DC
No objection

Other Representations

- 4.6 Local Residents
No comments received

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
The proposed development stands to be assessed against section 9 (Protecting Green Belt Land) of the National Planning Policy Framework (NPPF). Paragraph 90 of the NPPF refers to certain forms of development that are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Amongst others paragraph 90 states that the following type of development may fall within this category: '*the re-use of buildings, provided that the buildings are of permanent and substantial construction*'. The application seeks permission to convert an existing building in order to form 1no. detached dwelling. It is therefore considered that the proposed development could fall within the category above and is therefore acceptable in principle subject to further assessment on the impact of the conversion on the openness of the Green Belt.
- 5.2 As the application relates to a locally listed building falling within the Upton Cheyney Conservation Area and the Cotswolds AONB substantial weight is also afforded to sections 7, 11 and 12 of the NPPF, policies CS1 and CS9 of the Core Strategy, and saved policies L1, L2, L9, L12 and L15 of the SGLP, which seek to conserve heritage assets and the historic environment, the natural environment, and the natural beauty of the AONB.

- 5.3 Saved policy H10 of the SGLP, which relates to proposals for the conversion and re-use of existing buildings for residential purposes outside of the boundaries of settlements, remains saved and as such remains material in the determination of this application. Although the policy tests of H10 are not directly imitated in the NPPF it is considered that the policy aim, which seeks to protect the countryside and encourage sustainable development, is consistent with the NPPF core planning principles. Other pertinent issues include highway safety and residential amenity.
- 5.4 Green Belt
It is considered that the proposed development for the conversion and re-use of the existing building could fall within the fourth category of paragraph 90 in the NPPF - 'the re-use of buildings, provided that the buildings are of permanent and substantial construction', and provided it preserves the openness of the Green Belt and would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 5.5 The application relates to a former School House which was later granted permission in 1983 for light industrial use. It is understood that the building remained in this use until the end of December 2013. The building as existing is stood vacant. On inspection it is apparent that the building is permanent and capable of conversion without any substantial reconstruction. The building's curtilage is triangular in shape bordered by the two adjacent highways to the north and south of the site. There is an existing detached stone built outbuilding and a timber clad outbuilding to the east of the main building. In terms of the use of the building it is considered that the conversion of the building alone from light industrial to residential would not have a materially greater impact on the openness of the Green Belt than the current use and as such is considered acceptable in this respect. Officers are however mindful of associated residential paraphernalia such as outbuildings and sheds that can occur within the curtilage of the building. These additional buildings can erode openness and as such, in order to protect openness of the Green Belt, it is considered necessary to remove the permitted development rights from the property. Subject to this condition there are no Green Belt objections to the proposed development and the development is considered to accord with section 9 of the NPPF.
- 5.6 Residential Conversion in the Countryside
Saved policy H10 of the SGLP states that proposals for the conversion and re-use of existing buildings for residential purposes outside of the settlement boundaries and urban areas will not be permitted unless: all reasonable attempts have been made to secure a business re-use; the building is of substantial and permanent construction; the building is in keeping with its surroundings; development would not have a harmful effect on the character of the countryside and; the building is well related to an existing settlement or other group of buildings.

5.7 The application relates to a building which has been in light industrial use since 1984 but has sat vacant since December 2013. In support of the application a marketing statement has been submitted which indicates that the building has been advertised for commercial purposes from October 2013 with limited interest. The marketing agent considers that the lack of interest is indicative of the on-going economic uncertainty including the ready availability of commercial premises at low or rent free basis along with the remote location of the property for a commercial use. On inspection of the Marketing Statement it is considered that all reasonable attempts have taken place to try and secure a business re-use and as such the conversion to residential is considered to be in accordance with saved policy H10 criteria A. As already discussed the building is considered to be permanent and capable of conversion without major re-construction. The building is situated on the edge of the village of Upton Cheyney and is therefore considered to be well related to an existing group of buildings. It is considered that the development would not prejudice the character of the countryside or the amenities locality. This is discussed in more detail in the following paragraphs. Overall the development is considered to accord with policy H10 of the SGLP.

5.8 Heritage

The building is the former 19th century village school, built of local rubble stone with freestone dressings, tall mullion and transom windows set in coped gables and sweeping clay double roman clay tile roofs. It sits in the northern tip of the Upton Cheyney Conservation Area and has been identified as a building that makes a significant contribution to the character and distinctiveness of the locality; locally listed building. The building is mainly single storey but occupies an elevated position between two roads; Marshfield Lane and Lansdown Lane, making it a very prominent and architectural feature in the village. To the east, a small, roughly square building, also of rubble stone and free-stone dressings may have once been the toilet block. The site is surrounded by railings and is separated into two by a low stone wall with railings; presumably relating to the separation of boys & girls.

5.9 The local listing of the site does not preclude a change of use to residential, but special attention needs to be paid in protecting the building against works that individually, and cumulatively, may result in the domestication of the building and harm its present character, appearance or setting. The insertion of new floors in the building to introduce accommodation in the roof areas can have a significantly harmful impact on the buildings appearance, as can the insensitive replacement or alteration of historic doors and windows. Inappropriate development in the ground can also harm the setting and significance of the building.

5.10 In this instance, the proposal seeks to retain the ground floor and external appearance of the building relatively unaltered. The large school hall is to be reopened to its full height which is an enhancement to the current suspended ceiling, and only two new conservation rooflights are proposed to the roof. Additional bedrooms are to be introduced in the roof space over the east wing of the building, with these being reached via a new flight of stairs leading up from the main hallway. As these are internal works, they are not covered by the planning application, but the knock-on effect of the new floors on the external

appearance of the building does need consideration. The new bedrooms 1 and 3 occupy the end bay of the building and this is a room that presently has a modern suspended ceiling. The room is lit by two full height mullion and transom windows which have slightly different cill heights.

- 5.11 In response to the Conservation Officer's initial comments revised plans have been submitted adjusting the internal 1st floor structural layout to pull the steel joist out of the window opening, setting it back and incorporating it into the floor construction. This allows the window in the kitchen to remain full height and uninterrupted by the new floor which is a significant improvement on the original scheme. Details of the 1st floor room in the adjoining bedroom have also been submitted and these show the floor junctions with the gable window and the full height window in the south elevation. In both cases, the floor structure is designed to have minimum impact on the window opening which is acceptable. Whilst these are internal works, they will have an impact on the external appearance of the building and by pulling the floor construction away from the stone mullion and transom windows, it reduces the impact of the conversion. The proposed elevations also now clearly show which windows are proposed to be replaced and sections are provided for a single glazed metal casement window which will be set into the stone window surrounds. The design and construction of the single glazed casements will help protect the traditional character and appearance of this locally listed building within the Upton Cheyney Conservation Area and as such is considered acceptable. This is subject to the submission of large scale drawings to identify the details of the proposed changes, which are required in order to secure a high quality design finish in the interests of the heritage assets. These details are the subject of appropriately worded planning conditions
- 5.12 In addition to the internal alterations above it is noted that the development would also result in the use of the curtilage as a residential garden. Paraphernalia within the garden and insensitive residential extensions can have a negative impact on the character of the building and the conservation area and as such it is considered necessary to remove permitted development rights as part of the change of use to residential: to protect the external appearance of the heritage asset and the positive contribution it makes to the character and appearance of the Upton Cheyney Conservation Area.
- 5.13 Landscape/ Cotswolds AONB
The site is situated on the edge of the village of Upton Cheyney within the open countryside, falling within the Cotswolds AONB. The building occupies an elevated position between two roads; Marshfield Lane and Lansdown Lane. The site has existing established vegetation within its curtilage including trees and hedgerow boundaries. The proposed site plan indicates that the existing vegetation is to remain with some additional planting planned along the boundary to help screen the domestic curtilage. The application is supported by an Arboricultural Report which confirms that no trees are to be removed and no works are required to the trees other than the removal of deadwood. The report further identifies tree protection measures to be carried out during the course of the conversion including protective fencing at the access to the site.

- 5.14 In terms of the proposed site plan it is considered that the retention of the existing soft landscaping is appropriate and will help to ensure that character and appearance of the site continues to contribute positively to the visual amenity of the area and the landscape. It is not considered that the proposed conversion or associated residential curtilage would have a detrimental impact to either the visual amenity of the landscape or the natural beauty of the AONB provided permitted development rights are removed as previously discussed. Therefore, provided existing trees are protected in accordance with the arboricultural survey, the proposed development is considered acceptable in terms of saved policies L1 and L2 of the SGLP, and CS1 and CS9 of the Core Strategy.
- 5.15 Ecology
The application site comprises a former schoolhouse situated at the junction of Marshfield Lane and Lansdown Lane on the eastern edge of the village of Upton Cheyney to the east of Manor House Farm. The site is not covered by any statutory or non-statutory nature conservation designations. The site includes a single detached stone and clay tile over building (schoolhouse) and a stone outbuilding and shed. The buildings are surrounded by hardstanding and amenity grassland with planted semi-mature trees, four large cedars, scattered scrub and a native species hedge.
- 5.16 The application includes an initial ecology assessment (interim report) dated July 2014 by Burrows Ecological. No setts were recorded during the walkover survey although snuffle marks and a well used track were recorded. The site was considered suitable for use by hedgehog.
- 5.17 In terms of bats a series of pre-dawn surveys of the former school house recorded three intermittently used, non-breeding roosts in three locations by single common and soprano pipistrelles and a Myotis species within the roof structure of the former school house. A single common pipistrelle was also recorded using a gap beneath a tile at the eaves of the garage. In addition 5No species of bats were recorded foraging or commuting across or around the site.
- 5.18 All native species of bats are protected under the Wildlife & Countryside Act 1981 (as amended by the CROW Act 2000) and the EC Habitats Directive 1992, implemented in Britain by the Habitat Regulations 2010. Furthermore, some bats are priority species nationally, being listed on the UK Biodiversity Action Plan and under Section 41 of the NERC Act 2006 as a species of principal importance for biological diversity in Britain; as well as being included on South Gloucestershire's own Biodiversity Action Plan.
- 5.19 Whilst no work is required or proposed to the garage building and the roof structure (and thus roosting niches) will remain largely undisturbed the addendum indicates that the internal suspended ceiling will be raised (reducing the size of the roof void) to provide additional first floor head room; and roof lights/windows fitted. Neither of these works would impact upon the recorded roosting spaces and accordingly the addendum considered that a European Protected Species (EPS) licence under Regulation 53/56 of the 2010 Habitat Regulations would not be required for the works to proceed. However, as there are other potential roosting locations – such as the loft void and raised tiles –

which could be colonised in the interim, the report recommends that the renovation is subject to a precautionary method statement drawn up under an appropriately worded planning condition. There are therefore no ecological constraints to granting planning permission subject to a condition securing a precautionary method statement for bats.

5.20 Residential Amenity

The application relates to a detached building situated on the edge of the village situated within a generous plot bordered to the north and south by highway and to the west by open fields. The site is situated an appreciable distance from the nearest neighbouring occupiers who reside to the east. It is therefore considered that the proposed development would not impact the residential amenity of any neighbouring occupiers owing to the distance afforded between them.

5.21 The building itself is an appropriate size in order to provide a high living standard for future occupiers and adequate private amenity space is available around the building provide a garden area. There are therefore no concerns in this respect.

5.22 Highway Safety

The application site is served by an existing gated access from Lansdown Lane. The site has an existing hardstanding area to the east and south of the building to accommodate off street parking provision. It is considered that the existing access is satisfactory for the proposed use and adequate parking would be available in accordance with the Council's minimum standards including provision for a turning area. Therefore, provided the parking identified on the proposed site plan is retained for that purpose there are no concerns in terms 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 recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That the application is APPROVED subject to the following conditions:

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

2. Prior to the commencement of development a method statement to avoid impacts on roosting bats shall be submitted to and agreed in writing by the Local Planning Authority. The method statement shall accord with the key recommendations outlined in Section 4 of the Ecology Assessment Addendum dated September 2014 by Burrows Ecological. Development shall be carried out in accordance with the agreed details.

Reason

To ensure the works are carried out in an appropriate manner in the interest of protected species, to accord with the provisions of the National Planning Policy Framework 2012, policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and saved policy L9 South Gloucestershire Local Plan (Adopted) January 2006

3. Notwithstanding details submitted, and prior to their installation, large scale details of the proposed steel framed single glazed casement windows shall be submitted to and approved in writing by the Local Planning Authority. The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full or half size moulding cross sections. Development shall thereafter be implemented strictly in accordance with the agreed details.

Reason

To ensure a high standard of external appearance and to maintain and enhance the character and appearance of the Conservation Area in accordance with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

4. Prior to their installation, large scale details of the proposed rooflights shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt, the rooflights shall be traditional, metal framed conservation rooflights installed with their uppermost surface flush with the surrounding roof covering. Development shall thereafter be implemented strictly in accordance with the agreed details.

Reason

To ensure a high standard of external appearance and to maintain and enhance the character and appearance of the Conservation Area in accordance with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

5. All new external works and finishes, and works of making good, shall match the existing original building in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

Reason

To ensure a high standard of external appearance and to maintain and enhance the character and appearance of the Conservation Area in accordance with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

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

Reason 1:

The Old School House is a locally listed building (non designated heritage asset) within the Upton Cheyney Conservation Area, the character or appearance of which it is desirable to preserve or enhance. The removal of the above permitted development rights as part of the change of use to residential is intended to protect the external appearance of the heritage asset and the positive contribution it makes to the character and appearance of the Upton Cheyney Conservation Area, to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and saved policies L12 and L15 of the South Gloucestershire Local Plan (Adopted) January 2006

Reason 2:

In order to protect the openness and visual amenity of the Green Belt and the natural beauty of the Cotswolds AONB, to accord with the provisions of the National Planning Policy Framework 2012, policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and policy L2 of the South Gloucestershire Local Plan (Adopted) 2006.

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

Reason

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

8. Development shall be carried out in accordance with the Arboricultural Report (Silverback) dated May 2014

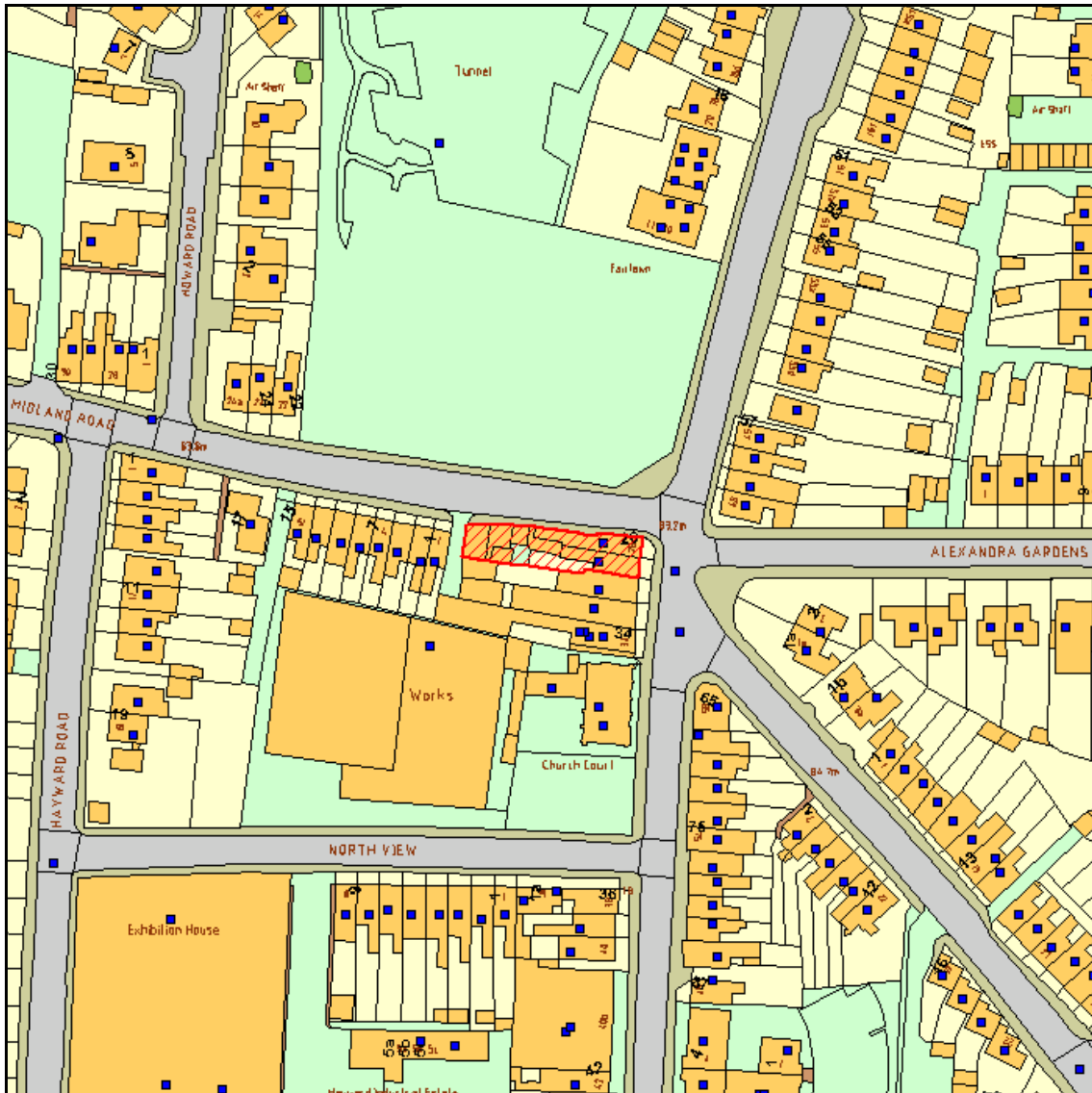
Reason

To ensure the works are carried out in an appropriate manner and in the interests visual amenity, to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006, policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

ITEM 7

CIRCULATED SCHEDULE NO. 39/14 – 26 SEPTEMBER 2014

App No.:	PK14/2977/F	Applicant:	Mr S Patel
Site:	26 And 28 Soundwell Road Soundwell South Gloucestershire BS16 4QW	Date Reg:	20th August 2014
Proposal:	Change of use of ground floor from 2no. retail units to residential living accommodation, to facilitate the conversion into 2no. separate dwellings with associated works	Parish:	None
Map Ref:	364814 175594	Ward:	Staple Hill
Application Category:	Minor	Target Date:	2nd October 2014



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100023410, 2008. **N.T.S.** **PK14/2977/F**

REASONS FOR REFERRING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The site, which is located at the corner of Midland Road and Soundwell Road, Soundwell, lies within the Urban Area and comprises a redundant retail shop (A1) and associated bar with living accommodation above. There does not appear to be any extant planning permission for any use of the premises as a Drinking Establishment (A4). The shop 'Humpers' specialised in the sale of alcohol, most notably ciders and beers. The bar, given its small size, appears to have been used ancillary to the shop use.
- 1.2 It is proposed to change the use of the ground floor from 2no. retail units to residential living accommodation in order to facilitate the conversion of the premises to 2no three-bedroom dwellings with amenity and parking areas to the rear.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Practice Guidance
- 2.2 The South Gloucestershire Local Plan (Adopted) 6th Jan 2006
T12 - Transportation Development Control Policy for New Development
RT11 - Retention of Local Shops, Parades, Village Shops and Public Houses
- 2.3 South Gloucestershire Local Plan Core Strategy (Adopted) 11 December 2013
CS1 High Quality Design
CS5 Location of Development
CS6 Infrastructure and Developer Contributions
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS23 Community Infrastructure and Cultural Activity
- 2.4 Supplementary Planning Guidance
The South Gloucestershire Design Checklist (SPD)
The South Gloucestershire Council Residential Parking Standards (Adopted).

Emerging Plan
- 2.5 The Draft Policies, Sites & Places Plan June 2014
PSP8 - Settlement Boundaries and Residential Development
PSP16 - Parking Standards
PSP30 - Public Houses
PSP39 - Private Amenity Space Standards

3. RELEVANT PLANNING HISTORY

The following applications related to no. 26 and 26-28 respectively.

- 3.1 K5212 - Erection of 3 bedroom dwelling (Outline)
Refused 1 Aug. 1986 for reasons of :
- Cramped form of development
 - Low level of residential amenity for future occupiers.
 - Poor relationship to adjoining development.
 - Reduction in amenity for nearby residents.
 - Loss of off-street parking.
 - Loss of storage facilities for retail premises at 26 Soundwell Road.
 - Increased roadside parking close to a junction.
- 3.2 K5212/1 - Conversion of 2 retail units into 1; erection of 1st and 2nd storey extension, roof conversion to form residential accommodation.
Approved 18th July 1988

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
Not a parished area.

4.2 Other Consultees

Highway Drainage
No comment

Sustainable Transport
No objection. The revised plans are now acceptable.

Other Representations

- 4.3 Local Residents
In response to the plans that were initially submitted; 1no. letter of objection was received from the occupant of no. 5 Midland Road. The concerns raised are summarised as follows:
- Insufficient parking
 - Highway safety concerns for pedestrians.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The site lies within the Urban Area as defined on the Local Plan Proposals Map where residential development is normally acceptable in principle.
- 5.2 The NPPF carries a general presumption in favour of sustainable development. Para.2 of the NPPF makes it clear that applications for planning permission must be determined in accordance with the development plan and this includes the Local Plan.

Para 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise. At para. 211 the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

- 5.3 The South Gloucestershire Local Plan Core Strategy has now been adopted (Dec 2013) so the policies therein now form part of the Development Plan. Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible. Council Officers have worked closely with the applicants to amend the scheme from its original proposal to its current design.
- 5.4 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe. Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation and makes specific reference to the importance of planning for inclusive and mixed communities and this policy stance is replicated in Policy CS17 of the Core Strategy.
- 5.5 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. The Policies Sites and Places Development Plan Document is only a draft plan in its infancy and as such the policies therein carry little weight at this stage.
- 5.6 Loss of Local Shop and Bar
Policy RT11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 resists the change of use of individual local shops unless:
- A. The proposed use would not result in an over concentration of non-shop uses in a village centre or local centre or be detrimental to the vitality, viability, retail and social function of that centre; or
 - B. There are satisfactory alternative retail facilities available in the locality; or
 - C. It can be demonstrated that the premises would be incapable of supporting a retail use; and
 - D. The proposed use would not result in unacceptable environmental or transportation effects, and would not prejudice residential amenity.

The change of use of existing public houses, which serve the local community will only be permitted where:

- E. There are satisfactory alternative facilities available in the locality; **or**
- F. It can be demonstrated that the premises would be incapable of supporting a public house use.

The supporting text to Policy RT11 at para. 9.111 states the following:

'In the case of public houses, the Council acknowledges that it would be unreasonable to resist a change of use where local patronage is such that a public house is no longer viable. In these circumstances, applicants will need to demonstrate that the existing use is not well supported and is not capable of being viably operated, or that there are satisfactory alternative facilities available within a convenient walking distance.'

It falls upon the applicant therefore to demonstrate that one of the above criteria is met.

- 5.7 Core Strategy Policy CS23 relates to Community Infrastructure and Cultural Activity. The supporting text to the policy at para.10.74 confirms that local pubs and clubs fall into this category. Policy CS23 states that:

Existing community infrastructure will be retained, unless it can be demonstrated that:

- The use has ceased and there is no longer a demand; **or**
- The facility is no longer fit for purpose; **and**
- Suitable alternative provision is available within easy walking distance to the required standard.

The supporting text to Policy CS23 at para. 10.77 states the following:

'Where the redevelopment of an existing community facility is proposed for another use, the developer should clearly demonstrate that the use has ceased. In doing so it should be demonstrated that a reasonable amount of time has lapsed for an alternative agency or organisation to re-establish the use, or the facility no longer provides for the needs of its users to modern day standards and alternative suitable provision is available within a reasonable walking distance. Distances should be measured along suitable walking routes (easy walking distance is considered to be approximately 800m).

In this case either one of the first two criteria must be met along with the third criterion.

- 5.8 The shop is a small local shop and does not lie within a Local Centre. The applicant has stated that the shop/bar is no longer viable and has been closed for some time. Given that there is a Premier Express Convenience Store next door to the site and the centre of Staple Hill is only a short distance away, officers consider that it would be unreasonable in this case to resist the loss of the shop. Similarly, the bar being so small would not have made a significant contribution as a community facility and being so close to Staple Hill there are

alternative facilities e.g. 'The Portcullis' (at the corner of Broad St. and Soundwell Road) in close proximity. The shop/bar has closed and there appears to be little prospect of it opening as such again. Given that there was no extant planning permission for the bar, officers again consider it unreasonable to resist the loss of this facility in this case.

5.9 Density of Development

The scheme only proposes two new 3 bedroom dwellings utilising the existing buildings. The only new-build relates to the garages to the rear and the boundary walls. The density would be entirely in-keeping with the locality.

5.10 Amenity Space Provision

Whilst the Council currently has no amenity space standards, there is an emerging policy PSP39 in the Draft PSP but only very little weight can be given to this emerging policy. Amenity space needs to be private or at minimum communal, suitable for sitting out and drying of washing. For family size accommodation the amenity space needs to be suitable for children to play in.

5.11 Whilst the front gardens would not be private the patio areas, now shown on the revised plans, to the rear would be adequate given this highly sustainable location. These patio areas are private and well enclosed by the proposed new garden walls.

5.12 Impact on Residential Amenity

Given that the upper floors of the existing building are already in residential use, the impact of the proposal on the privacy of neighbouring property or for the occupiers of the proposed dwellings would be minimal. The scheme would not adversely affect the amenities of neighbouring no.1 Midland Road; officers noted during the site visit that there were no principal room windows in the facing side elevation of this property. The proposed new garages would not have any overbearing impact for neighbouring occupiers.

5.13 Design Issues

For the most part the proposal utilises the existing buildings. Whilst it is proposed to demolish some of the outbuildings to the rear, these are generally unsightly structures that would be replaced by new rendered garden walls or the proposed new garages. On balance this would enhance the appearance of the street scene and accord with Policy CS1 of The Core Strategy.

5.14 Transportation Issues

The Council now have adopted Residential Car Parking Standards see Annex A of the SPD and emerging Policy PSP16 of the Draft PSP. The standards are minimum standards and the proposed scheme requires a minimum of 2 spaces for each 3 bed house; this makes a minimum off-street parking provision of 4 spaces. It was also noted during the officer site visit that on-street parking is restricted around the junction of Midland Road with Soundwell Road and opposite.

5.15 Concerns were raised by both officers and a local resident about the originally proposed parking provision, which fell below the adopted standards. At officer request, revised plans were submitted which now show a total of 4 off-street parking spaces all accessed directly off Midland Road. Each dwelling would now have a garage and parking space, which meet the size standards set out in the SPD. Having regard to these revised, it is now the officer view that the previous objections have been overcome and there are now no transportation objections.

5.16 Environmental and Drainage Issues

Any increase in noise levels or anti-social behaviour, would be the subject of normal environmental health controls. Whilst there would inevitably be some disturbance for neighbours during the development phase, this could be adequately mitigated by imposing a condition to restrict the hours of working. There are therefore no objections on environmental grounds. In terms of drainage, the Council's Drainage Engineer has raised no objection to the proposal; existing drainage systems would be utilised. Although the site lies within an area mined for coal, the proposal is essentially a change of use only, nevertheless a suitable informative would be added to any approval granted.

5.17 Ecology

The site is not covered by any statutory or non-statutory nature conservation designations. There are no ecological constraints to granting planning permission.

5.18 Landscape

There are no landscape features or vegetation of note within this previously developed site.

5.19 Affordable Housing

The proposal is for 2no. new dwellings only, which is below the Council's threshold (10) for affordable housing provision.

5.20 Education Service

The development comprises 2no. new dwellings only and this is below the threshold (5) for contributions towards Education.

5.21 Community Services

The proposal is for 2no. new dwellings only, which is below the Council's threshold (10) for contributions to Community Services.

6. CONCLUSION

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

- 6.2 The proposal will bring back into use a long redundant building and provide much needed housing in a sustainable location.
- 6.3 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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission be GRANTED subject to the conditions listed on the Decision Notice.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of demolition and construction/conversion shall be restricted to 8.00am to 6.00pm Mondays to Fridays inclusive, 8.00am to 1.00pm Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the residential amenity of neighbouring occupiers and to accord with Policy RT11 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

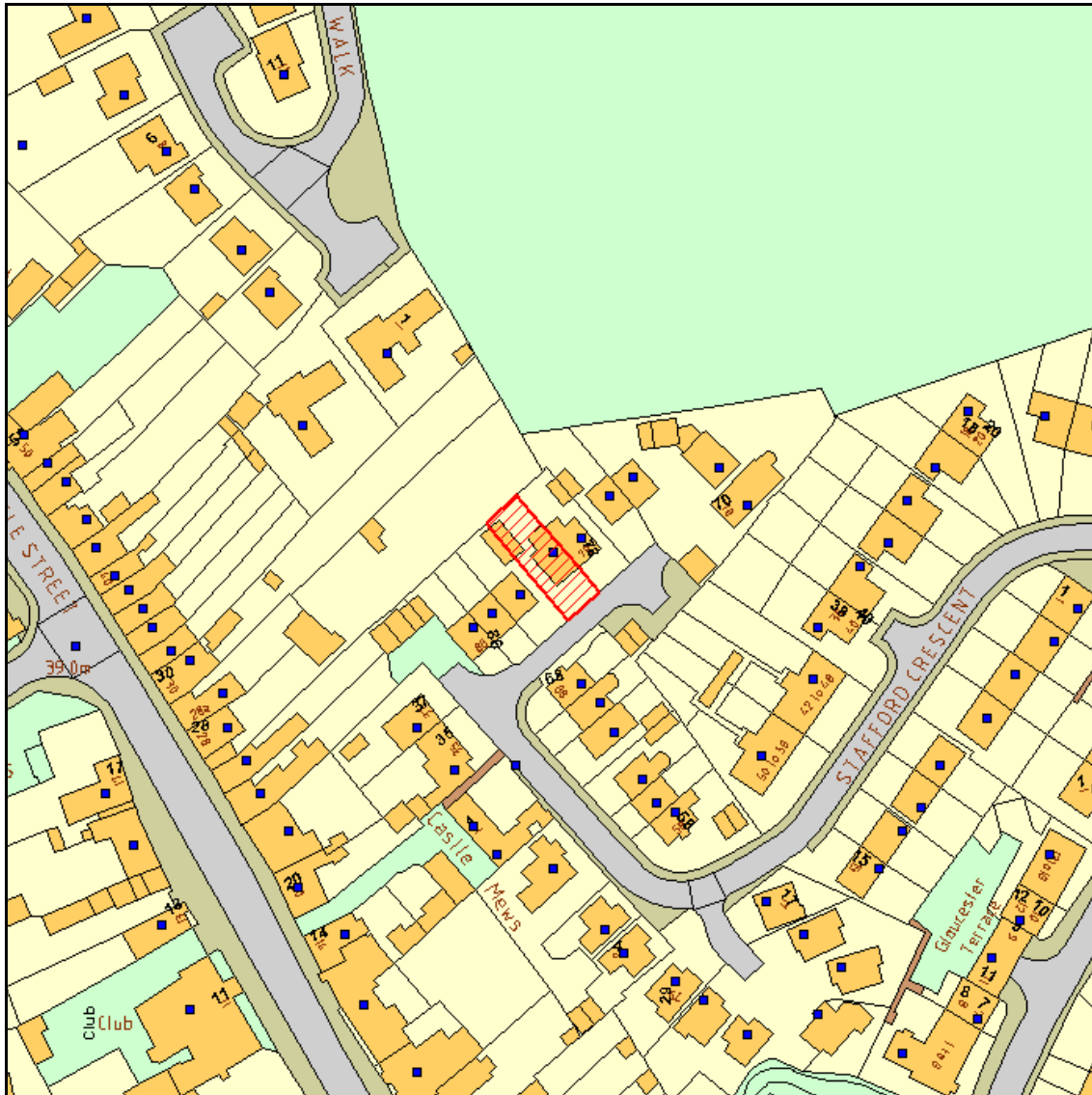
3. Prior to the first occupation of the development hereby approved, the parking facilities for both dwellings shall be provided in full accordance with the plans hereby approved and maintained as such thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T12 and R11 of the South Gloucestershire Local Plan (Adopted) January 2006 and The South Gloucestershire Council Residential Parking Standards SPD (Adopted).

CIRCULATED SCHEDULE NO. 39/14 – 26 SEPTEMBER 2014

App No.:	PT14/1885/PDR	Applicant:	Mrs Emma Giacalone
Site:	80 Stafford Crescent Thornbury Bristol South Gloucestershire BS35 1DH	Date Reg:	4th June 2014
Proposal:	Erection of wall below front window	Parish:	Thornbury Town Council
Map Ref:	363686 190368	Ward:	Thornbury North
Application Category:	Householder	Target Date:	25th July 2014



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 100023410, 2008. **N.T.S.** **PT14/1885/PDR**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is to appear on Circulated Schedule due to the receipt of an objection, contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a wall below the front window.
- 1.2 The application site relates to a modern semi-detached dwelling located within an established residential area of Thornbury. Just outside the Thornbury Conservation Area.
- 1.3 An application is required because a condition was attached to the original permission for the cul-de-sac (Ref. P85/2274) which restricts the erection of buildings, gates, fences, walls or other means of enclosure within the curtilage of the property.
- 1.4 The application has been significantly amended from the original proposal which included the installation of a rear dormer window with Juliet balcony to facilitate a loft conversion and the erection of a single storey rear extension. The Officer recommended that the rear dormer extension would likely be refused and therefore this element of the application was removed. In addition, the applicants later decided they do not want to pursue the single storey rear extension; this has also been removed from the application. Due to protracted negotiations this has delayed the determination of this application and the number of amendments to the proposal requires the re-consultation of neighbours.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

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

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Parking Standards
T12 Transportation Development Control Policy
L12 Conservation Areas

3. RELEVANT PLANNING HISTORY

- 3.1 P85/2274 Erection of 13 dwellings and 4 bungalows with

associated garaging and boundary walls. Construction of new vehicular and pedestrian access and estate road (In accordance with the amended plans received by the Council on 18th November 1985 and 27th January 1986).
Approved 4th September 1985

4. CONSULTATION RESPONSES

4.1 Highway Drainage
No comment

4.2 Thornbury Town Council
No objection

4.3 Trading Standards
The application site is located within a vehicle weight restricted area. Advisory that the applicant/contractor makes all LGV drivers visiting/departing premises aware of the weight restricted area.

Other Representations

4.4 Local Residents
One objection has been received from a neighbouring resident:

- Concerned about the proposed dormer with double doors and Juliet balcony will be an overbearing addition to the semi-detached property;
- Adverse affect on privacy;
- Garage has recently been converted into a room/office

The applicant has submitted a comment in response to the objection confirming that the garage has not been converted into a room or office, only repaired.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 (Saved Policies) advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

5.2 Design
The application proposes to enhance the window by erecting a wall underneath, enclosing this area. The host dwelling is situated in a small cul-de-sac of 13 houses built in the late 1980s. They consist of a number of terraced and semi-detached properties with cream render, dark wood windows and stone porch and bay window detailing. There are several properties that already have a stone bay window, such as No. 68 opposite the application site.

The wall would be constructed using stone to match the neighbouring properties. As such, the proposed wall is of an appropriate standard in design and is considered not out of keeping with the character of the main dwelling house and surrounding properties.

5.3 Residential Amenity

The property has an existing front bay window in the ground floor. The proposed works to the bay window are not considered to be materially out of keeping with the existing site or surroundings. Given the size and scale of the wall, its location within the context of the existing dwelling, it is considered that it would not have any impact on neighbouring properties. The proposal is considered to be acceptable in terms of residential amenity.

5.4 Transportation DC

The proposed works would not alter or affect the existing off-street parking provision. Adequate off-street parking exists to serve the dwelling. In this respect, the proposal is considered acceptable.

5.5 Other Matters

A neighbouring resident has raised a concern about the proposed dormer window and Juliet balcony, which they consider to be an overbearing addition to the semi-detached property that would affect their privacy. The Officer advised the agent that the rear dormer extension was considered out of proportion and out of character to the host dwelling; this part of the proposal was later removed. Whilst there is a condition restricting the erection of building, gates, walls, fences, and other means of enclosure, the applicants permitted development rights for a rear dormer extension have not been removed or restricted. In light of this, the agent was looking into pursuing this aspect of the proposal under permitted development.

5.6 The applicant has submitted a comment to advise that the garage has not been converted into a room/office. An existing workshop to the rear of the garage has been modernised due to it being in a poor state of repair since following the recent purchase of the property by the applicants. These works do not form part of the proposal.

6. CONCLUSION

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

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

7. **RECOMMENDATION**

- 7.1 It is recommended that planning permission be **approved** subject to the condition attached to the decision notice.

Contact Officer: Katie Warrington
Tel. No. 01454 863436

CONDITIONS

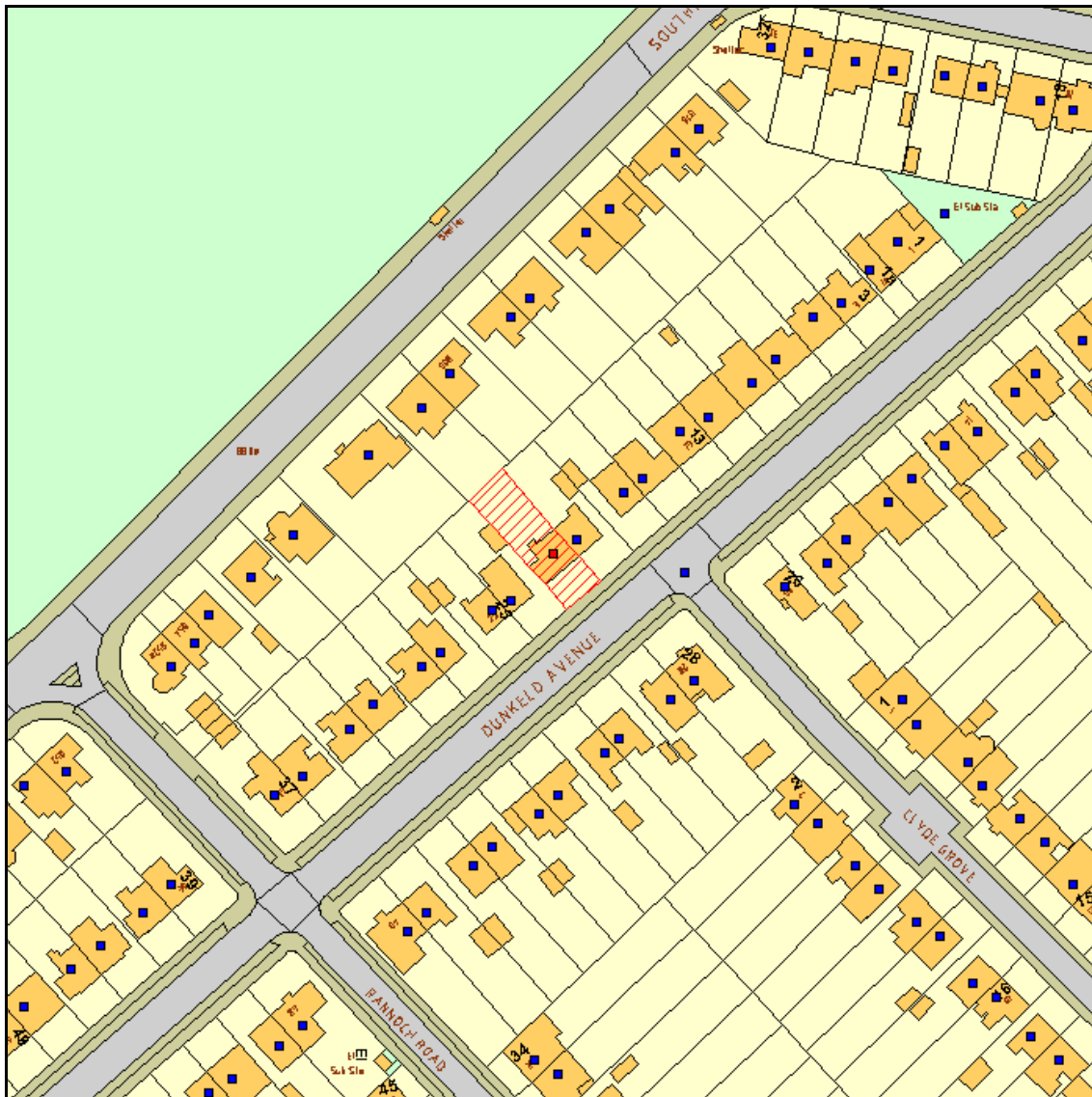
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 39/14 – 26 SEPTEMBER 2014

App No.:	PT14/3046/CLP	Applicant:	Mr Brookman
Site:	21 Dunkeld Avenue Filton Bristol South Gloucestershire BS34 7RH	Date Reg:	29th August 2014
Proposal:	Application for a certificate of lawfulness for the proposed erection of a single storey rear extension and extension to garage.	Parish:	Filton Town Council
Map Ref:	359652 178653	Ward:	Filton
Application Category:		Target Date:	13th 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 application site is at 21 Dunkeld Avenue, Filton.
- 1.2 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension from the existing dining room and a single storey extension which extends from the rear of an existing garage and the a side elevation of the original dwellinghouse 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.
- 1.3 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.
- 1.4 For the purpose of this report, the single storey rear extension from the existing dining room will be referred to as the 'rear extension' and the single storey extension which extends from the rear of an existing garage and the a side elevation of the original dwellinghouse will be referred to as the 'garage extension'.

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 None

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No Objection

Highway Drainage
No Comment

Other Representations

- 4.2 Local Residents
No Comments Received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Combined Plan (CA/11461/CLD 1) received by the Council on 04/08/2014.

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 an 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, although as the report details, Class B of the GPDO (As Amended) 1995, also had to be considered.

- 6.3 The proposed development consists of a single storey extension to the rear of dwelling and a single storey extension to the rear of the existing garage. 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. (The enlargement, improvement or other alteration of a dwellinghouse). This allows for the enlargement, improvement or other alteration of a dwellinghouse. The proposed garage extension would alter the roof of the garage and would therefore also fall under *Schedule 2, Part 1, Class B*, of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995.

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 extensions 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 proposals 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 proposals 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 proposed rear extension does not front a highway or form either the principle elevation or a side elevation of the original dwellinghouse. The proposed garage extension does form a side elevation of the original dwellinghouse, but does not front a highway. Accordingly, both proposed extensions satisfy this criterion.

- (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 dwellinghouse is semi-detached. One extension is to the rear of an existing dining room and other extends from the rear of the garage. Both of which extend from the rear by less than 3 metres and both are under 4 metres in height and therefore satisfy this criterion.

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

Both extensions are of one storey.

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

Both extensions would be located within two metres of a boundary but the eaves of the dining room extension would only be 2.6 metres from the ground and the eaves of the garage extension would only be 2.1 metres from the eaves. Accordingly, this criterion is satisfied.

- (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 rear extension extends from the rear of the house and not a wall forming a side elevation. The proposed garage extension extends

from a wall forming a side elevation of the original dwellinghouse and is of single storey, not exceeding 4 metres in height. As well as this, the proposed garage extension has a width of 2.9 metres, less than half of the width of the original dwellinghouse.

- (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 proposed rear extension satisfies this criterion. The proposed garage extension does not satisfy criterion A.i(iv) as although the maximum height of the roof remains the same, the main body of the roof of the original garage is increased by 0.1 metres to aid the extension. However, the technical guidance for permitted development for householders states where an extension under Class A includes work which alters an existing roof, the alterations to the existing roof will need to meet the requirements of Class B or Class C (as appropriate) in order to be permitted development.

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;**

According to the plans submitted (drawing number CA/1461/CLD_1) all materials utilised will match the existing materials.

- (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 extensions do 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.**

Both proposals are of single storey.

This report must refer to Class B of the GPDO (As Amended) 1995, as the proposed garage extension alters part of the roof of the dwellinghouse therefore, the following section (Class B) only refers to the proposed garage extension.

B.1 Development is not permitted by Class B if –

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

The extension would not exceed the highest part of the existing roof.

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

The extension would not extend beyond the plane of any existing roof slope which forms the principle elevation of the dwellinghouse.

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

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

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

The proposed garage extension would not exceed the amount of roof space stated, therefore satisfying this criterion.

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

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

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

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

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

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

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

Conditions

B.2 Development is permitted by Class B subject to the following conditions

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

The applicant has stated in the application form that the tiles used on the roof will match the main roof.

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

The eaves of the proposed garage is not less than 20cm from the eaves of the original roof.

(c) **Any window inserted on a wall or roof slope forming the side elevation of a dwellinghouse shall be-**

(i) **Obscure glazed; and**

(ii) **Non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.**

No window will be inserted on a wall or roof slope forming a side elevation of a dwellinghouse.

7. RECOMMENDATION

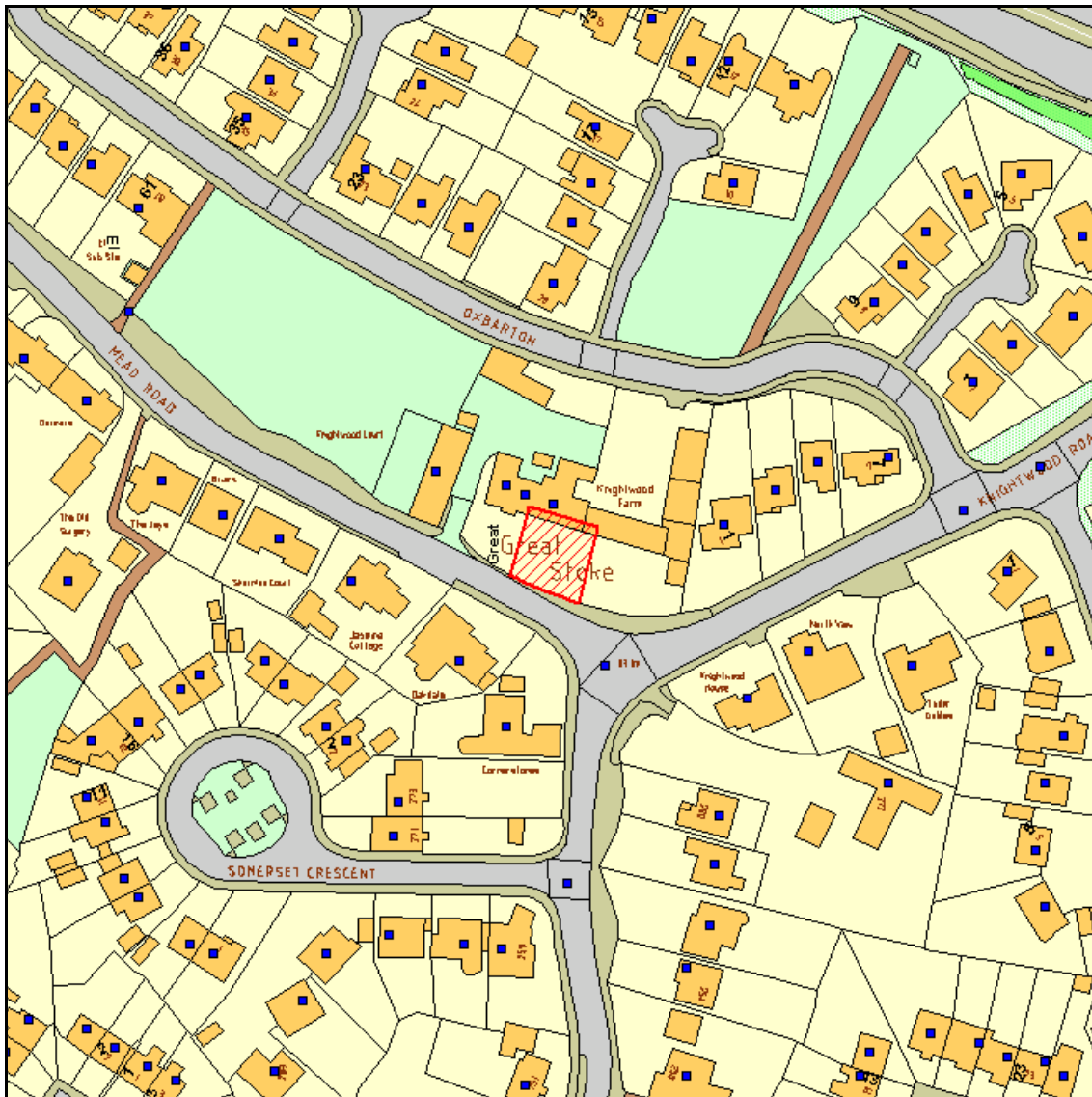
7.1 That a Certificate of Lawfulness for Proposed Development is **granted** for the following reason;

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1, Class A and B of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) and as such would not require planning permission.

Contact Officer: Matthew Bunt
Tel No. 01454 863131

CIRCULATED SCHEDULE NO. 39/14 – 26 SEPTEMBER 2014

App No.:	PT14/3168/F	Applicant:	Mr Roger Ashman
Site:	Upper House Knightwood Farm Mead Road Stoke Gifford South Gloucestershire BS34 8PS	Date Reg:	29th August 2014
Proposal:	Erection of front porch. Construction of hard surface to facilitate new access. (Resubmission of PT14/1203/F).	Parish:	Stoke Gifford Parish Council
Map Ref:	362736 180401	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	7th October 2014



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 100023410, 2008. **N.T.S.** **PT14/3168/F**

INTRODUCTION

This application appears on the Circulated Schedule because objections have been received from members of the public contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a front porch and the construction of a hard surface to facilitate a new access. The application forms a resubmission of application PT14/1203/F, which was refused for the following reason:

Upper House is a locally listed building, the significance and setting of which it is desirable to sustain and enhance. The proposed development would have a detrimental effect on the significance and setting of the locally listed building and is therefore, contrary to policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; policy L15 of the South Gloucestershire Local Plan (adopted) January 2006; and guidance contained in the South Gloucestershire Local List SPD (adopted); and the National Planning Policy Framework.

- 1.2 The application site comprises Knightwood Farmhouse, which has been subdivided into two separate residential units (PT12/0031/F). The building is locally listed and has a pre-1700 core with later additions. The site is located on the northern side of Mead Road within the established residential area of Stoke Gifford. The property is positioned well back from the road behind a generous front garden; dwarf natural stone walls form the front boundary; vehicular access is to the side of the property; a single pathway to the front of the property provides pedestrian access. Permitted development rights were removed under application PT12/0031/F for the conversion of the property into two separate units.

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)

H4 Residential Development within Existing Residential Curtilages

T12 Transportation Development Control Policy for New Development

L15 Buildings and Structures which make a Significant Contribution to the Character and Distinctiveness of the Locality

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS9 Managing the Environment and Heritage

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/1203/F, Installation of door to replace window on front elevation. Construction of hard surface to facilitate new access, refusal, 29/05/14.
- 3.2 PT12/0031/F, Subdivision of existing dwelling to form 2no. dwellings with access, parking and associated works. (Resubmission of PT11/2478/F), approval, 2/3/12.
- 3.3 PT11/2478/F, erection of single storey extension to facilitate the subdivision of existing dwelling into 2no. dwellings with parking and associated works, withdrawn, 21/09/11.
- 3.4 PT02/2910/F, conversion of existing agricultural building for office use and formation of vehicular access (in accordance with amended plans received by the Council on 6 November 2002), approval, 18/11/02.
- 3.5 P84/0003/1, residential and ancillary development including the construction of new vehicular and pedestrian access on approximately 3 ha (7.3 acres) of land. (Outline), approval, 22/12/85.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No comments received
- 4.2 Transportation DC Officer
No objection subject to condition
- 4.3 Drainage Officer
No objection
- 4.4 Conservation Officer
The porch is acceptable subject to details; the proposal to introduce a parking area immediately to the front of the property will have a harmful impact on the character and setting of the locally listed building.

Other Representations

- 4.5 Local Residents
Three letters of objection have been received from members of the public. The following is a summary of the reasons given for objecting:
 - Allowing parking will spoil the building;
 - There is parking to the rear of the building;
 - The proposal will lead towards further applications for housing to the rear and sides of Knightwood Farm.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy H4 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy) allows for the principle of the development subject to considerations relating to appearance and visual amenity; residential amenity, and transportation.

5.2 When considering the proposal significant weight is given to the fact that the property is a locally listed building; it is of local significance and interest and it makes a significant contribution to the character and distinctiveness of the locality. Guidance contained in the Council's Local List SPD (adopted), policy L15 of the Local Plan (saved policy) and CS9 of the Core Strategy, which require the character and setting of locally listed buildings to be safeguarded are also relevant.

5.3 Appearance and the Impact on the Character and Setting

In terms of the alterations to the building, an existing triple framed ground floor window in the principal elevation is proposed to be removed to facilitate the installation of a gabled front entrance porch. A double pane window is proposed to the side of the porch in a style to match existing windows in the property. The proposal has a traditional appearance and is of a scale that does not dominate the front elevation of the dwelling. As such, subject to conditions to ensure that the render and tiles match the existing building, and large scale details of the eaves, verge and window/door joinery are agreed with the Local Planning Authority, there is no objection to this part of the scheme.

5.4 The Council's Listed Building Officer remains concerned about the proposed new parking area and the associated hardstanding, as well as the breach through the boundary wall. The gardens along the frontage provide an attractive green space that positively contributes to the setting and amenity of the locally listed building, and the continuous boundary wall reinforces the sense of containment and definition of the site. This arrangement can be seen on the 1st edition OS map (c1800) and is clearly and established, historic arrangement and layout which continues to positively contribute to the setting and public views of the listed building. It is considered that the breach in the boundary wall, which would allow vehicles to park in front of Upper House would have a detrimental effect on the setting and views of the locally listed building.

5.5 The concerns of the listed building officer, and neighbouring occupiers regarding the effect on the character and setting of the building are noted. However, the laying of hardstanding to the front garden of the property could be undertaken without planning permission under permitted development regulations. The change in appearance to the front of the dwelling from grass to hardstanding will have the greatest impact on the setting of the building, and as this work could be undertaken without planning permission it is not considered that the formation of a relatively modest gap in the front boundary wall to form an access could reasonably be withheld on the basis of harm to the setting of the locally listed building.

The Local Planning Authority will be able to control the erection of any gates to the access; if permission is granted to ensure that the trees on the site are protected throughout the course of the development.

5.6 Residential Amenity

Given the nature of the proposal it is not considered that there will be a significant adverse effect on the residential amenity of neighbouring occupiers.

5.7 Transportation

The visibility splays available at the proposed access are sufficient to provide adequate visibility (in accordance with the guidance in Manual for Streets) to and from the access having regard to the cul-de-sac nature of Mead Road and the proximity of the adjacent junction onto Knightwood Road, both of which would restrict the speed of approaching vehicles. If permission is granted, conditions are recommended to ensure that the access is provided with surface water drainage.

5.8 Further Matters

The fact that a vehicular access was approved for Upper House off Oxbarton in the original application for the conversion of the building to two dwellings does not hold material weight in this instance. The proposed application is required to be assessed on its own merits in terms of highway safety and the effect on the setting of the listed building. The objection raised that the proposal will lead to further dwellings cannot be given material weight when considering the merits of the proposed scheme.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

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

Reason

To achieve an adequate standard of external appearance in the interests of the character and setting of the locally listed building and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

3. The render finish shall match the appearance of the existing building in terms of colour and texture.

Reason

To achieve an adequate standard of external appearance in the interests of the character and setting of the locally listed building and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

4. Prior to the commencement of development full details comprising plans at a scale of 1:20 of the following items shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

- (a) eaves and verges;
- (b) door and window joinery;
- (c) the treatment of the walls either side of the access.

Reason

To achieve an adequate standard of external appearance in the interests of the character and setting of the locally listed building and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

5. The access shall be provided with surface water drainage prior to its first use.

Reason

To prevent the discharge of surface water across the highway and to accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).

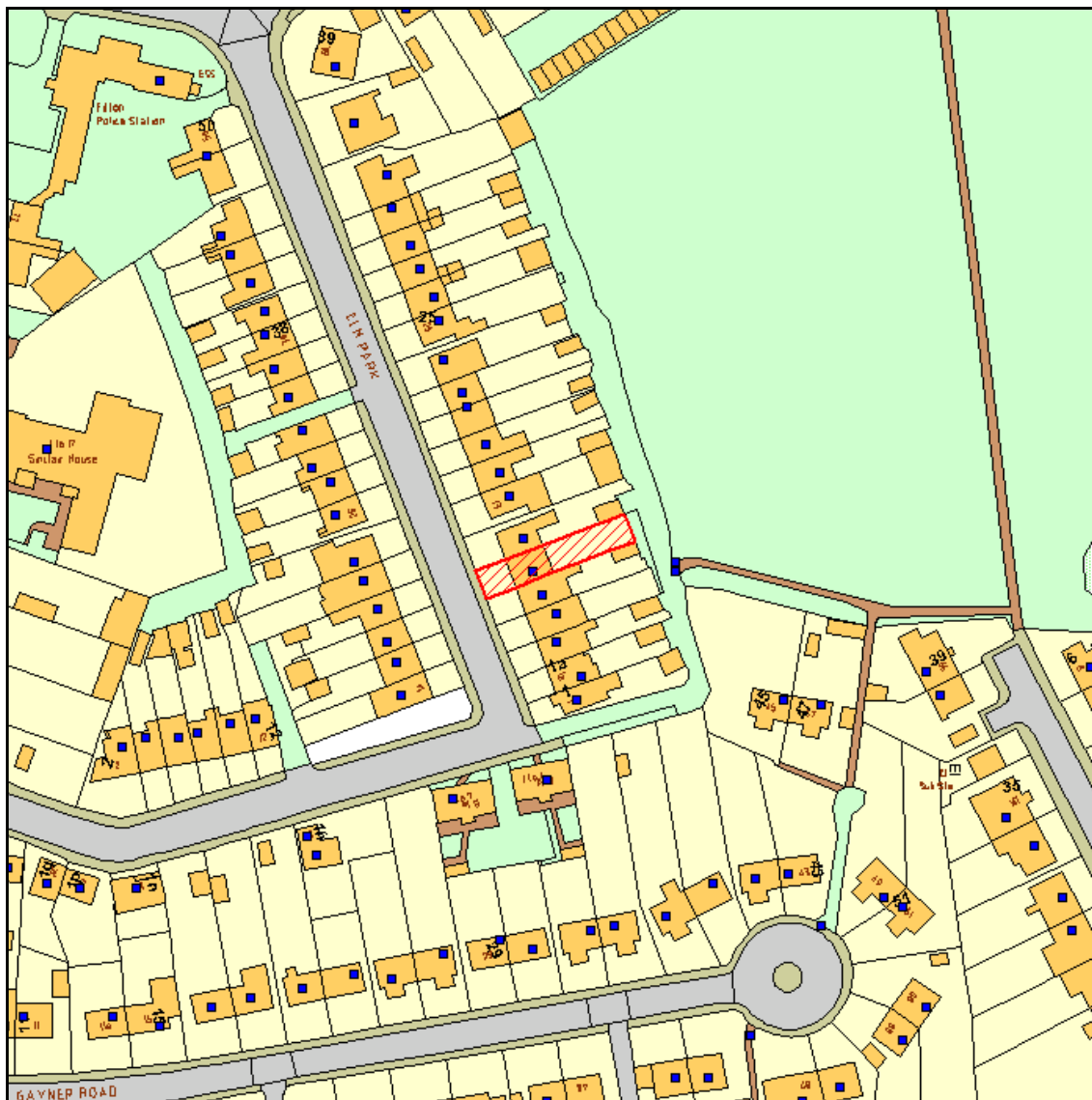
6. The trees on the site shall be protected in accordance with BS5837:2012 throughout the duration of the works.

Reason

In the interests of the visual amenity of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

CIRCULATED SCHEDULE NO. 39/14 – 26 SEPTEMBER 2014

App No.:	PT14/3195/CLP	Applicant:	Miss Kay
Site:	9 Elm Park Filton Bristol South Gloucestershire BS34 7PR	Date Reg:	29th August 2014
Proposal:	Application for a certificate of lawfulness for the proposed erection of a single storey rear extension.	Parish:	Filton Town Council
Map Ref:	360178 178604	Ward:	Filton
Application Category:	Certificate of Lawfulness	Target Date:	13th 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 rear extension at 9 Elm Park, Filton would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. .

1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 Section 192
Town and Country Planning (General Permitted Development) Order (As Amended) 1995. Schedule 2, Part 1, Class A.

3. RELEVANT PLANNING HISTORY

3.1 No planning history.

4. CONSULTATION RESPONSES

4.1 Filton Town Council
No objections.

Other Representations

4.2 Local Residents
No comments received.

Other representatives of the Council

Highway Drainage
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 The following evidence was received by the Local Planning Authority on received 18th August 2014:
Existing;
Proposed for planning

6. EVALUATION

6.1 Principle of Development

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

6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GDPO 1995 (as amended).

6.3 The proposed development consists of a single storey rear extension. This development would fall under the criteria of *Schedule 2, Part 1, Class A*, of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 1995 (as amended). (The enlargement, improvement or other alteration of a dwellinghouse). This allows for the enlargement, improvement or other alteration of a house, provided it meets the criteria as detailed below:

A1 Development is not permitted by Class A if –

- (a) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**
The proposed rear 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 sit beneath the existing eaves height of the main dwelling house.
- (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 entire proposal would sit lower than the eaves height of the existing dwelling. The height to eaves of the proposed extension would reach 2.55 metres, in comparison, the height to eaves of the main dwelling measure 5.2 metres.

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

The proposed extension would be to the rear of the dwelling not on a principle or side elevation and not fronting a highway, as such the proposal accords with this criterion.

- (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 host dwelling is a terraced property. The proposed extension would be single storey and would extend a maximum of 3 metres in depth and would have a maximum height of 3.4 metres.

- (ea) **Until 30th May 2016, for a dwellinghouse not on article 1(5) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and –**
- (i) **extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse or**
 - (ii) **exceed 4 metres in height**

The proposed single storey rear extension would extend 3 metres from the rear of the 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 would not be located two metres from a boundary but the height of the eaves would not exceed 3 metres.

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

The proposal would extend off the rear elevation of the dwelling only.

- (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 and consequently meets this criterion.

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 within article 1(5) land and as such the proposal meets this criterion.

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;**
- (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 would be finished in materials to match those of the existing dwellinghouse.

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.

- A4 Conditions apply to development falling under A1 (ea). These include:**
Development shall be completed on or before 30th May 2016 and the developer shall notify the local planning authority of the completion of the development.

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) (Amendment) (No.2) (England) Order.

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