



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

CIRCULATED SCHEDULE NO. 43/10

Date to Members: 05/11/10

Member's Deadline: 11/11/10 (5pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

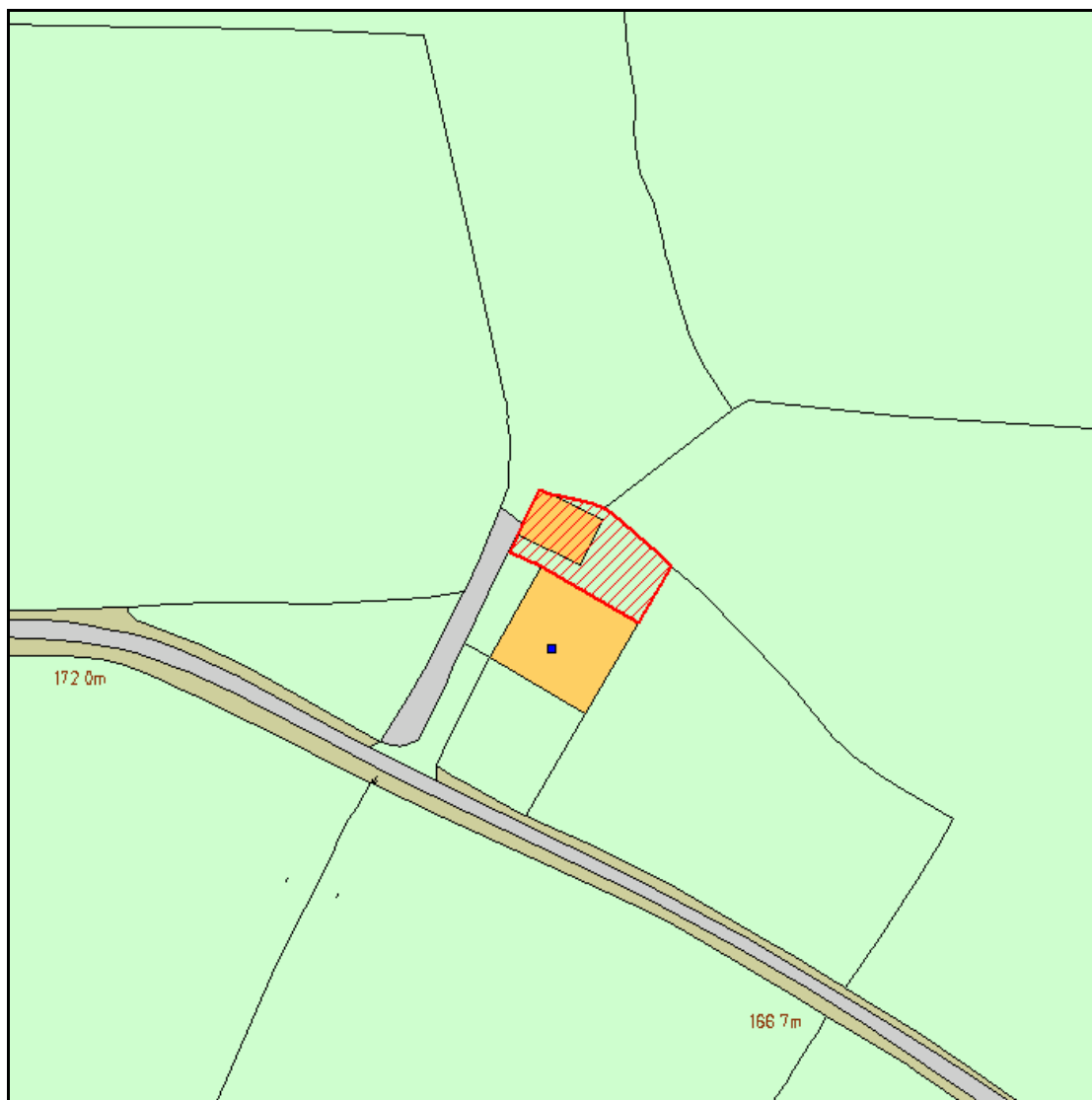
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Services Support Team. If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863518, 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 – 5 NOVEMBER 2010

| ITEM NO. | APPLICATION NO | RECOMMENDATION | LOCATION | WARD | PARISH |
|----------|----------------|-------------------------|---|---------------------|------------------------------|
| 1 | PK10/0305/CLE | Refusal | Paddock Barn Dunsdown Lane West Littleton Chippenham South Gloucestershire SN14 8JA | Cotswold Edge | Tormarton Parish Council |
| 2 | PK10/2118/F | Approve with Conditions | Upper Farm West Littleton Road Marshfield Chippenham South Gloucestershire SN14 8JE | Cotswold Edge | Tormarton Parish Council |
| 3 | PK10/2278/F | Approve with Conditions | 7 Deanery Road Kingswood South Gloucestershire | Kings Chase | None |
| 4 | PK10/2453/F | Approve with Conditions | 113-159 Cranleigh Court Road Yate South Gloucestershire BS37 5DN | Yate North | Yate Town |
| 5 | PK10/2471/F | Approve with Conditions | Trubody's Yard 121 London Road Warmley South Gloucestershire BS30 5NA | Siston | Siston Parish Council |
| 6 | PK10/2485/RV | Approve with Conditions | Oldland Common Post Office 171 - 173 High Street Oldland Common South Gloucestershire BS30 9QG | Oldland | Bitton Parish Council |
| 7 | PT10/1949/F | Approve with Conditions | Former Mushroom Farm Cribbs Causeway Almondsbury South Gloucestershire BS10 7TU | Patchway | Almondsbury Parish Council |
| 8 | PT10/2246/F | Approve with Conditions | Land At Station Road Patchway South Gloucestershire BS34 6JR | Stoke Gifford | Stoke Gifford Parish Council |
| 9 | PT10/2379/F | Approve with Conditions | Land At Brook Farm Westerleigh Road Westerleigh South Gloucestershire BS37 8QH | Westerleigh | Westerleigh Parish Council |
| 10 | PT10/2509/F | Approve with Conditions | 156 Ellan Hay Road Bradley Stoke South Gloucestershire BS32 0HF | Bradley Stoke South | Bradley Stoke Town Council |
| 11 | PT10/2531/F | Approve with Conditions | Land Adj To 1 Dunkeld Avenue Filton South Gloucestershire BS34 7RH | Filton | Filton Town Council |
| 12 | PT10/2538/F | Approve with Conditions | 84 Down Road Winterbourne Down South Gloucestershire BS36 1BZ | Winterbourne | Winterbourne Parish Council |

CIRCULATED SCHEDULE NO. 43/10 – 5 NOVEMBER 2010

| | | | |
|------------------------------|--|---------------------|--------------------------|
| App No.: | PK10/0305/CLE | Applicant: | Cameron Sports Cars |
| Site: | Paddock Barn Dunsdown Lane West Littleton Chippenham South Gloucestershire | Date Reg: | 18th February 2010 |
| Proposal: | Application of Certificate of Lawfulness for an existing use as Storage and Distribution (Class B8) as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended). | Parish: | Tormarton Parish Council |
| Map Ref: | 375691 176250 | Ward: | Cotswold Edge |
| Application Category: | Minor | Target Date: | 13th April 2010 |



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100023410, 2008. **N.T.S.** **PK10/0305/CLE**

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the existing use of land for B8 Storage and Distribution purposes. The application therefore seeks to demonstrate that the land within the red line on the submitted plan and one building within this red line have been used for B8 (Storage and Distribution) purposes for a period in excess of ten years.
- 1.2 The site consists of a plot of land operated by Cameron Sports Cars. The current authorised use of the land is as agricultural but information submitted in support of the application claims the land has been used for B8 (Storage and Distribution) uses since 1998 – a 12 year period.
- 1.3 There is a complex history to the site and there is also a separate retrospective application for the erection of a building on the site. This application for a certificate of lawfulness is purely considering the use of the land – there are no other matters for consideration.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24
Circular 10/97 Enforcing Planning Control

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/0522/F Erection of building for use as Storage and Distribution (B8) – Retrospective.
This is a current undetermined application that is to be decided in conjunction with this application for a certificate of lawfulness. The building subject of the retrospective application is on the same land affected by the application for the certificate of lawfulness.
- 3.2 PK05/1805/F Change of use of agricultural building to class B8 with ancillary office.
Approved November 2005

4. CONSULTATION RESPONSES

- 4.1 Tormarton Parish Council
Raises no objection but makes the following comments:
 1. The area bordered by a red line in the plan incorrectly shows one building, whereas in fact there are two buildings in close proximity to one another. The building on the right hand side, as viewed from Dunsdown Lane, has been erected within the past 12-15 months without planning consent. The

presence of this second building needs to be acknowledged in the application.

2. Since the original buildings and surrounding land were used for agricultural purposes up until when a permit for change in use to Class B8 storage was granted in 2005 (PK05/1805/F), there appears to be a question concerning whether or not the area relating to this application has been used for a sufficient length of time to enable it to be granted a Certificate of Lawfulness for use as Class B8 storage.
3. Some West Littleton residents are very concerned about the potential adverse environmental effects resulting from any additional commercial development taking place along Dunsdown Lane. Although this site is some distance from the village, some residents are worried that the granting of a Certificate of Lawfulness will encourage further unauthorised developments to take place closer to the village with the expectation that these would eventually be given permits retrospectively.

Other Representations

4.2 Local Residents

9 letters of objection have been received in relation to the application although 3 of these letters are from the same objector. The contents of these letters are examined in more detail in section 6 below.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Five sworn statements have been submitted in support of the application – two from the current owners of the land (I. Cameron and S. Cockram) and two from the previous owner J. Player, and one from the previous owner L. Gray.
- 5.2 Player and Gray, in their declarations signed on 2nd February 2010, both confirm that no part of the land or the building in question has been used for agricultural purposes since 1998 but that whilst the land was within their ownership the land was used for storage and distribution of vehicles, plant, machinery and materials in conjunction with the supply of stone from the premises. *Due weight is to be given to the statutory declarations of both J. Player and L. Gray*
- 5.3 I. Cameron and S. Cockram in their declarations signed on 11th February 2010 confirm that since their ownership of the site in December 2008, the site has been used continuously for the storage of building materials to be used at the site and as external storage, including motor vehicles, equipment and tools, ancillary to the business of Cameron Sports Cars. *Due weight is to be given to the statutory declarations of both I. Cameron and S. Cockram.*
- 5.4 An additional statutory declaration has also been received from J. Player signed 27th July 2010. In this declaration, Mr. Player expands upon the activities that took place on yard B (the application site) during his ownership of the site (between July 1988 and 6th February 2009). The declaration explains that the yard was not just used for the storage of stone but was also used for

the storage of other building material. In the declaration Mr. Player specifically mentions that in addition to stone, the businesses actively traded in concrete blocks, sand, clay tiles, pallets, bags, timber, oak beams and slabs. He confirms that 70% to 80% of the product stored by volume at the site would have been mixed product such as tiles, sand, timber, and blocks. The declaration is accompanied by some 78 various invoices and bills. The various invoices are addressed to Mr. Player with various business names and at Woodbine Cottage as well as at Paddock Barn. The declaration is also accompanied by a aerial photograph from Google maps and a letter from Mr. Cockram. *Due weight will be given to this statutory declaration.*

5.5 Additional information has also been received in support of the application. This includes:

- The receipt for the purchase of a lorry by Mr. C. Player. *This evidence is being given very little weight in the determination of this application as the receipt is addressed to a property on Camp Lane and makes no reference to the site subject of this current application.*
- 3 receipts (one from Leyland DAF, one from Autoglass, and one from PPG fabrications Ltd.) for repair works to the aforementioned lorry addressed to Mr. C. Player. *This evidence is being given very little weight in the determination of this application as the receipt is addressed to a property on Camp Lane and makes no reference to the site subject of this current application.*
- 2 receipts from Kramer Industrial and Construction Plant addressed to Mr. J. C. Player. *This evidence is being given very little weight in the determination of this application as the receipt is addressed to a property on Camp Lane and makes no reference to the site subject of this current application.*
- 4 receipts from Silvey – one receipt is illegible, the remaining three receipts are for the delivery of fuel to the site. The receipts date from 1998 and 1999 and have the Paddock Barn address as the delivery address. *This evidence is given limited weight. Whilst it does prove that on three occasions fuel was delivered to the site, it is not clear whether the fuel was delivered to the particular part of the site subject to the certificate of lawfulness application or to the larger part of the site subject to the 2005 application.*
- An invoice from J.M. Collins for excavator and site clearance work addressed to Mr. Player. *This evidence is being given very little weight in the determination of this application as the receipt is addressed to a property on Camp Lane and makes no reference to the site subject of this current application.*
- An Invoice from Alder King for valuation work carried out at Paddock Barn. *This evidence is being given limited weight as whilst it does refer to the site at Paddock Barn, it makes no reference to the use of the land at that time. It does however prove that a report and valuation of the site was undertaken by Alder King in 2000.*
- A receipt from Acorn Stone Merchants relating to stone delivered to Mr. Player. *This evidence is being given very little weight in the determination of this application as the receipt is addressed to a property on Camp Lane and makes no reference to the site subject of this current application.*

6. SUMMARY OF CONTRARY EVIDENCE

- 6.1 9 letters of objection and three statutory declarations have been received offering evidence contrary to the application.
- 6.2 One letter has been received from a J. S. Knight. J.S. Knight states that the HGV and Kramer vehicles were used both for moving agricultural goods and stone. The HGV was used to bring hay up to Paddock Barn and the Kramer was used to deliver hay. The Kramer was used to move hay and silage across Yard B in 2003. *This letter will be given due weight in the determination of the application.*
- 6.3 Further to his letter as summarised in paragraph 6.2 above, Mr. J.S. Knight has also submitted a statutory declaration signed on 6th July 2010. In this declaration Mr. Knight confirms and amplifies the contents of his previous letter. Mr. Knight states that Mr. Player and his colleague were regularly seen moving hay across yard B in the early 2000's. Mr. Knight also specifically recalls Building C being used for the storage of hay and silage well into the 2000's. Mr. Knight is certain that building C was used for the storage of hay and silage in 2003. Mr. Knight's declaration is accompanied by extracts from his diary recording deliveries of hay he received. The diary extracts make many references to 'Mousey' – Mr. Knight claims Mr. Player is well known by this nickname in the village. *This statutory declaration will be given due weight in the determination of the application.*
- 6.4 One letter has been received from Mr. D. Adams. Mr. Adams states that the granting of a Certificate of Lawfulness sets an unfortunate precedent and serves to encourage further unauthorised development to take place. Mr. Adams believes that development is within the Cotswolds Area of Outstanding Natural Beauty and close enough to the Conservation Area to cause serious impact. Furthermore Mr. Adams believes that the residents of West Littleton were not consulted when the original change of use was granted in 2005. *This evidence is given very limited weight as the letter makes no reference to the use of the land. The physical merits of the change of use are not for consideration as part of the certificate of lawfulness. The consultation process undertaken in 2005 has no bearing on the determination of this current certificate application.*
- 6.5 An e-mail has been received from Mr. Alan Young. Mr. Young states that the change of use in 2005 appears to have been permitted without any consultation with residents of West Littleton. He believes that a car warehouse/distribution centre/showroom is wholly inappropriate and incongruous in an Area of Outstanding Natural Beauty. He asks if it is now accepted practice to carry out works first and then ask for permission retrospectively? He asks if he can expect further commercial and industrial development along the lane. The e-mail states that Cameron Cars web-site offers their service as specialists in buying and selling. The letter also states that there has been an increase in traffic through the village (West Littleton). *This evidence is given very limited weight as the letter makes no reference to the use of the land. The physical merits of the change of use are not for consideration as part of the certificate of lawfulness. The consultation process*

undertaken in 2005 has no bearing on the determination of this current certificate application.

6.6 A further signed and dated statutory declaration from a Mr. J. S. Knight has been received. The declaration states that Mr. Knight has lived in West Littleton for 70 years and his farm includes a field immediately adjacent to the application site. Mr. Knight states his recollection is that agricultural activities took place on the site after 2001. Mr. Knight states that it is of course difficult to be precise about when things happened or ceased to happen nearly a decade ago. Mr. Knight is certain however of two facts – in 2003 following a fire, Mr. Player delivered some hay to Mr. Knight. This hay was stored in building C. In 2004, Mr. Knight confirms he purchased some silage from Mr. Player which Mr. Knight personally collected from the property.

This evidence will be given due weight in the determination of the application.

6.7 A signed and dated statutory declaration from a Mr. M. Horgan has been received. Mr. Horgan states that he is a Councillor on the Parish Council of Tormaton and West Littleton and that he attended a meeting on Monday 15th March 2010. The declaration makes reference to an e-mail marked MH1. Mr. Horgan confirms that a number of people have come forward with comments to the effect that the claim being made was not correct and that agricultural use in the form of storage and distribution took place some time after the spring of 2001. The e-mail marked MH1 explains the application process and confirms the purpose of the certificate of lawfulness application.

This evidence will be given due weight in the determination of the application.

6.8 Three letters have been received from Mr. Christopher Bell during the course of the application. In his series of letters Mr. Bell makes the following statements:

- The HGV and the Kramer were both used in conjunction with the agricultural business well into the 10 year period.
- The works were being carried on out of sight of the passing public and in a manner which, even to the few who knew it was going on, appeared to be subsidiary to the permitted agricultural use.
- Yard B has been subject to a mixed use and agriculture and storage and distribution during the relevant ten year period.
- Mr. Bell believes that Cameron Sports cars are engaged in retail activity which would not be covered by B8 use. He states that the sales administration is evidently conducted on site.
- Mr Bell requests that the valuation referred to in Mr. Players statement is produced. Without production of the report, we cannot be confident that exhibits JP5 attached to Mr. Players statement do indeed come from the valuation report. *This point is agreed with and as the full valuation report cannot be produced, very little weight will be attached to exhibit JP5 of Player and Gray's statutory declarations.*
- The planning report submitted in support of the 2005 application makes reference to diversification since 2001
- Mr. Bell asks why this site was not investigated and addressed at the time of the 2005 application.
- Cameron Sports Cars fails to comply with conditions attached to the 2005 consent.

This evidence will be given due weight in the determination of the application

- 6.9 One letter has been received from Mr. Kevin Gibbs of Osborne Clarke reminding of the requirements of Circular 10/97.
- 6.10 One letter has been received from Katherine Evans of TLT Solicitors questioning the B8 use of the site and the ambiguity of the evidence submitted.

7. EVALUATION

- 7.1 The application for a Certificate of Lawfulness is purely an evidential test irrespective of planning merit. The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the use described has or has not been actively in use on site for a consistent period of not less than ten years and whether or not the use is in contravention of any Enforcement Notice which is in force.
- 7.2 The relevant test of the submitted evidence
The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probabilities”. Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. “beyond reasonable doubt.” Furthermore, the applicant’s own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous. The planning merits of the use are not relevant to the consideration of the purely legal issues that are involved in determining an application. Any contradictory evidence which makes the applicant’s version of events less than probable should be taken into account. The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence. Annex 8 of circular 10/97 confirms that ‘...*there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate “on the balance of probability”.*’
- 7.3 In this instance it must be proven that the land and single building (marked building C in the statutory declarations of Player, Gray, Cameron and Cockram) identified within the red line has been used for B8 (Storage and Distribution) purposes for a period in excess of 10 years prior to the date of this application. Building D as marked in the statutory declarations is not itself part of this certificate – the use of the land on which this building stands is part of the certificate. Building D is subject of a separate retrospective application as discussed in paragraph 3.1.
- 7.4 The assessment of the application will focus on two intrinsically linked but separate issues. Firstly the discussion will focus on which of the use classes - as defined in the Use Classes Order (As Amended) 1987, each of the proposed

- uses falls within. Secondly attention will be focused on the period of time each of the proposed uses has taken place.
- 7.5 In determining the application, greatest weight will be given to the sworn statements as these have the greatest legal weight.
- 7.6 Analysis of Proposed Uses
- 7.7 The five sworn statement from I. Cameron, S. Cockram, L. Gray and C. Player all seek to demonstrate that the land and building C within the red line have been used for B8 purposes for a period in excess of 10 years. Player and Gray both confirm that yard B (the application site) was constructed in 1988 with the majority laid with concrete. It is also claimed that building C was erected in July 2001. No further evidence has been submitted from any party to dispute this fact and the Council has no evidence to suggest that this is less than probable. Your officer is satisfied therefore that the yard and building have been in physical existence and largely surfaced with concrete for a period in excess of ten years.
- 7.8 Player and Gray confirm in their statutory declarations signed on 2nd February 2010 that no part of Yard B or building C (the application site) has been used for agricultural purposes since 1998. They state that at all times since and during Player and Gray's ownership of the yard, the yard has been used for the storage and distribution of plant, machinery and materials in conjunction with the supply of stone from the premises for the construction industry. In a further declaration from Player dated 27th July 2010, it is stated that the yard was used for the supply and storage of other materials also – not exclusively the storage of stone. Cameron and Cockram purchased the site in December 2008. Both statutory declarations by Cameron and Cockram confirm that since their ownership, no part of Yard B or building C have ever been used for agricultural purposes.
- 7.9 Taking the above four sworn statements at face-value, and in the absence of any evidence held by the Council to contradict the evidence given, the specific use class of the site (as defined in the Use Classes Order (as Amended) 1987, is questioned. It is necessary to distinguish whether the use of the site during the ownership of Player and Gray (between 1998 and 2009) the site 'on the balance of probability' has been used as a builders yard or as a stone dealers distribution or storage place. This is important because a builders yard falls within the B8 use class whereas the use of land for stone dealers storage or distribution is a Sui generis use.
- 7.10 The two declarations signed by Player and Gray on 2nd February 2010 both make reference to the use of the site between July 1988 and February 2009 for the storage of vehicles, plant and machinery in conjunction with the supply of stone from the premises. As taken from the 'Land Use Gazetteer' (3rd Edition), a stone dealers storage or distribution place is a Sui generis use that does not fall in the B8 use class. This brings the ten-year claim into question.
- 7.11 In order to re-dress this issue, the further statutory declaration by Mr. Player signed 27th July 2010 clarifies that the site was not used exclusively for the

storage of stone but that other building materials were stored on the site. Indeed, the statutory declaration of Mr. Player confirms that to the best of his knowledge 70% to 80% of product by volume stored at the yard throughout his occupation would have been mixed product such as tiles, sand, timber, and blocks.

- 7.12 Mr Player also confirms that between July 1988 and February 2009 he operated three business from the application site – J.C. Player Demolition, J.C. Player New and Reclaimed Stone, and Littleton Stone Company. No information is submitted however to suggest which, if any of these businesses was the dominant business and whether any of the businesses were ancillary to any of the other businesses. It is difficult therefore to conclude whether the site was in use of B8 or Sui Generis purposes and it is more probable that the site was actually used for a combination of the two purposes.
- 7.13 None of the letters or statutory declarations received contesting the certificate offer any further information on whether the site was used a stone dealers storage or distribution place or as a builders yard. They do however contest that all agricultural activities ceased in Spring 2001 as claimed by Player and Gray in their declarations dated 2nd February 2010.
- 7.14 Three statutory declarations have been received from local residents opposing the certificate. The declaration by Mr. Horgan is not considered to offer any evidence to contradict the evidence in support of the application. Whilst Mr. Horgan notes that a number of people have come forward with comments to the effect that the claim being made was not correct, the declaration fails to give any evidence to explain or justify who came forward and why they feel the claim being made to be incorrect. Given the ambiguity of Mr. Horgans declaration and the lack of clear and precise evidence, it is not considered that his declaration makes the claim less than probable.
- 7.15 The two declarations received from Mr. Knight contain more specific information regarding the use of the site. In his declaration signed on 6th July 2010 Mr. Knight states that in 2003, because of a fire on 21st March 2003, Mr. Knight purchased some hay from the Mr. Player. Mr. Knight states that the hay was stored in Building C. In his declaration Mr. Knight confirms that he is certain that Building C was used for the storage of hay and silage in 2003. In his declaration he states that he knows this to be true because he has seen hay stored in building C. Mr. Player disputes this and claims that the last hay he made was in 2002 prior to his agricultural machinery being sold. Mr. Player states that the hay was actually stored within Building A and never in Yard B or Building C. The Council has no evidence or support or dispute the evidence being given by Mr. Knight. Mr. Knight also states in his declaration that in 2004 he purchased Silage from Mr. Player, which he collected personally from the property.
- 7.16 In addition to the statutory declarations as discussed above, one additional letter has been received from Mr. Knight confirming that in his opinion, the HGV and the Kramer vehicle were used for moving agricultural goods as well as stone. Whilst this statement is not disputed by the Council, the existence or otherwise of the HGV and the Kramer is not being given significant weight by

- the Council. No evidence has been submitted to prove where these vehicles were parked or what they were used for. They are not material to the change of use of the land.
- 7.17 The letters from Mr. Adams and Mr. Young offer no evidence to support or refute the claim being made. Both letters discuss the planning merits of the proposal but offer no evidence on the likely use of the land.
- 7.18 Mr. Bell in his letters also offers no evidence to support or dispute the claim. Mr Bell notes that works were being carried on out of sight of the passing public. Whilst Mr. Bell raises valid issues, such as the retail function of the site, he is not able to prove that these take place on the site subject of this application. It is equally possible that these take place within the part of the site affected by the 2005 consent and that any retail use is ancillary to the B8 usage on that site. Mr. Bell's comments relating to the HGV and the Krammer, and also exhibit JP5 are considered to be valid and therefore these specific elements will not be given limited weight when determining the application.
- 7.19 In light of the evidence discussed above, it is necessary to ascertain, until February 2009, which use class covers the activities taking place on the site.
- 7.20 In accordance with the requirements of circular 10/97, *'...there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate "on the balance of probability"*. In this instance, and in light of the statutory declaration of Mr. Knight signed on 6th July 2010, the evidence is not sufficiently precise and un-ambiguous to ascertain the definite use of the land. It appears that at least part of building C was used for the storage of hay in 2003 and no clear evidence has been submitted to support the claim that the other activities taking place on the site fall soundly within the B8 use class. Given that question remains on whether the primary use of the site was in fact as a stone dealers/merchants which is a Sui generis use, the applicant has failed to prove on the balance of probability that between 1998 and December 2008, that the use of the site was for B8 purposes.
- 7.21 It is then necessary to consider the use of the site between December 2008 and the date of the application (February 2010). Both declarations of Cameron and Cockram (signed on 11th February 2010) confirm that since purchasing the property (in December 2008) yard B has been used exclusively for the storage including motor vehicles, ancillary to the business of Cameron Sports Cars. The declarations also confirm that building C has (since December 2008) been used for the storage including motor vehicles, equipment and tools, ancillary to the business of Cameron Sports Cars. A Motor Vehicle Storage Place is a Sui Generis use that does not fall within the B8 use class as defined in the Use Classes Order (as Amended) 1987. This further put into dispute the claim that the site has been used continuously for B8 purposes for a period of ten years prior to the date of the application.

8. CONCLUSION

8.1 Having regard to all of the evidence as discussed above, it is considered that the evidence presented by the applicant fails to prove that, on the balance of probability, the land subject of this application has been used for purposes falling within the B8 (Storage and Distribution) use class for a continuous period of 10 years prior to the date of the application.

9. RECOMMENDATION

9.1 The Certificate of Existing Lawful Use be refused.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CIRCULATED SCHEDULE NO. 43/10 – 5 NOVEMBER 2010

| | | | |
|----------------------------------|--|-------------------------|-----------------------------|
| App No.: | PK10/2118/F | Applicant: | Mr Simon Taylor |
| Site: | Upper Farm West Littleton Road Marshfield Chippenham South Gloucestershire | Date Reg: | 7th September 2010 |
| Proposal: | Change of use of land from Argicultural to land for the keeping of horses. Erection of stable block. | Parish: | Tormarton Parish Council |
| Map Ref: | 376099 175221 | Ward: | Cotswold Edge |
| Application Category: | Major | Target Date: | 3rd December 2010 |



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 100023410, 2008. **N.T.S.** **PK10/2118/F**

INTRODUCTION

This application is reported on the Circulated Schedule for two reasons. It relates to major development, due to the size of the site for which change of use is applied and also an objection has been received which conflicts with the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use approximately 3,800 square metres of agricultural land (one field) to land used for the keeping of horses. Permission to erect a stable block to be used in conjunction with this land is also sought. The site lies in the open countryside to the west of Upper Farm house at the southwestern corner of the village of West Littleton. It is separated from the farmhouse by a mature tree screen along the site boundary. A further mature tree screen to the north of the site divides it from the nearest dwelling, Cadwell House. The other site boundaries are formed by low post and rail fences.
- 1.2 The farmhouse is part of a former farm group, which includes a row of tall single storey buildings which face the house across a gravelled parking area. The site for which the change of use is applied for has no buildings on it. The stable building, which would house three horses and provide a hay barn, is proposed to be erected along the eastern boundary of the site, on the other side of the tree screen from the farmhouse.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS5 Heritage
PPS7 Development in the Countryside
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
E10 Horse Related Development
L1 Landscape
L2 Area of Outstanding Natural Beauty
L12 Conservation Area
EP1 Environmental Pollution
T12 Highway Safety

Core Strategy (pre-submission publication draft)
CS1 High quality design
- 2.3 Supplementary Planning Guidance
West Littleton Conservation Area Guidance Note
Development in the Green Belt

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Tormarton Parish Council

No grounds for objection to the proposal.

4.2 Other Consultees

Cotswolds Conservation Board

No objection was lodged, but the Board offered the following comments:

1. The density of horses on the site should follow British Horse Society standards
2. A pasture and waste management plan should be required
3. Permitted development rights for shelters, fences and jumps etc should be restricted
4. Time limits should be set for any external lighting

Landscape Officer

The proposal relates well to the landscape in that it is close to the existing hedge and the vehicular access, is 'L' shaped to limit the extent of the building and is to be constructed of materials that are sympathetic to the landscape. However, the submission does not give any details of the means of vehicular access from the existing drive and parking area and the extent of any yard / hardstanding. Given the relatively small scale of the proposal and the integration into the landscape that would be offered by the existing hedgerow and the proposed materials, it is not considered necessary to impose any landscape condition in event of consent being granted.

Recommendation.

It is not considered there is any landscape character or visual amenity objection to the proposal in the context of Policies L1 and E10 of the adopted local plan. It is also considered the proposal is unlikely to have an adverse impact upon the natural beauty of the AONB in terms of Policy L2. However, it is considered that details are required of the vehicular access, parking and manoeuvring space and the surface finishes to these areas. Finally, in view of the AONB location and in the interests of visual amenity it is suggested that in event of consent being granted, a condition be attached requiring that no vehicles are parked on the site and that no jumps, fences, gates or other structures for accommodating animals or associated storage shall be erected on the land.

Conservation Officer

The field is on the edge of the conservation area and is partially enclosed by hedgerow and trees along with some post and rail fencing. It is proposed to erect an 'L' shaped stable block comprising 3 stables and a feed store. The building will be located close to the field boundary near the house and alongside existing hedgerow / trees. The stables will be constructed from traditional ship-lap boarding with a grey / black onduline corrugated roof.

The field is not particularly prominent within the conservation area and provided its character and appearance as a field is retained without a proliferation of structures then I would generally have no objection to the proposed change of use. The stable has been positioned where it will appear least obtrusive in the landscape set against the backdrop of hedgerow and close to existing development. The materials and form of the stables are also considered acceptable.

In order to retain the rural character restrictions should be placed on the erection of jumps etc and other structures which could have a detrimental impact on the landscape and setting of the conservation area. Furthermore, given that the proposal is associated with the adjoining property it is considered that there is no need to provide any hardstanding for parking within the field as this can be accommodated within the existing residential curtilage.

The site may benefit from some additional / supplementary native hedgerow and tree planting.

Conclusion

I have no objection to this proposal subject to a condition restricting the erection of further structures, jumps etc.

Environmental Protection

Having viewed the application Environmental Protection has no adverse comments regarding the proposed stable however there is the potential for nuisance from stable waste and it is recommended that stable waste should not be stored or burnt adjacent to neighbouring properties, where it may cause a nuisance from smells, flies or smoke.

Ecologist

The site has little ecological value and no wildlife interest, therefore no objection is raised to the proposal.

Sustainable Transportation

No highway objections are raised.

Marshfield Parish Council (neighbouring parish)

No objection

Other Representations

4.3 Local Residents

Two letters of objection were received and a further letter which essentially commented on one of those letters. The issues cited are as follows:

- There is a range of buildings opposite from the house and a small stable which could be used for stabling
- If this is allowed, more development could follow
- Impact on the Conservation Area and change to the landscape from a recreational use. The stables will be visible from a footpath.
- Jumps and equestrian paraphernalia would be visible from the adjacent house in the winter
- Potential for smells and noise from the stable block
- Partitioning the land will break up its agricultural appearance
- Would like to see conditions preventing the partitioning of the field and the use of lighting, shelters and ancillary structures, permanent and semi-permanent jumps; requiring a waste and pasture management plan and restricting the number of horses in the field.
- The detritus of horses would be unsightly

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The context for the development proposal is mainly set by policy E10, which sets criteria to be met in regard to horse-related development. Further issues are raised by the location of the site within the West Littleton Conservation Area and the landscape impact of the proposal. Subject to the following detailed analysis, the proposal is considered to be acceptable in principle.

5.2 E10 A: Environmental Effects

Subject to the good management of the site, the comments made by Environmental Protection at 4.2 above make clear that there would be no adverse environmental effects from this proposal. It is considered that this policy criterion has been satisfied.

5.3 E10 B: Impact on Residential Amenity

The use of this site would not be open to the public, as controlled by the condition shown below and therefore it is considered that the proposal would not lead to any additional traffic generation and the potential harm to surrounding residential amenity that that could cause. The consultation process has brought up an objection to the proposal on the grounds that the existing buildings should be used in preference to the erection of a new stable block. This is examined at 5.6 below, but it is appropriate to examine the likely impact on the residential amenity of adjoining occupiers at this stage. It is considered that in such close proximity to the neighbouring property, being situated on its boundary, the likelihood of noise and disturbance caused to the adjacent property would be higher than from a purpose built stable block in a more distant location, at least for the times when the horses would be kept in the stables.

5.4 E10 C: Vehicular Access, Parking and Manoeuvring

Since Upper Farm house has its own generous parking and manoeuvring area which leads to the edge of the site, it is considered that there is no real need for the laying of further hardstanding between this and, for instance, the stable block. For this reason, a condition has been recommended below, which removes the possibility of erecting jumps and shelters, etc, without the written consent of the Local Planning Authority and hardstanding has been added to this list, in order to protect the AONB and Conservation Area.

5.5 E10 D: Safe and Convenient Access to Bridleways

The site lies at the edge of West Littleton village. There is a bridleway leading into the countryside just south of the village and two restricted byways which can be used by horses which connect to the centre of the village. It is considered that the proposal satisfies this criterion of policy E10.

5.6 E10 E: Use of Unused Buildings on the Site in Preference to New Build

This policy criterion seeks to ensure that if there are suitable unused buildings available that these should be used in preference to new buildings. In this instance, the buildings that have been applied for are stables. There is a range of buildings standing opposite the farmhouse, within the blue land owned by the

applicant. It is considered that these are buildings which should be considered for use as an alternative to the erection of a new stable block. It should be noted in this assessment that no Conservation Area or Landscape objection has been raised to the proposed stable block. It is considered that there would be no particular visual benefit therefore in avoiding the erection of the proposed stable block. The existing buildings, while stone-built, are also nearer to the adjoining property than the proposed stable block. It is considered that this could lead to noise from the horses causing harm to existing levels of residential amenity for neighbouring occupiers, as explained at 5.4 above. There is also the issue of suitability to consider. The existing range of buildings is not purpose built for stabling horses and the adaptations necessary may result in a change to the appearance of the buildings and subsequent impact on the appearance of the Conservation Area.

5.7 E10 F: Horse Welfare

This criterion of the policy seeks to avoid overgrazing and other harm which can be caused by having too many horses on a piece of land. The National Horse Society standard is one horse per acre. This site extends to 0.94 acres and therefore can support a single horse, without causing any harm to their welfare. However, the applicants own further land on which horses could graze without having to apply for planning permission. If this land was used for the keeping (rather than grazing) of horses, then this would require planning permission.

5.8 L12: Conservation Area

The site is located on the edge of the Conservation Area and is not considered to be readily visible from public view. It is considered that there would still be some impact arising from the proposed development, both directly, from the stable building and indirectly, through the paraphernalia which can come from the use of land for keeping horses. With regard to the latter, the condition shown below would control this. With regard to the proposed stable building, it is considered that it is well related to the existing landscaping and nearest buildings and this reduces its impact to the best degree achievable on this site. The impact of the proposed building, built of appropriate materials read against the tree screen, is considered to be so marginal in terms of preserving the appearance of the Conservation Area that the option of converting existing buildings instead would not result in a better effect.

5.9 L1 and L2: Landscape Impact and AONB

Since the proposed change of use and the construction of the proposed stable block is considered to have inherent landscape impact in the same way that it would affect the Conservation Area, the comments at 5.8 above apply equally to the impact of the development on the landscape. The Landscape Officer wished to see a condition applied requiring details of the surface materials of any vehicular access etc. This is not considered to be necessary as the existing vehicular access to the house would also serve as the access for the land to be used for the keeping of horses and it is not considered that it would be necessary for any track being constructed across the site. Any condition covering this would therefore not relate directly to the development and as such would fail one of the tests for conditions.

5.10 Other Issues

The consultation process raised a number of matters not analysed above. With regard to horse detritus, similar effects are considered to arise from grazing, if the land was continued to be used agriculturally. Lighting of the site would be controlled through the condition shown below. Partitioning of the land can be achieved in this location up to a height of 2 metres above ground level, without planning permission being required. Due to the impact that such partitioning may have on the landscape and the Conservation Area, fencing has been again included in the conditions requiring prior written consent to carry out further operational development. Regarding the likelihood of future development of the site, the conditions below limit this for further consideration under the planning system. Further stables would explicitly require planning permission.

6. CONCLUSION

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

6.2 The proposed development, controlled by condition, would lead to the private recreational use of land at the edge of the village of West Littleton. It is considered that the proposal would not lead to harm to the landscape, the AONB, the Conservation Area or existing levels of surrounding residential amenity. The proposed use, being private, would not generate additional traffic to the site. The proposal therefore accords with policies L1, L2, L12, E10, T12 and EP1 of the adopted Local Plan.

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

7. RECOMMENDATION

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

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. At no time shall the stables and the associated land be used for livery, riding school or other business purposes whatsoever.

Reason

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

3. Prior to the commencement of development details of any floodlighting and external illuminations, 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 and no additional lighting shall be installed on the site without the written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to preserve the Conservation Area to accord with Policies E10 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To protect the character and appearance of the area and Conservation Area and to accord with Policies L1, L2 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of development a Pasture and Waste Management Plan shall be submitted to the Local Planning Authority demonstrating the future management of the site, for approval in writing. The site shall be managed in accordance with the details so approved.

Reason

To protect the character and appearance of the area, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 43/10 – 5 NOVEMBER 2010

| | | | |
|------------------------------|---|---------------------|------------------------|
| App No.: | PK10/2278/F | Applicant: | A Bryant |
| Site: | 7 Deanery Road Kingswood Bristol South Gloucestershire BS15 9JA | Date Reg: | 17th September 2010 |
| Proposal: | Erection of 1no. detached dwelling and detached garage with access and associated works.(Amendment to previously approved scheme PK08/2780/F) | Parish: | None |
| Map Ref: | 366449 173610 | Ward: | Kings Chase |
| Application Category: | Minor | Target Date: | 11th November 2010 |



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of 1 letter of objection from a local resident.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of one dwelling in the rear garden of No. 7 Deanery Road. Access to the new dwelling would be along the side of the existing property known at 7 Deanery Road and the existing detached garage serving No. 7 would need to be removed to make way for the new driveway. The proposed new dwelling would be in the form of a dormer bungalow and would have two rooms in the roof space. . A detached garage is also proposed to serve the new dwelling.
- 1.2 The application site is within the established urban area in close proximity to the Avon ring Road. The site is surrounded by residential land uses to the front and side with a large secondary school to the rear.
- 1.3 There is an existing extant planning permission for the erection of a dwelling on the site – approved under application number PK08/2780/F. The dwelling as approved was single story only and did not include accommodation in the roof space. This current application is identical to that previously approved with the exception of the three dormer windows across the rear elevation. The scale and external design of the dwelling is otherwise identical to that previously approved. In considering the application the report will therefore focus mainly on the insertion of the three windows and any material changes in policy or circumstance since the 2008 approval.

2. POLICY CONTEXT

- 2.1 National Guidance
 - PPS1 Delivering Sustainable Development
 - PPS3 Housing
 - PPG13 Transport
- 2.2 South Gloucestershire Core Strategy (Pre-Submission Publication draft)
 - CS1 Delivering Sustainable Development
- 2.3 Development Plans
 - South Gloucestershire Local Plan (Adopted) January 2006
 - D1 Design
 - H2 Residential Development
 - H4 Development within Residential Curtilages
 - T7 Cycle Parking Standards
 - T8 Car Parking Standards
 - T12 Transportation Development Control

3. RELEVANT PLANNING HISTORY

- 3.1 PK08/2780/F Erection of one detached dwelling and detached garage with access and associated works.
Approved December 2008
- 3.2 PK09/5620/F Erection of one detached dwelling and detached garage with access and associated works (Amendment to previously approved scheme PK08/2780/F)
Refused November 2009 and Dismissed at appeal.

This second application was for a dwelling of identical size and design to that approved in 2008 but included five dormer windows – two on the front and three across the rear. Two of the dormers on the rear elevation had balconies attached to them. The application was refused for reasons relating the residential amenity only. No objections were raised by either the Council or the inspector relating to design.

4. CONSULTATION RESPONSES

(a) Statutory Consultees

- 4.1 Town/Parish Council
The area is unparished

(b) Other Representations

- 4.2 Local Residents
1 letters of objection has been received from a local resident. A summary of the points of concern raised is as follows:
- Loss of daylight
 - Loss of outlook
 - Potentially overlooked by future possible development
 - Loss of privacy as a result of proximity to the rear garden on 3 Kyght Close
 - Increased noise, odour and other disturbances.
 - The concerns could not adequately be addressed or overcome via landscaping
 - The dark roof tiles would cause problems of glare for the neighbouring property
 - Central government guidance has changed to limit development in existing large gardens in urban town settings.
 - It would be helpful to see an artists impression.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) allows for development within existing residential curtilages, including new dwellings, subject to there being no adverse impact on the existing visual and residential amenities within the immediate area. Therefore subject to these constraints, the proposal is considered acceptable in principle.

- 5.2 PPS3 was reissued on 9th June 2010 to reflect concerns regarding the redevelopment of neighbourhoods, loss of Green Space and the impact upon local character. The changes involve the exclusion of private residential gardens from the definition of previously land and the removal of the national indicative density target of 30 dwellings per hectare. The existing policies in the local plan (H2, H4 and D1) already require that proposals are assessed for their impact upon the character of the area and that proposals make efficient use of land.
- 5.3 The site is located within the existing built up area, as defined on the Local Plan Proposals Maps. In accordance with Policy H2, new residential development will normally be permitted subject to compliance with several criteria. It is considered that Policy H4 of the South Gloucestershire Local Plan (Adopted) encompasses all the relevant issues of the above policies, for Policy H4 allows for the erection of new dwellings within existing residential curtilages providing that the following criteria are complied with;

5.4 **(a) Development would respect the massing, scale, proportions, materials and overall design and existing property and the character of the street scene and surrounding area;**

It is a material consideration that a dwelling of the same size and design has, with the exception of the three dormer windows, already been approved by the Council. In determining the appeal for application PK09/5620/F the inspector also consider the design of the dwelling and the acceptability of its erection against the revised requirements of PPS3. No objection was raised by the inspector over the design of the dwelling. It is therefore considered that the

The only issue therefore for discussion in this report is the three dormer windows along the rear elevation of the proposed dwelling.

The three dormer windows are modest in scale in comparison to the bulk of the main dwelling. They are set down at ridge height and up from eaves level. They are suitably subservient to the proposed dwelling and allow the originally approved roof slope to dominate. The three dormers will not fundamentally change the scale of the dwelling or impact upon the character of the area. The dwelling is therefore considered to be of suitable scale and design.

5.5 **(b) Would not prejudice the amenities of nearby occupiers;**

Again, because the proposed dwelling is of the same scale and design as that previously approved, the main bulk of the dwelling has already been assessed and it has been concluded that it will not have any detrimental impact on the amenities of the neighbouring occupiers. The only issue for consideration is whether the three dormer windows on the rear elevation will have any greater impact on existing levels of residential amenity than the dwelling as approved in 2008.

When viewed from Kyght Close (from the East) the dwelling will look identical to that previously approved. The impact upon the properties along Kyght Close has already been assessed and deemed to be appropriate. There have been no material changes in physical circumstance since the determination of the 2008 application that justifies raising any issues at this stage. Whilst it is

accepted that a resident of Kyght close is concerned about the impact on their dwelling, application PK08/2780/F could be implemented any time until December 2011 without the need to apply for further planning permission. The 2008 application would have exactly the same impact on the properties on Kyght close as the dwelling subject of this current application.

When considering the appeal for the application PK09/5620/F, the inspector assessed the impact of the three dormers on the existing levels of residential amenities for the dwellings along Deanery Road. The inspector found that whilst the balconies would have a detrimental impact on existing levels of residential amenity, the dormers themselves would not. The balconies have now been removed from the plans with only the dormers for consideration. It is not considered that the three dormer windows would have any significantly detrimental impact on the existing levels of residential amenity to warrant the refusal of the application.

In order to further protect the amenity for the neighbouring dwellings, conditions will be attached to any consent granted to remove the permitted development rights for any alterations to the roof slope – including the insertion of any dormers, roof lights, balconies or any other forms of opening.

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

The plans submitted clearly show the provision of 3 parking spaces to serve the existing dwelling and at least two spaces to serve the proposed dwelling. Access and parking has already been approved in principle by the granting of the previous planning consent. Although the proposed dwelling now has 3 / 4 bedrooms, the level of off street parking provision is in accordance with the local plan.

Access to the existing dwelling would be via a new access onto Deanery Road. This part of Denary Road is an unclassified highway and thus planning permission is not required for the new dropped kerb. This section of Deanery Road is a dead end and other than the proposed new dwelling, there is no passing traffic. As such, vehicle movements into and out of the new access will not create any issues of highway safety.

Access to the new dwelling will be along the side of No. 7. The new dwelling will be served by a large flat roofed single garage and will have an additional parking space forward of this garage. The application proposes the erection of close boarded fences along either side of the new access separating the driveway from both neighbouring dwellings. The number of vehicle movements associated with 3 / 4 bedroomed property are likely to be relatively low and given the existing high boundary walls which are over 2 metres in height, it is not considered that the vehicle movements are likely to have a significant or detrimental impact upon highway safety or existing levels of residential amenity.

5.6 **(d) Would not prejudice the retention of adequate private amenity space, and adequate private amenity space is provided for any new separately occupied dwelling;**

The proposal shows that a very large garden will be provided to meet the needs of the proposed new bungalow. Adequate private amenity space is therefore provided for the newly occupied dwelling. Similarly, the plans also show the provision of adequate private and useable garden space to serve the existing dwelling. The amount of garden space retained will be the same as that currently afforded to the neighbouring properties No's 5a and 5b Deanery Road. The plans show the provision of boundary treatments to divide the two curtilages and a condition will be attached to ensure that the fences are erected as shown on the plan.

6. **CONCLUSION**

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

The proposed new dwelling represents an appropriate standard of design in keeping with the street scene and character of the area. The dwelling, by virtue of its design and siting on the plot will not have any detrimental impact upon the existing levels of residential amenity afforded to neighbouring dwellings. Ample private and useable amenity space is provided for each of the existing and proposed dwellings. The plans show the provision of sufficient off street parking to meet the need of both of the existing and proposed dwellings.

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

7. **RECOMMENDATION**

7.1 That the application be approved subject to the following conditions;

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall be exactly as per those indicated on plan 2205/1ND/2010.

Reason

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

3. No windows, rooflights, dormer windows or balconies other than those shown on the plans hereby approved shall be inserted at any time in the bungalow hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the existing levels of amenity for the neighbouring occupiers and to accord with the requirements of Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. All hard and soft landscaping works shall be carried out in accordance with the approved plans. All hard landscaping must be SUDS compliant and water must not run off onto the public highway. The works shall be carried out prior to the first occupation of the new dwelling.

Reason

To protect the character and appearance of the area and to protect the amenities of neighbouring occupiers and to accord with policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

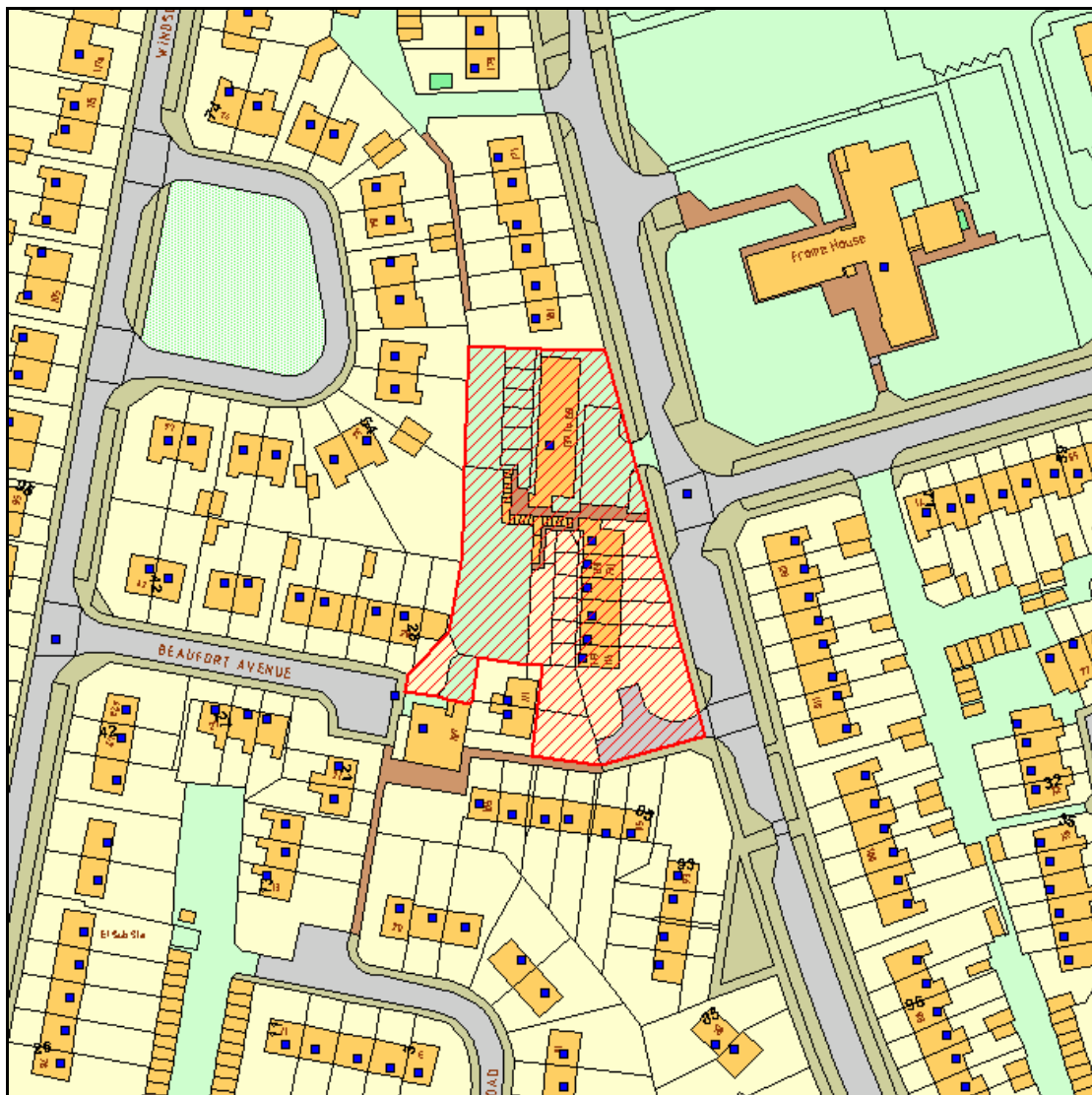
5. The boundary fences and walls as shown on the submitted plans must be erected in the positions indicated before the new dwelling house is occupied.

Reason

To protect the character and appearance of the area and to protect the amenities of neighbouring occupiers and to accord with Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 43/10 – 05 NOVEMBER 2010

| | | | |
|----------------------------------|---|-------------------------|------------------------|
| App No.: | PK10/2453/F | Applicant: | Mr Joe Gordon |
| Site: | 113-159 Cranleigh Court Road Yate Bristol South Gloucestershire BS37 5DN | Date Reg: | 23rd September 2010 |
| Proposal: | Refurbishment of 2no. twelve maisonette blocks to include replacement windows and doors. Erection of 2.92metres maximum high fence and gates. | Parish: | Yate Town Council |
| Map Ref: | 370633 182973 | Ward: | Yate North |
| Application Category: | Minor | Target Date: | 17th November 2010 |



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of an objection from Yate Town Council, which is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to two 1970's, 4-storey blocks of 12 x 3 bed apartments, located on the western side of Cranleigh Court Road, Yate; the apartments are operated by Merlin Housing Society. The property lies in a residential area characterised by a mix of bungalows, terraced houses and other blocks of apartments; Cranleigh Court Primary School lies close by to the east. The buildings, which have a run down appearance, are constructed of red brick and render with clay tiles and aluminium windows. The grounds around the apartment blocks are currently open to public access and comprise a grassed communal area to the rear, car parks to the side (south) and front (north-east) and an open landscaped area to the front of the southern block. There is a balcony to the rear of the blocks at 2nd floor level.
- 1.2 It is proposed to aesthetically improve the two blocks by rendering their facades. It is also proposed to replace the aluminium windows with high performance triple glazed timber framed windows. The new windows together with the insulated render are intended to overcome existing difficulties of heat loss.
- 1.3 In order to improve security at the site it is proposed to erect a 2.92m high ornate security gate at the main entrance between the two blocks. As part of the proposed refurbishment, a total area of 100sq.m. has been identified on the eastern (front) roof slopes of the buildings (50sq.m. each), for the installation of photovoltaic panels. The proposed improvements have been designed in close consultation with the users/residents of the site.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 - Delivering Sustainable Development
PPG13 - Transport

2.2 Development Plans

The South Gloucestershire Core Strategy Pre-Submission Publication Draft
March 2010
Policy CS1 - Design

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design
H4 - Development within Residential Curtilages
L1 - Landscape
T8 - Parking Provision
T12 - Transportation Development Control Policy For New Development

- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Check List SPD (adopted) April 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P90/1052 - Construction of concrete lay-by.
Approved 7 March 1990
- 3.2 P93/2681 - Provision of hardstanding for the parking of 8 cars.
Approved 9 Feb 1994

4. CONSULTATION RESPONSES

- 4.1 YateTown Council
Object – concerns were raised regarding access to the properties for deliveries and not clear where the boundary fence is at the car park end. The Town Council wishes to ensure an open outlook for the bungalows is retained.
- 4.2 Sustainable Transport
No objection
- 4.3 Local Residents
No responses

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010 both seek to secure good quality designs in new development. Criterion A of Policy D1 requires the detailing, colour and materials to respect and enhance the character, distinctiveness and amenity of both the site and the locality. Criterion G requires design to take account of energy conservation and the protection of environmental resources. Criterion F requires the overall layout and design to take account of personal safety, security and crime prevention.
- 5.2 Design
The proposed refurbishment of the building elevations is considered to be a distinct aesthetic improvement over the existing situation, which would make a positive contribution to the character of the street scene in accordance with Policy D1((A). The proposed brick render at low level and white render at horizontal intervals with clay tiles for the roof is considered to be appropriate as also would be the timber grey windows and doors. Furthermore the proposed ornate access gate would make a positive statement and add an attractive feature between the individual blocks, whilst also improving the security of the site in accordance with Policy D1(F). The existing lack of insulation is due to heat loss through cold bridging due to the rear balcony and existing aluminium windows. The new triple glazed windows and insulated render would make a positive contribution to energy conservation in accordance with Policy D1(G). The proposed photovoltaic panels would be located on the front roof slopes but

- would not protrude more than 200mm from the roof plane and as such are permitted development.
- 5.3 The proposed security gate would merely add to the overall security of the site and control public access from the front of the building. The Town Council's concerns about access to the properties for deliveries are considered to be unfounded as this would essentially remain unchanged.
- 5.4 Landscaping
It is proposed to landscape the front of the building in the form of plants and shrubs around the proposed gates. Whilst it is proposed to erect sections of 1.8m fencing to the northern and southern boundaries of the rear communal area, these can be erected using permitted development rights and as such are not shown on the submitted plans. The applicant has however agreed to accept a condition to secure the submission of a landscaping scheme to include boundary treatments for prior approval. Subject to this condition the scheme would be in accordance with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.5 Sustainable Transport
The existing parking and turning arrangements would remain unchanged and there are no highway objections to the proposal which accords with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.6 Impact Upon Residential Amenity
The proposals are considered to make a positive contribution to the amenities of existing occupiers of the two blocks. Concerns have been raised, by Yate Town Council, about possible loss of outlook for the occupiers of the bungalows to the south of the site. The applicant has confirmed that a 1.8m fence would be erected under pd rights on the side boundary with no. 111 but would not protrude beyond the front elevation of this property and would not therefore have any adverse impact on the outlook from this property. The fence would not be erected around the car parking area. The proposal is therefore considered to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

6. CONCLUSION

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

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

1. The proposal has been considered in terms of its design and appearance, especially in relation to the street scene, security of the site and its contribution to energy conservation and would be in accordance with

Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Core Strategy Pre-Submission Consultation Draft March 2010.

2. The impact of the proposal on the parking and turning areas has been considered and found to be in accordance with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
 3. The proposal has been considered in terms of its impact upon the landscape and would be in accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
 4. The impact of the proposal on residential amenity has been considered and would be in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission be GRANTED subject to the conditions listed on the decision notice.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

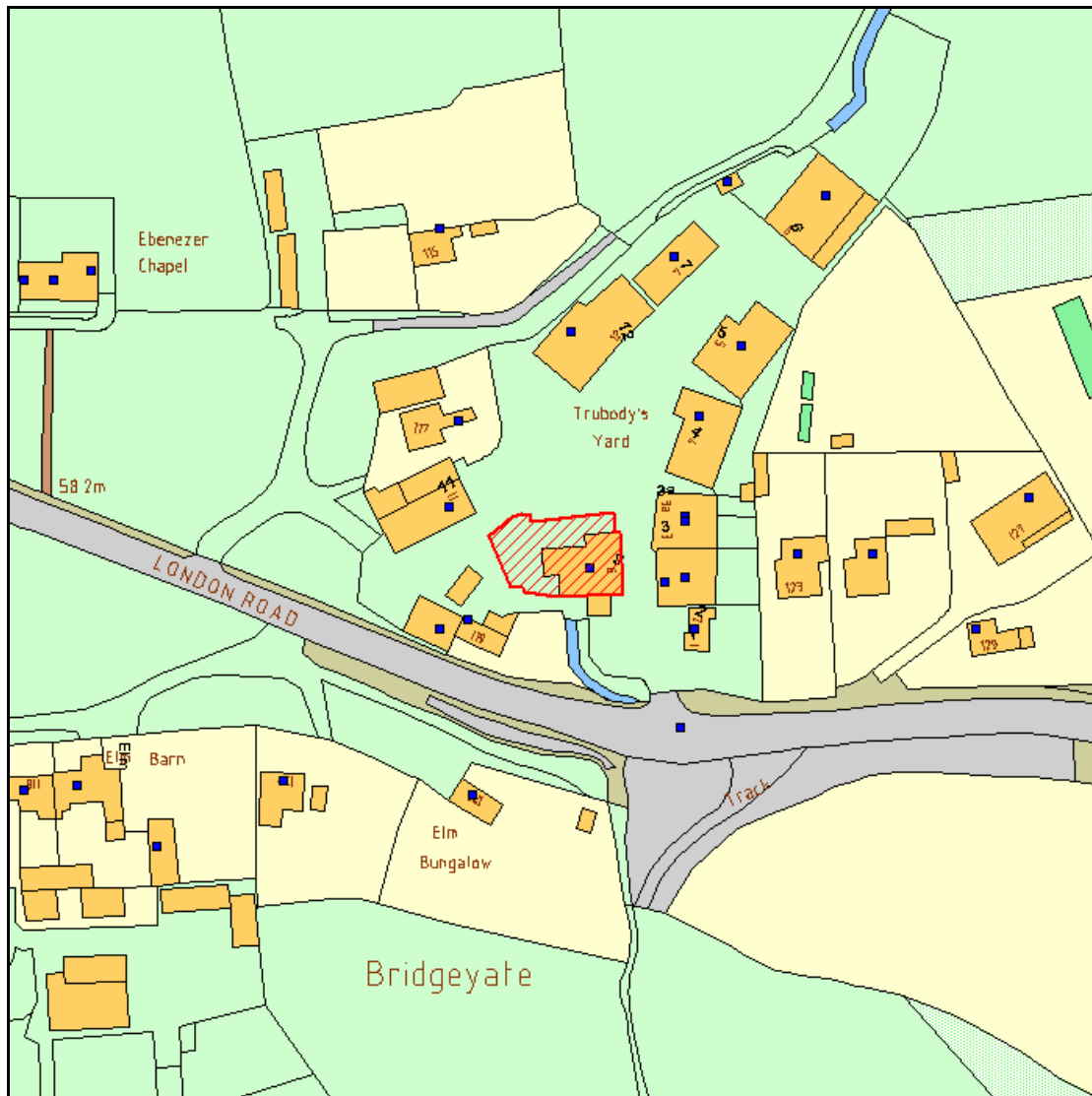
2. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting);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

Reason

To protect the character and appearance of the area to accord with Policies D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of The South Gloucestershire Core Strategy Pre-Submission Consultation Draft March 2010.

CIRCULATED SCHEDULE NO. 43/10 – 5 NOVEMBER 2010

| | | | |
|----------------------------------|---|-------------------------|--------------------------|
| App No.: | PK10/2471/F | Applicant: | Muscle Mechanics |
| Site: | Trubody's Yard 121 London Road Warmley Bristol South Gloucestershire | Date Reg: | 6th October 2010 |
| Proposal: | Change of use from Business (Class B1) to personal training studio (sui generis) as defined in the Town and Country Planning Act (Use Classes) Order 1987. | Parish: | Siston Parish Council |
| Map Ref: | 368275 173225 | Ward: | Siston |
| Application Category: | Minor | Target Date: | 29th November 2010 |



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is reported on the Circulated Schedule due to the receipt of an objection contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks the change of use of a B1 building within a small industrial estate in the Green Belt and the open countryside to a personal training studio (sui generis). The estate is well established and consists of about a dozen units in a series of mostly sub-divided single storey buildings. The site is a single storey detached building, constructed of render and under a corrugated sheeting roof. In common with the other buildings on the estate, it has unallocated car parking around it. The estate is screened partially along the A420 frontage by a hedgerow and pine trees. The access is on a bend in the road.
- 1.2 There are some houses in the vicinity of the Trubody's yard estate, the nearest to this site fronting London Road to the west of the site entrance.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG2 Green Belts
PPS4 Economic Development
PPS7 Countryside
PPG13 Transportation
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
GB1 Green Belt
T8 Parking standards
T12 Highway Safety
- Core Strategy (pre-submission publication draft) 2010
CS8 Improving accessibility
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance
Development in the Green belt

3. RELEVANT PLANNING HISTORY

- 3.1 None relating to this Unit.

4. CONSULTATION RESPONSES

- 4.1 Siston Parish Council
No reply received
- 4.2 Other Consultees [including internal consultees of the Council]
Technical Services
In flood plain (zone 3a) but still within less vulnerable category

Sustainable Transportation

The application site is part of a larger commercial yard with number of units are operating from this location. The building, the subject of this application has an extant commercial use and as such can generate traffic movements on its own merit all throughout the day. The majority of traffic associated with the extant commercial B1 use would take place during the highway network peak time whereas traffic associated with the proposed personal training studio would likely to be off-peak.

The existing site access would be used to serve the new development. An acceptable level of off-street parking is also available on site to accommodate the needs of the existing uses as well as the needs of the application site. In view of the above therefore, there are no highway objections to this proposal.

Other Representations

4.3 Local Residents/ Businesses

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

- The B1 use of the site is appropriate to a residential area and any other use is totally unsuitable for the area. This would set a dangerous precedent.
- A legal agreement from 1989 states that the hours of operation shall be 0800 to 1800 Mondays to Fridays and 0800 to 1400 on Saturdays. The objector states that any use outside these hours is not acceptable in a residential area.
- The proposed use would generate a large amount of traffic and there is little parking available.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The proposal is for the change of use of an existing building in the Green Belt and therefore the impact of this proposal on the openness of the Green Belt is the main consideration under the principle of development. No changes to the outside of the building are proposed. Since the change of use is considered to result in a reduction in traffic generation and in the size of the vehicles, the proposal is considered to result in a reduction in the number and size of parked vehicles outside the building, which would be of benefit to the openness of the Green Belt at this location. It is therefore considered that the proposed change of use is in accordance with Green Belt policy as defined by PPG2 and policy GB1 of the adopted Local Plan. It should be noted that there are no directly applicable policies to control the change of use which has been proposed in the Local Plan, but Planning Policy Statement 4 instead sets the context for analysing the proposal. This, and other relevant impacts of the proposal are examined below.

5.2 Transportation

The transportation comments at 4.2 indicate that the proposal would provide adequate parking to meet the needs of the traffic generated by the proposal. It should be noted that the use applied for is not a gymnasium which would be open to the public in an uncontrolled manner. Personal trainers work with clients on a one to one basis, by appointment. Since the application form states

that there would be two full time members of staff employed at the premises, it is considered that, even allowing for changeovers, there would be less parking at the premises at any one time, compared with the B1 use, which would involve staff (at the peak hour) and deliveries, as well as despatch. This parking demand would be met by the supply of 10 spaces, with one additional space made available for disabled users. It is considered that the reduction in the number of vehicles visiting the site would improve highway safety at the site access, particularly given that the visits to the site would be mainly outside peak hours, as they would be necessarily staggered across the working day. The proposal is therefore considered to be of benefit to highway safety during the peak hour, while providing adequate parking to prevent on street parking occurring.

5.3 Residential Amenity

The consultation process has raised some concerns about the suitability of the proposed use within a residential area. It is considered that the site is not situated in a residential area, it is within an industrial estate. It is acknowledged that there is one house in fairly close proximity however and the effects of the proposal on the residential amenity of that dwelling needs to be assessed. At present, the site falls within the B1 Use Class and therefore any B1 use could take place there without the need for further planning permission. These uses include offices, research and development of products and processes and light industry appropriate to a residential area. It is considered that the proposed use would not be likely to generate more noise than those uses, particularly as the noise in any event would be enclosed by the building itself. The hours of operation govern the coming and going to the site and it is considered that this could also have an effect on residential amenity. Coming and going to the site would be through the existing access off London Road and, given the proximity of the urban edge, would not necessarily all involve car-borne trips. The whole estate is constrained by a Section 52 Agreement which limits operating hours. Under these circumstances, despite the hours of operation applied for with this application, it is considered appropriate to limit the hours that the facility can be open to the public to those that apply to the estate as a whole. Any variation to this would require permission for a relaxation of the condition as well as a Deed of Variation to the Section 52 Agreement.

5.4 Policy Issues – Core Strategy and PPS4

The Core Strategy states at policy CS34 that the policy seeks to (inter alia) protect rural employment sites, sustain village life and reduce the need to travel. In the supporting text it points out that rural enterprises play their role in benefiting the rural economy. The Core Strategy is at an early stage at present and greater weight is given in this instance to the adopted Local Plan and the recent PPS4 on economic development. This guidance makes clear that this proposal is for economic development, as it provides employment opportunities. The guidance (at EC6) cautions close control in the open countryside, outside of towns and villages and support for the conversion and re-use of appropriately located and suitably constructed buildings in the countryside. It is considered that this site is a case in point. The building is suitable for conversion and while not ideally located, would in principle bring a low key employment use to an otherwise unused building, to the benefit of the

rural economy. At EC12, PPS4 sets criteria to be met in determining planning applications for economic development:

- a) development which helps the vitality and viability of market towns should be supported
This criterion does not apply to this proposal.
- b) support small-scale economic development in rural locations
It is considered that the proposal meets this criterion.
- c) take into account of supply of premises when assessing proposals which would lose economic development.
This criterion by definition does not apply to this proposal.
- d) approve applications where the benefit outweighs the harm in terms of
 - 1) the potential impact on countryside, landscape and wildlife
It is considered that no harm would arise from this proposal for a change of use
 - 2) local economic and social needs and opportunities
No information is available on these factors. The proposal is considered to meet local social and economic needs to some extent.
 - 3) settlement patterns and levels of accessibility to service centres and housing
The accessibility of the site is examined in the following paragraph.
 - 4) The need to conserve heritage assets
No heritage assets would be affected by the proposed change of use.
 - 5) the suitability of the buildings
The building itself is small and capable of conversion. It would appear to be suitable for the proposed use.

It is considered overall that under the preceding criteria, the proposal would offer more benefit than harm.

At EC10, PPS4 sets 5 criteria to be met for all economic development:

- a) whether the development has been planned over its lifetime to limit carbon dioxide emissions and avoid vulnerability to climate change.
This development would be a change of use and no information is available on its impact on CO2 emissions.
- b) accessibility of the site by a choice of methods.
The site is located just outside the urban area and on a bus route. From the edge of the urban area it can be easily accessed by foot or cycle and due to its use it is considered likely that visitors would avoid accessing the site by car in order to maintain their fitness regimes.
- c) High quality inclusive design to the benefit of the locality
This proposal is for a change of use and the design of the building plays only a small part. It would be accessible to disabled users under part M of the Building Regulations.
- d) The impact on the economic and physical regeneration of the area
No details are available on this issue, but it would be putting the building to a use, which is considered to be an effect that promotes regeneration.
- e) Impact on local employment
The application form states that two jobs would be created through this proposed change of use of a small building. It is not known whether these jobs would be of benefit locally, but it considered likely that there would be a benefit to the local economy generally as a result.

5.5 Material Considerations

Earlier this year an application for the change of use of a B8 unit within a safeguarded employment area to a gymnasium was appealed. (Planning application ref. No. PK09/1009/F) In reaching a decision to uphold the appeal, the Inspector noted the following: That the proposal was for a change of use and the site had adequate parking. As it created employment opportunities, it conformed to the definition of a gymnasium as economic development in PPS4. The staffing level of the proposal was higher than the continued use under Class B8 and the proposal created opportunities for leisure which be easily accessed by a range of means of transportation.

In regard to the current application proposal, it is acknowledged that the site is not safeguarded for employment purposes. The building is small and is not considered to offer the opportunity to accommodate a significantly larger number of employees than the proposed use would. It is therefore considered that the above case is relevant to an extent in the determination of this application and the indication is that the approach put forward in PPS4 should be followed as in 5.4 above.

5.6 Other Issues

In order to protect the openness of the Green Belt, a condition has been appended below to ensure that no outside storage takes place within the site. Limiting the permitted development rights to extend the building is unnecessary as the building does not benefit from permitted development rights. Since the use applied for is sui generis, any future change of use on the site will require planning permission and therefore there is no need to limit future uses.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposal would create a facility close to the edge of the urban area and accessible by varied modes of transport. This would benefit highway safety at the peak hour, in comparison with the current authorised use. The proposal would not have a detrimental impact on residential amenity, nor the openness of the Green Belt and therefore accords with policies GB1, T8 and T12 of the adopted Local Plan.
- 6.3 The recommendation to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. No outside storage of material/goods/waste or plant shall take place at the premises.

Reason

In order to preserve the openness of the Green Belt, to accord with policy GB1 of the adopted South Gloucestershire Local Plan.

3. The hours of the site being open to the public shall be restricted to 0800 to 1800 Mondays to Fridays and 0800 to 1400 on Saturdays; and the site shall remain closed on Sundays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with the existing restrictions placed on the site by the Section 52 Agreement,

CIRCULATED SCHEDULE NO. 43/10 – 5 NOVEMBER 2010

| | | | |
|------------------------------|---|---------------------|--------------------------|
| App No.: | PK10/2485/RVC | Applicant: | Mr Steve Pursey |
| Site: | Oldland Common Post Office 171 - 173 High Street Oldland Common Bristol South Gloucestershire | Date Reg: | 21st September 2010 |
| Proposal: | Variation of condition 1 attached to PK09/0538/ADV to allow the signage to be illuminated from 06.00 to 23.00 seven days a week. | Parish: | Bitton Parish Council |
| Map Ref: | 367479 171387 | Ward: | Oldland Common |
| Application Category: | Minor | Target Date: | 12th November 2010 |



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REASON FOR REPORTING TO COMMITTEE/CIRCULATED SCHEDULE

This application has been referred to the circulated schedule due to the receipt of one letter of objection from a local resident and objections raised by Oldland Parish Council.

1. THE PROPOSAL

- 1.1 The applicant is seeking permission for the variation of Condition 1 attached to PK09/0538/ADV to allow the external signage at Oldland Common Post Office to remain illuminated from 06.00 until 23.00 seven days a week.
- 1.2 The property is a two storey semi-detached property and is located within the residential area of Oldland Common. The illumination of the existing signage was restricted to the opening hours of the post office with a little leeway each side, 06.00 – 19.00 Monday – Friday and 06.00 – 13.00 Saturday and Sunday. The post office is to be open for longer hours, as such the applicant is seeking permission for the signage to be illuminated for the duration of the opening hours.
- 1.3 On visiting the site it was noted that since the approval of advertisement consent in May 2009, reference PK09/0538/ADV, an additional internally illuminated sign has been installed on the western elevation of the building. This additional fascia sign with an internally illuminated MACE logo does not have consent, the applicant has been advised of this and will be submitting an application in due course. This current application only relates to the signage approved under Pk09/0538/ADV, this includes the two front elevation trough lit fascia signs.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG19 Control of Advertisements
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development

South Gloucestershire Core Strategy, Pre-submission Publication Draft March 2010
CS1 High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/0538/ADV Display of 2no. externally illuminated fascia signs (Retrospective)
Approved May 2009

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

Object to the hours of illumination sought. It is felt that the hours should reflect those at other establishments close by (Oldfields Chip Shop, the Golden Fish Bar)

4.2 Sustainable Transport

No objections

Other Representations

4.3 Local Residents

One letter of objection has been received from a local resident raising the following concerns:

- The history and character of the building has been destroyed by the fixing modern bright blue illuminated signs to a historic building, surely this building should be listed.
- Have complained on many occasions when the lights have been let on overnight, keeping the opposite and adjacent houses flooded in light.
- Problems with noisy vans and engines running at 4.40am most nights delivering newspapers.
- If the extra hours of illumination is to attract more custom then there will be extra traffic
- Already unable to park due to staff from shop parking in the designated layby and delivering lorries park in front of driveways.
- Dangerous to the main road which is used as the main throughfare
- Likely that an application to extend the off license will be next, three public houses are enough.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

As outlined in PPG19, the display of outdoor advertisements can only be controlled in the interests of amenity and public safety. Accordingly the display of advertisements will be assessed with regard to its effect on the appearance of the building and visual amenity in the immediate neighbourhood. In addition consideration must be given to the cumulative impact of the advertisement. Furthermore the proposal should not prejudice public safety.

5.2 Visual Amenity

The previous application states that the signage is illuminated via external trough lights to a luminance level of 500 cd/m². Given the modest scale and positioning of the signage and the fact that there is signage of similar scale and design in the immediate vicinity, the appearance of the signage was considered acceptable under PK09/0538/ADV. The previous application limited the hours of illumination of the signage to match the opening hours of the post office with a little leeway either side. The situation has changed since the determination of the previous application, as the application site is now expecting to extend opening hours and as such seek permission to extend the hours of illumination to match the new opening times. The trough lighting is directed down onto the

fascias, resulting in minimal light spillage. Furthermore, the luminance level of the signage is considered acceptable when assessed against the guidance within the institute of lighting engineers, technical report number 5. Given the location of the signage, fronting onto the High Street and the fact that the High Street is already lit by street lighting, in combination with the nearby retail and takeaway outlets in the immediate vicinity, it is not considered that the proposal to allow the signage to be illuminated until 23.00 daily would result in any demonstrable harm to the visual amenity of the site.

5.3 Public Safety

Given the scale and location of the signage, it is not considered that the illumination of the proposed signage for additional hours would be distracting or confusing for motorists nor would it be physically hazardous to pedestrians. Further, with no objection from the Transportation Officer the proposal is considered acceptable in terms of public safety.

5.4 Other issues

With regard to the concern raised regarding the noisy delivery vans and the problems with parking, it should be noted that this application is for the hours of illumination of the signage only. Whilst it is accepted that if the premises are open longer hours, there will be an increase in activity at the site, the planning history for the site has been checked and there are no conditions restricting the opening hours of the premises. The neighbouring fish and chip shops have similar opening hours with Oldfield Fish and Chip shop at 186 the High Street being open until 10.30pm and the Golden Fish Bar at 167 the High Street being open until 12am everyday except Sundays when it is open until 11.30pm, as such the proposed hours of illumination are considered reasonable.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed hours of illumination are considered acceptable given the scale, location and luminance levels of the signage. The proposal is not considered to be detrimental to the visual amenity of the site or to public safety, as such the proposal accords with policy D1 of the South Gloucestershire Local Plan and the advice contained within PPG19.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That the application be approved subject to the following conditions

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

CONDITIONS

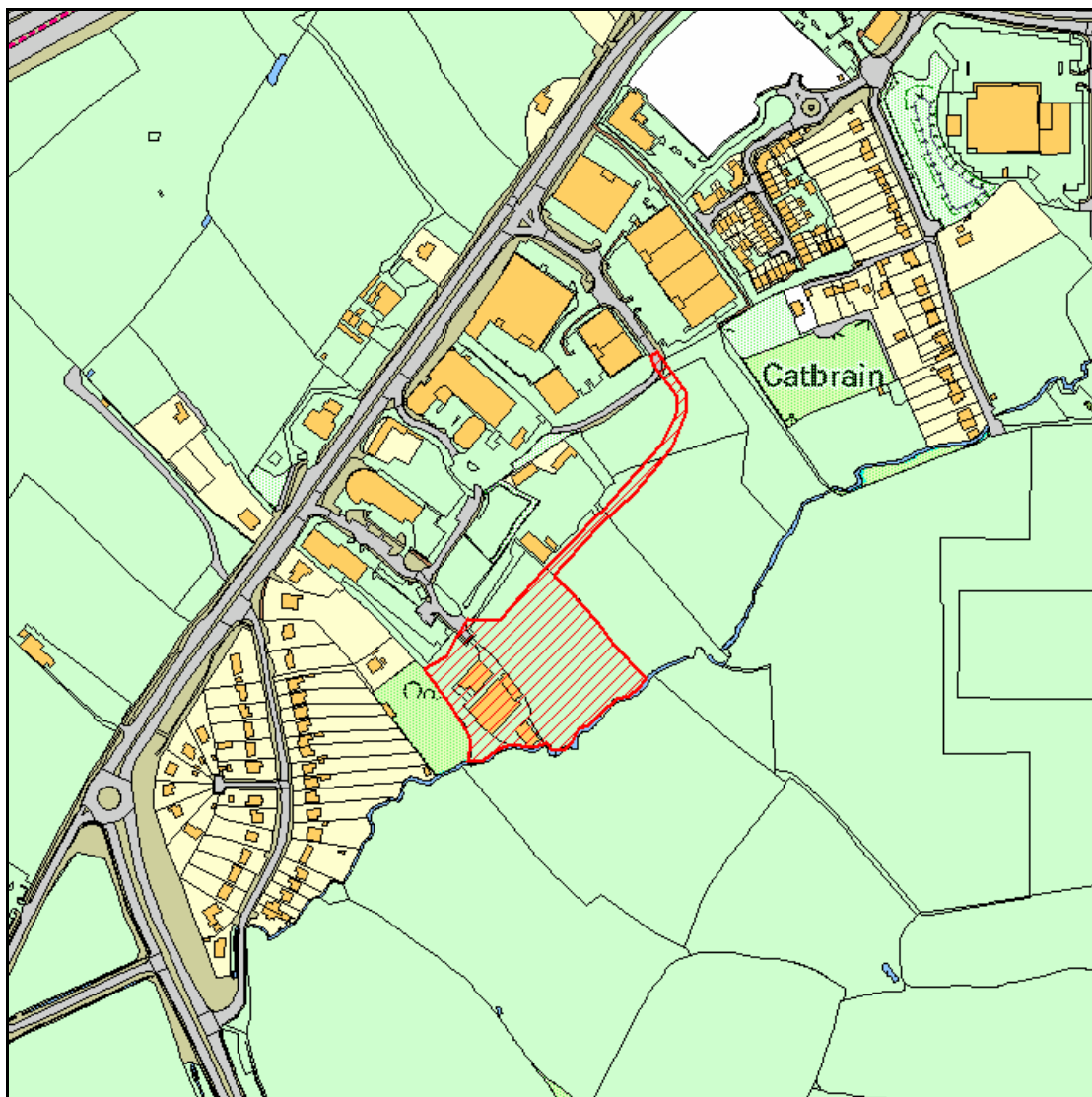
1. The signage hereby approved shall only be illuminated between the hours of 06.00 - 23.00 seven days a week.

Reason:

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

CIRCULATED SCHEDULE NO. 43/10 – 5 NOVEMBER 2010

| | | | |
|----------------------------------|--|-------------------------|-------------------------------|
| App No.: | PT10/1949/F | Applicant: | Dick Lovett Companies Ltd |
| Site: | Former Mushroom Farm Cribbs Causeway Almondsbury Bristol South Gloucestershire | Date Reg: | 20th August 2010 |
| Proposal: | Erection of replacement single storey building to form car body repair centre and PD1 use with car parking, car storage and associated works. | Parish: | Almondsbury Parish Council |
| Map Ref: | 357055 180291 | Ward: | Patchway |
| Application Category: | Major | Target Date: | 19th November 2010 |



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INTRODUCTION

The application appears on the Circulated Schedule in view of the comments received from a local resident and adjoining site owner.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a single-storey building to form a car body repair; pre-delivery inspection and storage centre and would also allow the formation of an additional parking area.
- 1.2 The application relates to land to the rear of the existing car sales centres on the east side of Cribbs Causeway, Almondsbury. The site lies within the built up area and formerly provided for a mushroom farm with the build to replace derelict single-storey buildings associated with this former use.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development
PPS4: Planning for Sustainable Economic Growth
PPS5: Planning for the Historic Environment
PPS9: Biodiversity
PPG13: Transport
PPS25: Planning and Flood Risk

2.2 Development Plans

Emerging Policies: South Gloucestershire Core Strategy (Pre-Submission Publication Draft) March 2010

CS1: High Quality Design
CS9: Environmental Resources and Built Heritage
CS26: Cribbs/ Patchway New Neighbourhoods

South Gloucestershire Local Plan (Adopted) January 2006

D1: Design Good Quality Design in New Development
E1: Criteria for Assessing Employment Proposals
L1: Landscape Protection and Enhancement
L9: Species Protection
L17: The Water Environment
L18: The Water Environment
EP1: Environmental Pollution
EP2: flood Risk and Development
T7: Cycle Parking
T8: Parking Standards
T12: Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT10/026/SCR: Erection of single-storey building to form car body repair and pre-delivery inspection use with car parking, car storage and associated works. Environmental Impact Statement not required: 19 August 2010
- 3.2 There is an extant planning permission for a new showroom building that would stand between the existing showrooms fronting Cribbs Causeway and the application site.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No comments received
- 4.2 Other Consultees
Highways DC: no objection subject to financial contribution
Landscape Officer: no objection subject to conditions
Technical Services: Drainage: no objection in principle
Environment Agency: no objection subject to conditions
Environmental Services: no objection in principle
Civil Aviation Authority: statutory comments
Spatial Planning Team: no objection in principle

Other Representations

- 4.3 Summary of Local Residents Comments
One letter received expressing the following concerns:
- The proposal is too close to neighbouring residential properties;
 - Noise from within the building will be audible to these residents;
 - Conditions attached to previous permissions should again be attached including operating hours, no outside works and delivery times;
 - The existing bund should be continued the full length of the proposal;
 - The drainage ditch alongside the neighbouring properties has not been properly constructed and gets wet in times of heavy rain and during the winter- complaints to the Environment Agency have failed to solve this;
 - The new building does not allow any space to maintain the drainage ditch;
 - Bats have been observed roosting in the buildings and feeding over the water of the nearby river.
- 4.4 One further letter from the Bristol Beekeepers:
- No notification of the application was received;
 - The proposed development is very large and could have an adverse effect on their land (adjoining the south west boundary of the site) which is used as a training apiary and orchard;
 - The drainage ditch (described as dry) is in most years filled with surface water from the surrounding land;
 - The proposal would inhibit maintenance of this drainage ditch;
 - Paint spraying and other body workshop processes would be likely to generate fumes that would be detrimental to the health of the bees.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning Policy Statement 4 advises that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development (Policy EC10).

5.2 Policy E3 of the South Gloucestershire Local Plan allows for proposals for employment uses within the urban areas provided (considered relevant to this case):

- Development would not have an unacceptable environmental effect; and
- Adequate provision is made for servicing and delivery requirements and development would not give rise to unacceptable levels of vehicle traffic, especially heavy goods vehicles, or on-street parking, to the detriment of the amenities of the surrounding area and highway safety; and
- Development would not prejudice residential amenity; and
- The character of the area or the settlement would not be adversely affected.

5.3 In this instance, the application would provide a new building that would be used in association with the existing car dealerships fronting Cribbs Causeway providing pre-delivery, storage and repair facilities. This mix of uses would form a mix of B2 (General Industrial) and B8 (Storage) uses thus development of this site (which falls within the built up area beyond the nearby Safeguarded Employment and Green Belt designations) would be compliant with the provisions of this policy subject to those criteria as listed. These issues are considered in more detail below.

5.4 More specifically, the application site is now encompassed by policy CS26 (Cribbs/ Patchway New Neighbourhoods) of the emerging Core Strategy document. This document carries less weight than the adopted South Gloucestershire Local Plan but consideration of this policy is required.

5.5 Accordingly, this policy details that land from Charlton Common south of the Filton Airfield west to the A4018 and north of the airfield to the commercial areas of Cribbs Causeway is earmarked for approximately 1750 dwellings in mixed use neighbourhoods. These neighbourhoods will provide a range of use and functions and significantly, would include a well planned and Green Infrastructure including a strategic green corridor for amenity, recreation, sustainable drainage and wildlife uses along the Henbury Trym.

5.6 In response, comments from the Councils Spatial Planning team prior to the submission of this application advised that whilst this document (the Core Strategy) is in the relatively early stages of the adoption process, it does set out a clear vision and policy for the area. Further, whilst it is not specific to individual sites, an important part of the vision is relevant to this site. On this basis, these comments advised that to protect the setting of the Trym and thereby protect the long-term aspirations for the strategic green infrastructure in this location, particular consideration should be given to the visual, landscape and ecological impact of the proposal with particular attention given to the siting of both the building and car storage area; these issues are addressed later in

this report. These comments expressed no objection to the principle of the proposed development.

5.7 Design/ Visual Amenity

Planning policy D1 of the adopted local plan advises that development will only be permitted where good standards of site planning and design are achieved. As such, proposals should respect and enhance the character, distinctiveness and amenity of the site and the locality with features of landscape, nature conservation, heritage or amenity value safeguarded and enhanced.

5.8 Planning policy L1 of the adopted local plan advises that in order that the character, distinctiveness, quality and amenity of the local landscape be conserved and enhanced, new development will only be permitted where:

- o Those attributes of the landscape which make a significant contribution to the character of the landscape are conserved, and where possible enhanced;
- o Those features in or of the landscape which make a significant contribution to the character or distinctiveness of the locality are retained, protected and managed in a manner which ensures their long term viability; and
- o The amenity of the landscape is conserved and where possible, enhanced.

5.9 In this instance, the application relates to a derelict former mushroom farm that forms a number of single-storey structures; the application site also encompasses the open field in front immediately behind the existing car dealerships fronting Cribbs Causeway. The grant of planning permission would allow a single-storey building (replacing the existing buildings) that would provide a pre-delivery inspection and car workshop unit that would serve the existing car dealerships in front of the application site fronting Cribbs Causeway. The application would also facilitate creation of a new parking/ storage area to provide for vehicles pre and post preparation and repair.

5.10 The new building would form a single-storey structure, which would adjoin the southwestern boundary of the application site replacing the existing derelict single-storey structures associated with the mushroom farm. The new building would be broadly rectangular in shape with the main part of this structure measuring 68m in length and 39m in depth. A shallow pitched roof reaching 6.6m in height (albeit with three roof mounted flues reaching 9.5m) would encompass the build that would adopt the appearance of a modern industrial building. The proposal would provide facilities in association with its use for the pre-delivery inspection and repair of vehicles with an ancillary car wash to its southern side.

5.11 The Design and Access statement explains the need for the development advising that the facility would support the existing car dealerships by avoiding the need to move cars off site for repairs and by utilising the empty transporter return journeys made from the site. The existing buildings are considered unsuitable for conversion; this is apparent upon a visual inspection of the application site.

5.12 The proposed parking/ storage area would occupy the existing field in front of this new building extending south to the Westbury Trym. It is noted that further

- to pre-application discussions in respect of the scheme, this proposed car parking/ storage area has been near halved in size.
- 5.13 In response, comments from the Councils Landscape Officer confirm that the site is not considered to be widely visible within the landscape with the site visually contained by the topography of the valley of the River Trym and the existing buildings. As identified by the landscape appraisals, the 'worst case' visual intrusion from a publicly accessible location is from the public right of way some 200m from the north east corner of the site; the number of persons viewing the site from this direction is however likely to be limited whilst the proposed planting proposals would help to soften the visual intrusion of the proposal. It is also not considered that the site would be conspicuous from the nearby Green Belt to the opposite side of Cribbs Causeway.
- 5.14 The most significant landscape features of the site are considered to be the existing hedgerows and vegetation associated with the banks of the River Trym. The best quality hedgerows would be retained and protected during construction and supplemented with new planting; the riverside planting would also to be similarly retained, protected and supplemented. It is considered that this supplementary riverside vegetation would also help contribute to local green infrastructure as required by the emerging Core Strategy.
- 5.15 For the above reasons, there is no objection to the proposal on design/ visual amenity grounds subject to conditions requiring a full landscaping plan and requiring the submission and approval of full details in respect of the location and form of hedgerow/ tree protection during development. A further condition should also be attached to require a full landscape maintenance specification with this to cover a period of five years.
- 5.16 In the event that permission is granted, it would also be necessary to add further conditions relating to the colouring and materials of the proposed new building and in respect of any external lighting. In the consideration of these submitted details, it would be important to have regard to the proximity of Filton Airfield (and the restrictions that this might impose) as is acknowledged by the application details which have been submitted.
- 5.17 Residential Amenity
The application site is remote from neighbouring properties with those closest to the site largely facing away from the development and fronting Passage Road to the south west; these dwellings are some 25m from the application site albeit with one dwelling closer near the application site boundary.
- 5.18 In considering the above, it is noted that further comments received from the Councils Landscape Officer detail that the visual amenity of these properties on Passage Road is already protected by bunding and planting that formed part of the previous landscape works associated with earlier phases of the overall vehicle showroom developments. Notwithstanding this, given the level of separation provided, and in view of the nature of development (i.e. single-storey) it is not considered that permission could be reasonably withheld having regard to any impact on these properties. In this regard, any nuisance that might potentially be caused in respect of noise/ fumes would be controlled by

separate environmental legislation with it noted that the Councils Environmental Health Officer has raised no objection to this current proposal.

5.19 With regard to the further concerns that have been raised, environmental legislation should again help to safeguard the adjoining land use (Bristol Bee Keepers) whilst the agent has confirmed that space would be available for maintenance of the drainage ditch.

5.20 Highway Safety

Policy T12 of the adopted Local Plan allows for development (in terms of transportation) provided that it:

- Provides adequate safe, convenient, attractive and secure access and facilities for pedestrians, cyclists, and people with disabilities; and
- Provides safe access capable of accommodating the motorised traffic generated by the proposal; and
- Would not create or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety; and
- Would not generate traffic that would unacceptably prejudice residential amenity or other environmentally sensitive areas in terms of noise, vibration and air quality; and
- Incorporates traffic management/ calming measures where improved safety and environmental enhancement are required as a result of the development; and
- Provides for or contributes to public transport and pedestrian and cycle links – the extent of provision or contribution will be determined by the need arising from the development and will be related in scale and kind to the development; and
- In commercial developments, provides for safe, secure and convenient on-site loading, unloading and waiting facilities; and
- Provides for or does not obstruct existing emergency vehicle access.

5.21 In this instance, comments from the Councils Highway Officer confirm there is no transportation objection to the principle of this development. In this regard, the parking area/ allocation of parking space justification is considered to be appropriate with the measures that have been included to ensure that staff would not be able to park in the pre-delivery inspection/ bodyshop car storage area considered acceptable; this overcomes the concerns that were raised at the pre-application stage.

5.22 Further, Highway Officer comments advise that the new access road from the Laurels junction onto Cribbs Causeway would help with vehicle movement around the site by providing a safe route for the larger vehicles to access the new facilities; this would separate these from the showroom traffic that would utilise the left in only junction off of Cribbs Causeway.

5.23 As part of the pre-application discussions it was identified that a travel plan would be required to cover not just the proposal but the whole of the 'Dick Lovett' development in the vicinity as the proposal would generate additional vehicle movements both in terms of staff/ customers and transporters to/ from the site. As such, a Travel Plan has been received that includes targets and a

monitoring regime that would be followed up by officers of the council to ensure adherence to the submitted plan.

5.24 Finally, although the Transport Statement details that a crossing exists at the Laurels junction on the A4018, this is in need of updating to accommodate the increased vehicle, cycle and pedestrian movements associated with the proposal. The applicant is therefore requested to contribute £15,000 towards upgrading facilities in and around the signalised crossing to mitigate the impact of the proposal; this could be secured via an appropriate legal agreement in the event that permission is granted.

5.25 For the reasons outlined above, there is no transportation objection to this proposal subject to the completion of the S106 agreement as outlined.

5.26 Ecology

The application site forms a series of derelict buildings and hardstanding associated with the former mushroom farm and additional grassland/ scrub. The site is not covered by any statutory or non-statutory nature conservation designations.

5.27 The application includes a report on an extended Phase 1 survey of the site and a suite of surveys for specific protected or notable species as advised by the Council prior to the submission of this application.

5.28 Accordingly, it is noted that the fields forming part of the site are semi-improved and moderately diverse in parts, having been unmanaged in recent years. Six species-poor hedges are present, primarily separating the three agricultural fields; however the hedges, which are generally tall, wide and dense reflecting a lack of management, do not contain the requisite number of species per 30m to qualify as 'important' under the Hedgerow Regulations 1997. The Henbury Trym watercourse and stream corridor forms the southern site boundary with this lined with scrub and mature broadleaf trees. There is a large amount of litter within the stream corridor to the west.

5.29 The details included a survey of the building for bats and an assessment of the potential roosting opportunities. Despite the third party comments received (as detailed above), no signs of bats were found with three of the buildings considered to be of low potential for bats and two considered to be unsuitable. It is noted however that two mature oak trees beyond the site displayed features of use to roosting bats although these trees would not be affected by the proposed development.

5.30 A total of fifteen species of birds were recorded with two (dunnock and song thrush) listed as priority species on the UK Biodiversity Action Plan (BAP) and with two on the RSPB Amber List of Species of Conservation Concern. The survey indicated that there were also anecdotal accounts of barn owl being seen. The majority of breeding territories on site were associated with the Henbury Trym corridor and hedgerows.

5.31 The native shrub mix proposed to bolster the retained hedgerow along the east boundary of the vehicle parking area is considered to be acceptable although

- the ecological assessment received suggests cutting hedges in the autumn to help avoid 'bird strike'. However, comments received from the Councils Ecologist state that the CAA advice note alluded to is advisory only and autumn cutting would adversely impact on the nesting birds including song thrush. Further, the airport has operated for a long time alongside former substantial areas of semi-natural habitat including the hedges on site that have not been managed for many years.
- 5.32 The survey recorded two small breeding populations of slowworms with a peak count of three slowworms (male, female and a juvenile) recorded. Given that slowworms have been recorded, a mitigation strategy would be required prior to development to avoid killing or injuring animals during construction.
- 5.33 Despite previous anecdotal accounts associated with the Trym in respect of water voles, no water voles were recorded with only occasional field signs of brown rat. The assessment notes that there is some potential for water voles to occupy the surveyed section of the Trym prior to development and it recommends a further pre-construction survey on a precautionary basis.
- 5.34 No evidence of badgers (including setts) was found. However, given that badgers readily dig new setts within their territories, the assessment recommends a further pre-construction survey, particularly if over 12 months lapses between the survey and development commencing.
- 5.35 A single hedgehog was recorded in the northern corner of the site. The unmanaged grassland, wide hedges and stream corridor, coupled with the dilapidated buildings and rubble piles, provided good habitat for the species. Given that hedgehogs have been recorded on site, a mitigation strategy would be required prior to development commencing to avoid killing or injuring animals during construction.
- 5.36 In view of the above, there is no objection to this application on ecology grounds subject to those conditions as detailed. This is also further to an amended site layout plan that allows a wider buffer strip adjacent to the Henbury Trym. In this regard, the Trym and its bank vegetation would be the only retained semi-natural habitat and whilst the original details showed that the watercourse would be separated by a strip of new shrub planting/ grassland, the southern parking bays would have been very close bringing human activity and vehicular traffic within close proximity to this semi-natural habitat. A wider and more robust 'buffer' strip has therefore now been provided.
- 5.37 Archaeology
The proposal lies close to a former Roman Road (Cribbs Causeway) thus there is a strong possibility of Roman settlement in the area. Comments from the Councils Archaeologist advise that whilst the application does include an archaeological desk based survey, this is not up to date and does not reflect the requirements of the revised PPS5. The survey should also address the potential buried archaeology on the site of the existing buildings.

5.38 This information was received at the same time of the writing of this report thus it is considered acceptable to condition this matter. In this regard, the initial details are understood to have shown little of significant interest.

5.39 Outstanding Issues

Concerns have been expressed with regards to the drainage of the site. In response, the Councils drainage engineer has raised no objection to the proposed development although in the event that planning permission is granted, drainage details should be agreed by an appropriately worded condition.

6. CONCLUSION

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

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

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

1. The design of the development proposed would not appear unduly prominent within the wider landscape setting and together with the landscaping proposals suggested, would be acceptable having regard to the provisions of planning policies D1 (Achieving Good Quality Design in New Development), L1 (Landscape Protection and Enhancement) and E3 (Criteria for Assessing Proposals for Employment Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The development proposed would cause no significant adverse impact in residential amenity and thus would be compliant with Planning Policy E3 (Criteria for Assessing Proposals for Employment Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The proposal is considered to be acceptable in transportation terms and thus would accord with the provisions of planning policy T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

7.1 That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) within 6 months to secure the following:

- i. A contribution of £15,000 towards enhancing pedestrian/ cyclist and motor vehicle facilities to mitigate the impact of the proposed development.
- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 7.3 Should the Section 106 Agreement not be completed within 6 months of the date of determination then the application be refused or returned to the circulated Schedule for further consideration on this basis.

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Planning Policy D1 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 all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Planning Policies D1L1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

5. Prior to the commencement of development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to the Local Planning Authority for approval. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

To protect the character and appearance of the area to accord with Planning Policies D1, L1 and E3 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) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with planning policies L17, L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The travel plan hereby approved as part of this application shall be implemented upon first occupation of the development hereby permitted.

Reason

In the interests of highway safety and to accord with Planning Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of development an amended archaeological survey of the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

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

9. No Engineering works or deliveries shall be taken at or despatched from the site outside the hours of:
07.30- 18.00 on Monday to Friday
08.00- 13.00 on Saturday
nor at any time on Sundays, Bank or Public Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Planning Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. All engineering activities shall take place inside of the building hereby approved.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Planning Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. Notwithstanding the submitted details, prior to the commencement of development details of any floodlighting and external illuminations, 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

In the interests of visual amenity, to protect the amenity enjoyed by those living in the locality and to safeguard the Henbury Trym all to accord with Planning Policies D1, E3 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. Prior to the commencement of development, an ecological management plan shall be submitted to and agreed in writing with the Local Planning Authority. This shall include details of all new landscape planting with the plan drawn up specifically to benefit local bird populations (including song thrush, a UK and South Gloucestershire Biodiversity Action Plan species). Development shall accord with these approved details.

Reason

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

13. Prior to the commencement of development, a mitigation strategy for slow-worms shall be submitted to and agreed in writing with the Local Planning Authority. Development shall accord with these approved details.

Reason

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

14. Prior to the commencement of development, a mitigation strategy for hedgehogs shall be submitted to and agreed in writing with the Local Planning Authority. Development shall accord with these details hereby approved.

Reason

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

15. If development commences after 12 months from the date of this decision, prior to the commencement of development, a pre-construction survey of the site for badgers and

their setts shall be undertaken with the details submitted to and approved in writing by the Local Planning Authority. Development shall accord with these details hereby approved.

Reason

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

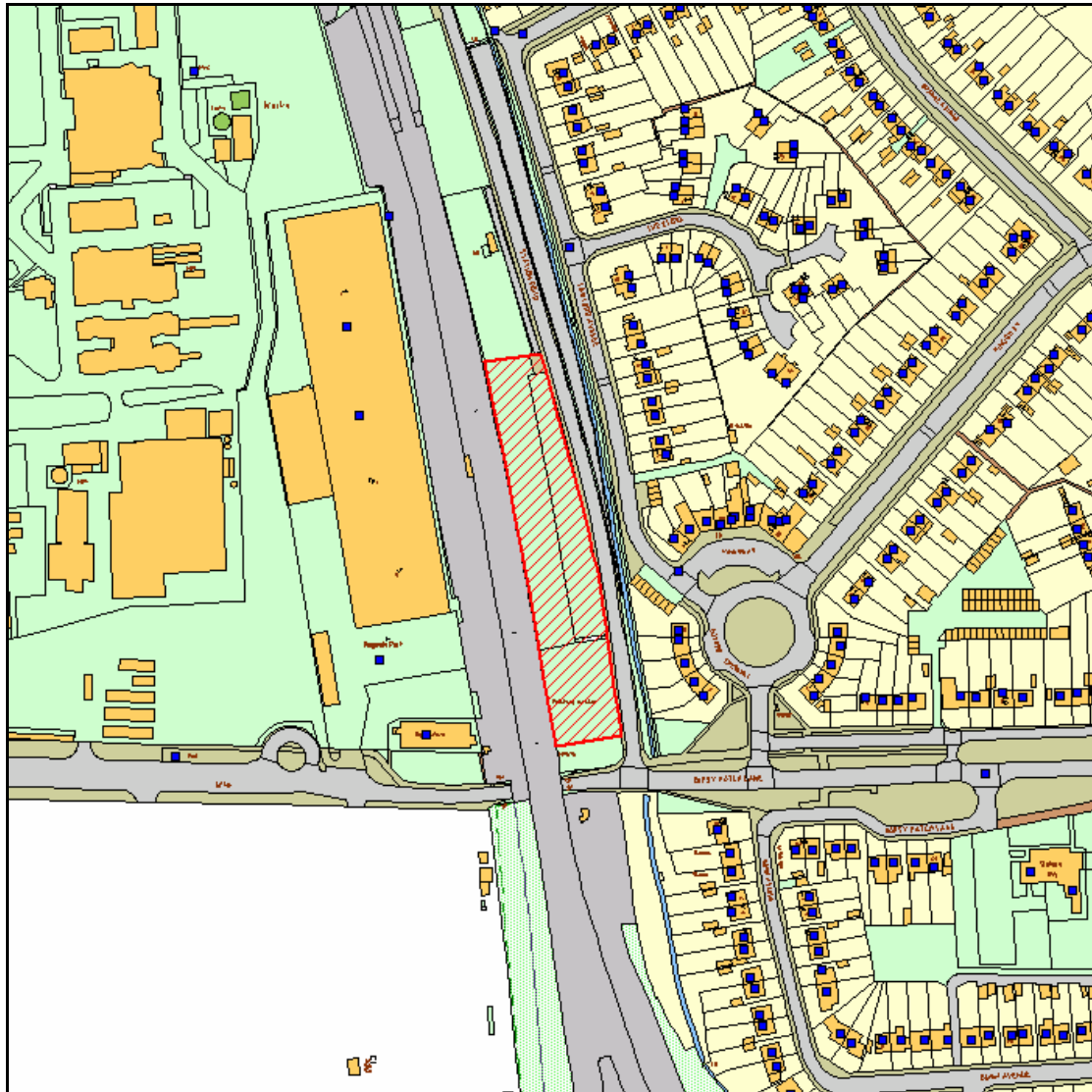
16. Prior to the commencement of development, a pre-construction survey of the section of the Henbury Trym adjoining the site for water voles shall be submitted to and approved in writing by the Local Planning Authority. Development shall accord with these submitted details.

Reason

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

CIRCULATED SCHEDULE NO. 43/10 – 5 NOVEMBER 2010

| | | | |
|------------------------------|--|---------------------|--------------------------------------|
| App No.: | PT10/2246/F | Applicant: | Mr Tim Pearce Bristol Properties Ltd |
| Site: | Land At Station Road Patchway Bristol South Gloucestershire BS34 6JR | Date Reg: | 3rd September 2010 |
| Proposal: | Change of use from former Watson's car park (sui generis) to ancillary car/coach parking for users of South Gloucestershire Bus and Coach Company and siting of a mobile tea/coffee shop (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987. | Parish: | Stoke Gifford Parish Council |
| Map Ref: | 361202 180775 | Ward: | Stoke Gifford |
| Application Category: | Minor | Target Date: | 27th October 2010 |



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100023410, 2008. **N.T.S.** **PT10/2246/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as representations were made contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the 'Change of use from former Watson's car park (sui generis) to ancillary car/coach parking for users of South Gloucestershire Bus and Coach Company and siting of a mobile tea/coffee shop (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987'.
- 1.2 The application description was changed from 'Change of use from vacant land to allow car parking and siting of mobile tea/coffee shop (Class A3) as defined in the Town and Country Planning (Use Classes) Order 1987' following Officer's concerns. It was considered that this description did not accurately reflect the previous use of the site, that the described use to 'allow car parking' was too vague and ambiguous and that the proposed use should be sui generis as a mixed use of the site is being proposed.
- 1.3 The application site comprises an existing enclosed compound of approximately 0.47ha situated between the mainline railway and Station Road. Gypsy Patch Lane is to the south with Patchway Station to the north. The shape of the site is linear in form, long and narrow. To the east of Station Road are properties in Lawford Avenue. The site is elevated relative to Lawford Avenue. A row of existing landscaping and trees follows the eastern boundary of the site. Much of the site is laid to hardcore and is predominantly level. At the edges the site slopes down to Station Road and steeply down to Gypsy Patch Lane. Earlier this year permission was granted (PT10/0636/F) for a 2.4 m high metal fence that has been erected around the site boundary.
- 1.4 Additional information was submitted by the applicant including an amended site plan including the main South Gloucestershire Bus and Coach Company site, an amended planning description and a letter from South Gloucestershire Bus and Coach Company confirming their taking on of a lease for the application site. As a result, a full re-consultation took place.

2. POLICY CONTEXT

2.1 National Guidance

| | |
|-------|--|
| PPS1 | Delivering Sustainable Development |
| PPS4 | Planning for Sustainable Economic Growth |
| PPG13 | Transport |
| PPG14 | Development on Unstable Land |

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

| | |
|-----|---|
| D1 | Achieving Good Quality Design |
| E3 | Criteria for Assessing Proposals for Employment Development within the Urban Area |
| EP1 | Environmental Pollution |
| L1 | Landscape Protection and Enhancement |
| RT8 | Small Scale Retail Uses within the Urban Area |
| T8 | Parking Standards |
| T12 | Transportation Development Control Policy for New Development |

Emerging Development Plan

Core Strategy Pre-Submission Publication Draft (March 2010)

| | |
|-----|---------------------|
| CS1 | High Quality Design |
|-----|---------------------|

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 P87/1480 – Construction of car park. Approved 29/07/1987.
- 3.2 PT02/3636/F - Use of former Watson's car park for coach parking and former station yard for staff car parking in connection with bus and coach business. Withdrawn 24/03/2003.
- 3.3 PT07/3021/F – Erection of 1no. office and 1no. storage building to be used as a maintenance delivery unit (MDU) and 2.4 m high boundary fence. Refused 11/03/2008. Appeal dismissed 03/10/2008.
- 3.5 PT10/0636/F – Erection of 2.4 metre high galvanised palisade fence with 1no. pedestrian gate. Approved 20/05/2010.

4. **CONSULTATION RESPONSES**

4.1 Stoke Gifford Parish Council

Stoke Gifford Parish Council agrees in principle with the application. However, concerns were expressed regarding the narrow road and whether there was enough room to enable coaches to swing in and out of the area safely. The Parish also request to see the plans of proposed landscaping around the site and request that it is confirmed the surface is permeable. Finally the Parish suggest that the food van be moved to the furthest point away from the entrance so as not to attract passing trade.

4.2 Other Consultees

Highways

No objection.

Environmental Health

No objection.

Drainage

No objection subject to condition.

Other Representations

4.3 Local Residents

6 individual letters of support for the proposal were received from local residents. Points raised were:

- The surrounding streets would be safer for pedestrians
- More parking for locals
- Better access to Little Stoke shops
- Improved access for waste management vehicles
- The site is secure and so no vandalism would take place

1 individual letter of objection was received raising the following concerns:

- No need for takeaway
- Not clear who car park is for

A petition signed by 16 local residents raising points for and against the proposal was received making the following points:

- Residents see a need for parking
- No need for new business
- Coaches should not be allowed access onto Station Road
- Food outlet should be ok if parking is sensible
- Entrance to car park not suitable for coaches due to subsidence
- Turning point for coaches will weaken the road as the water course has problems
- Concern over noise generated from proposed use

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site is located within the urban area and the proposed use of the site will be that of a car/coach parking area with 70 car parking spaces and 6 coach spaces, with a tea/coffee shop (sui generis) associated with South Gloucestershire Bus and Coach Company. It is considered that the most

relevant Policies in this instance are Policy EC18 of PPS4 (Application of Car Parking Standards for Non-Residential Development) and Policy RT8 of the Local Plan (Small Scale Retail Uses within the Urban Areas). Policy T8 (Car Parking Standards) of the Local Plan is considered to be of limited use as there is no stated provision of maximum parking standards for a sui generis use. In the absence of relevant maximum parking standards Policy EC18 of PPS4 states that the onus is on the applicant to demonstrate a need for a higher parking provision is needed and show the measures proposed to be taken to minimize the need for parking.

5.2 A mobile tea and coffee shop (A3 Use) is proposed in the north west corner of the site and this element of the proposal is assessed under Policy RT8 of the Local Plan which states that outside town centres small scale uses falling within Class A3 will be permitted provided criteria is satisfied in respect of; residential amenity, highway safety and character of the local area. The sale of hot food is not proposed here and any food that is served would have to be consumed on the premises. When in operation, it would have the dual-function of providing site security. It should be noted that the applicant does not have to identify a 'need' for the tea and coffee shop.

5.3 The proposal would also see the application site used for the storage of up to 6 out of service coaches. This part of the application is assessed under Policy E3 of the Local Plan, for employment development within the urban area, which is acceptable subject to criteria being satisfied in respect of; residential amenity, environmental effects, highway safety and character of the local area. The proposal is therefore acceptable, subject to the following detailed assessment.

5.4 Residential Amenity

To the east of the site lie residential properties off Lawford Avenue and Gifford Crescent. It is considered that the use of the site itself for car parking and a tea/coffee shop would not have an adverse impact upon the residential amenity of nearby occupiers for the following reasons:

- Noise levels around the site are already fairly high due to busy traffic on Gypsy Patch Lane, the adjacent mainline railway and the industrial estate beyond to the west.
- The activity itself of parking cars and of a temporary building serving tea and coffee is not a high noise generator.
- The site is very well screened by vegetation to the east, and the closest residential properties are beyond this.
- The nearest residential properties are approximately 22 metres away from the edge of the site and this is considered a sufficient distance for there to be no undue loss of amenity to local residents.

5.5 It is appreciated that there would be additional traffic flow at the southern end of Station Road as a result of the proposal, however the majority of these vehicles are already parking in close proximity to the site in residential areas and the hours of 6am – 8pm are considered satisfactory given the sites location. It is also worth noting that the former use of the site was as a car park for

approximately 60 vehicles and so the use proposed here is not significantly different or more intense.

5.6 Highway Safety / Analysis of Proposed Parking Provision

The Council's Highways Officer considers the access and approach roads to be satisfactory in order to deal with the level of vehicle movements anticipated for a parking area with provision for 76 vehicles. The junction from the site onto Station Road is considered adequate for coaches to enter and exit the site safely. The proposed tea/coffee shop would predominantly be used by users of the car park and would not lead to unacceptable levels of vehicular traffic visiting the site. Concern was raised in regard to possible subsidence on the entrance to the car park and weakening of the road. It should be noted that PPG14 states that 'The responsibility for determining whether land is suitable for a particular purpose rests primarily with the developer.' It is anticipated that Station Road and the site itself are capable of sustaining an increase in number and size of vehicles, and any subsequent issues concerning land stability would be up to the developer to resolve.

5.7 As is stated in section 5.1 of this report, under Policy T8 (Car Parking Standards) of the Local Plan there is no stated provision of maximum parking standards for a sui generis use. A key objective of PPG 13 is to "use parking policies alongside other planning and transport measures, to promote sustainable transport choices and reduce reliance on the car". The applicant should therefore identify an acceptable level of parking provision that is not excessive to the needs of the South Gloucestershire Bus and Coach Company (SGBCC). The applicant has put forward information in support of the provision of a car park of this size that can be summarised as follows:

- There is sufficient parking space on-site for employees, but a number of employees choose to park their cars legally on adjacent residential roads in Little Stoke as they are reluctant to park their vehicles at Pegasus Park as, to comply with the terms of the SGBCC building insurance, the vehicles' keys must be left in the vehicle at all times. This has resulted in some disquiet among local residents and, as a measure of goodwill, the owner of the SGBCC has opted to provide an alternative parking area on the application site.
- The proposed change of use would bring a vacant, derelict site back in to productive use.
- In terms of the proposed car parks size, 70 parking spaces are considered to be reasonable on the grounds that SGBCC employs 140 drivers and 12 workshop staff. As such, it is not considered that the proposed car park would be disproportionately large.

5.8 It is acknowledged that the current staff parking facilities for the SGBCC are not ideal and it is claimed staff are choosing to park elsewhere, causing an element of disruption to local residents. The choice that the staff are making is clearly outside the Council's control and that of SGBCC. It is held by the applicant that the proposed car park would be used by its employees and this would ease

parking congestion on the surrounding residential streets. The number of car parking spaces proposed (70) is considered a reasonable number given the 140 staff that work at the site. The owner of SGBCC is taking out a lease agreement on the site and is agreeable to a temporary consent so that it can be assessed as to whether the car park has had a positive impact on the local area. This temporary period would be for 5 years and it is considered expedient to include a condition to limit the use for this time period.

5.9 Design / Visual Amenity

The only physical alteration proposed is the addition of a small tea/coffee shop approximately 5m x 2m to be situated in the north west corner of the site. This portable building would be mounted on a trailer. Owing to the modest size of the unit and its location towards the rear of the site it is not considered the unit would be harmful to the character of the area. The unit would provide a basic service for users of the SGBCC site and would not harm the vitality and viability of an existing local centre, for example the nearby rank of shops at Kingsway. A condition will be imposed restricting the size of the shop unit, ensuring it remains ancillary to the size of the overall development and does not expand in size to the detriment of nearby local centres.

5.10 The cars and coaches to be parked on the application site would, in the main, not be visible from the public realm. This is due to the industrial estate to the west and the existing vegetation to the east of the site. The Parish Council requested a landscaping scheme however it is considered that there is already sufficient vegetation on site. With no other works proposed it is considered that the proposal would have no adverse impact in terms of visual amenity.

5.11 Drainage

No drainage information was submitted with the application and so the Council's drainage engineer has requested a planning condition requiring surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection be submitted to the Council for prior approval. This should allay the Parish Council's concern regarding the permeability of the site.

6. CONCLUSION

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

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

- a) The proposal would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to Policies D1 and RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposal would provide a service that would not harm the vitality and viability of an existing local centre and nor would the character of the area or visual amenity be adversely affected. The development therefore accords to Policies D1, L1 and RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.
- c) The proposal would not give rise to unacceptable levels of vehicular traffic or prejudice highway safety. The development therefore accords to Policies D1, T12 and RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

- 7.1 That planning permission is **GRANTED** subject to the conditions attached to the decision notice.

Contact Officer: William Collins
Tel. No. 01454 863425

CONDITIONS

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

Reason

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

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The use hereby permitted shall not be open to users outside the following times; Monday to Saturday 06.00 - 20.00.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies D1 and RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The use hereby permitted shall be discontinued and the land restored to its former condition and use on or before 30th November 2015 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

There is inconclusive evidence available at this stage to assess the positive impact of the development in relation to transportation and specifically the impact the development would have on nearby on-street parking in residential areas. Permission for a limited period will allow the Local Planning Authority to re-assess the development in the light of experience of the use in terms of improvements to residential amenity locally, the provisions of the Local Plan, and any other material considerations.

5. The car park hereby approved shall only be used as ancillary parking to the site known as the South Gloucestershire Bus and Coach Company site as outlined and hatched in green on the named 'Plan showing application site and extent of SGB+C Company premises' received by the Council on 01/11/2010.

Reason

To ensure the proposed use is used for purposes ancillary to South Gloucestershire Bus and Coach Company planning unit and to be able to assess the impact of the development in relation to transportation and specifically the impact the development would have on nearby residential on street parking.

6. The tea / coffee shop provided on site as a part of this change of use shall not be extended beyond the size of footprint as shown on drawing 2821 0001 C, received by the Council on 01/09/2010.

Reason

To ensure the A3 use element of the proposal remains ancillary to the size of the overall development and does not expand in size to the detriment of nearby local centres.

ITEM 9

CIRCULATED SCHEDULE NO. 43/10 – 5 NOVEMBER 2010

| | | | |
|------------------------------|---|---------------------|-------------------------------|
| App No.: | PT10/2379/F | Applicant: | Mr M.J Newman |
| Site: | Land At Brook Farm Westerleigh Road Westerleigh Bristol South Gloucestershire | Date Reg: | 17th September 2010 |
| Proposal: | Erection of 2no. dwellings and detached double garage with access and associated works. | Parish: | Westerleigh Parish Council |
| Map Ref: | 369981 179907 | Ward: | Westerleigh |
| Application Category: | Minor | Target Date: | 10th November 2010 |



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100023410, 2008. **N.T.S.** **PT10/2379/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been referred to the Circulated Schedule in view of the comments that have been received from local residents.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of two detached chalet style dwellings.
- 1.2 The application site forms land at Brook Farm, Westerleigh. The site lies behind those properties fronting the east side of Westerleigh Road. The site is located within the Westerleigh settlement boundary that is washed over by the Green Belt. Brook Farm is Grade II listed.
- 1.3 The application forms a resubmission of application PT08/3166/O that was refused for the following reason:
 1. Insufficient detail has been submitted to demonstrate any mitigation measures required to offset noise disturbance caused to the proposed new dwellings given their proximity immediately adjacent to the Jorrocks Industrial Estate. The application is therefore considered to be contrary to Planning Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document, and PPG24.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development
PPG2: Green Belts
PPS5: Planning for the Historic Environment
PPS3: Housing
PPG13: Transport
PPG24: Planning and Noise

2.2 Development Plans

Emerging Policies: South Gloucestershire Core Strategy (Pre-Submission Publication Draft) March 2010

CS1: High Quality Design
CS9: Environmental Resources and Built Heritage
CS17: Housing Diversity

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development
GB1: Development in the Green Belt
H2: Proposals for Residential Development
H4: Development within Residential Curtilages
T12: Transportation Development Control policy for New Development
L1: Landscape Enhancement and Protection

L13: Listed Buildings
EP4: Noise Sensitive Development

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/2574/O: Erection of two dwellings (outline) with access to be determined; all other matters reserved. Refused: 6 November 2008
- 3.2 PT08/3166/O: Erection of two dwellings (outline) with access to be determined. All other matters reserved. (Resubmission of PT08/2574/O.) Refused: 29 January 2009

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No objection
- 4.2 Other Consultees
Highways DC: no objection subject to condition
Conservation Officer: concerns expressed at design approach, would prefer to see a rural building style approach to design
Drainage Engineer: no objection in principle
Landscape Officer: mixed comments
Environmental Services: conditions required

Other Representations

- 4.3 Summary of Local Residents Comments:
One letter received expressing the following concerns:
- The detached garage for plot two is too close and too large to the neighbouring property;
 - An integral garage would be less intrusive for the smaller neighbouring properties.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Planning policy H2 allows for the principle of residential development within the built up areas and settlement boundaries provided that it would not have an unacceptable environmental or transportation impact and provided it would not significantly prejudice residential amenity. This policy also requires that a minimum density of 30 dwellings per hectare be achieved where possible but this requirement has now been removed from the revised PPS3; there is still a need to make the most efficient use of land.
- 5.2 Policies GB1 and H2 cite that within the settlement boundaries (washed over by the Green Belt), development will be restricted to infilling. The supporting

text to these policies advises that in the vast majority of cases, acceptable infilling is unlikely to be more than the filling of small gaps within built development where it does not significantly infringe upon the openness of the Green Belt.

- 5.3 Planning policy T12 advises that new development will be permitted (in terms of transportation) provided that safe access is achieved whilst the development should be capable of accommodating the traffic that is generated. It should also not unacceptably exacerbate traffic congestion or generate traffic that would be detrimental to residential amenity.
- 5.4 Policy L13 details that development including alterations or additions affecting a listed building or its setting will not be permitted unless the building and its setting would be preserved, features of architectural or historic interest would be retained and provided the character, historic form and structural integrity of the building would be retained.
- 5.5 Design/ Visual Amenity & Listed Building Considerations
The application relates to an area of hard standing/ scrubland to the rear of the dwellings fronting the east side of Westerleigh Road, Westerleigh. The site lacks any road frontage or substantial rear boundary the latter of which denotes the settlement boundary with the open Green Belt. The site adjoins Jorrocks Industrial Estate to the north with a large number of taxis/ buses parked in the associated compound (sometimes spilling onto the application site). Rear gardens adjoin the western site boundary with a new dwelling to the south (PT04/3795/F). At the time of the case officer's site visit, there were a number of trailers/ lorry bodies on site with various parts of machinery/ scrap also found.
- 5.6 Further, Brook Farmhouse (north east of the site) forms a grade II listed building with the entrance to the site via the historic farmyard entrance associated with this former farmhouse. The farmyard now provides a mix of differing business accommodation within the converted buildings. It is considered that these converted buildings largely retain the character of this former farmyard.
- 5.7 The application seeks permission for two five-bed chalet style dwellings that would stand in parallel with the existing dwellings fronting Westerleigh Road and with the proposals facing these properties. Each would be of near identical design (albeit with plot 1 to benefit from an attached garage and with that serving plot 2 detached) occupying an 'L' shaped footprint and with three dormers providing for accommodation in the roof space.
- 5.8 Comments from the Councils Conservation officer advise that whilst the design of the proposals would relate to the existing residential properties in front, they are suburban in character. Accordingly, in order to protect the setting of the listed building and the more rural character of the area, there would be merit in seeking a more sympathetic form of development that would better reflect the more traditional built forms present. As such, a more traditional design approach is suggested which might appear as a group of converted farm

- buildings using typical narrow rectangular forms and with narrow gables and steep roof pitches.
- 5.9 In response, it is considered that the application site appears visually detached from Brook Farm and instead is viewed either in the context of the residential dwellings in front or with the backdrop of Jorrocks Yard (and its associated buses and coaches behind). Further, the design of these dwellings reflects the indicative details submitted previously at which time no objection was raised to this design approach (although this application was in outline form with all matters reserved except access); it also reflect the design approach of the bungalows in front.
- 5.10 Accordingly, on balance it is considered that there can be no reasonable objection to the proposal on this with any associated refusal reason likely to be unsustainable.
- 5.11 Impact on the Openness of the Green Belt
The application site is located on the edge of the Westerleigh settlement boundary that is washed over by the Green Belt. The supporting text to policies H2 and GB1 advise that development will be restricted to infilling, i.e. the filling of small gaps within built development where it does not specifically impact upon its openness. Further, policy GB1 states that proposals for development within or conspicuous from the Green Belt that would have an adverse impact on its visual amenity will not be permitted.
- 5.12 In this instance, the site sits between the adjoining industrial estate to the north (the built form of which extends further to the east) and the newly built dwelling to the south. For these reasons, it is considered that the proposals would form limited infilling and thus there is no objection to the application on this basis. Further, it is noted that there was no associated related refusal reason in respect of the previous application.
- 5.13 Landscape Impact
Councils received from the Councils Landscape Officer raise no objection to the proposal in the context of planning policies D1 and L1 with it noted that the site is contained on three sides by existing development thus the proposal is unlikely to have any significant visual impact. A full landscape plan would be required as part of a condition however.
- 5.14 Notwithstanding the above, comments received suggest that the proposal is not considered to meet policy L5 (Open Areas within the Existing Urban Areas and the Defined Settlement Boundaries). However, given the position of the application site within the settlement boundary, and with this area not considered to make a significant contribution to the quality, character, amenity and distinctiveness of the locality, it is not considered that planning permission could be reasonably withheld on this basis.
- 5.15 Residential Amenity
The two dwellings in front of the application site (Lees End and Kenmare) form single-storey link-detached properties with the layout of these units providing the main living accommodation at the rear (albeit with bedrooms to the front).

Boundary screening is provided in the form of a 1.8m high (approx.) close-boarded fence and hedgerow respectively whilst there is also a thick band of undergrowth within the application site.

- 5.16 With regards the impact on these existing dwellings, it is considered that an adequate level of separation would be retained (some 25m excluding the detached garage building) whilst the chalet style nature of the units would help to reduce the bulk and massing of these properties. As such, it is considered that there can be no reasonable objection to the current proposal on this basis with any associated refusal reason unlikely to prove sustainable.
- 5.17 With regards to the concerns that have been raised, the detached garage building stood on the boundary would be single-storey in height and set within the application site; i.e. not on the boundary. Whilst such is felt to be acceptable, in the event that planning permission is granted the roof could be turned so that these neighbouring residents see the sloping roof and instead of the more prominent gable. In the event that permission is granted, this alteration could form the basis of an appropriately worded planning condition.
- 5.18 The more recent dwelling to the south faces Westerleigh Road and is inset from this boundary. Mature planting along this boundary also helps limit views of this existing dwelling whilst it is noted that windows to this side of the property generally comprise secondary openings. As such, and with the main outlook from the new dwellings to the front and rear (with the exception of the inset bedroom window that would be some 18m from this neighbouring property), it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.19 Concerning the relationship between the new dwellings, aligning ground floor windows would include bathroom windows (obscure glazed) of plot 2 with the side facing dormer window of plot 1 facing a blank roof slope (with the exception of two small bathroom roof lights). This dormer would also not overlook the main garden with views at the rear at an oblique angle only towards each respective unit: this is not uncommon between residential properties. As such, there is no objection on this basis.
- 5.20 Highway Safety
Comments received from the Councils Highway Officer state that visibility from the proposed access along Westerleigh Road is slightly constrained but is considered to be acceptable. Further, the site plan indicates that the access would be widened to 5 metres to facilitate two-way traffic. In this regard, there are concerns regarding the steepness of the access and so the slope would need to be re-graded with detailed drawings required; this could form the basis of an appropriately worded condition. Re-grading the slope would make it easier to control vehicles as they pass, this is considered to be important given the mixed uses proposed.
- 5.21 The turning areas shown would be large enough to cater for a medium sized service vehicle although it is not anticipated that a refuse vehicle would enter a development of this size; consequently householders would have to transport bins further than is permitted under building regulation although this is not a

material highway consideration. Finally, the parking provision shown is considered to be acceptable whilst the garages could also be used for bicycle storage.

5.22 In the light of the above, there are no transportation objection to this current proposal subject to that condition as listed.

5.23 Noise

The application site lies adjacent to an existing industrial estate that has the potential to cause noise disturbance to future occupiers; this concern formed the basis of the previous refusal reason.

5.24 In this instance, the application is accompanied by an acoustic report that advises that noise from the industrial estate was low and was not considered to be of significant concern. On this basis, the Councils Environmental Services department have raised no objection to this application although suggest that the recommendations of this report for the basis of planning conditions in the event that planning permission is granted.

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

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

1. The design of the dwellings proposed is considered to be acceptable and in keeping with the character of the surrounding residential development in front and to the south. The proposal is therefore considered to accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and H2 (Proposals for Residential Development) and GB1 (Development in the Green Belt) of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The application site is located within the Westerleigh Settlement boundary and the proposals would form acceptable infilling for the purposes of Planning Policies H2 (Proposals for Residential Development) and GB1 (Development in the Green Belt) of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The proposal would not cause any significant adverse impact in residential amenity and is considered to accord with Planning Policy H2 (Proposals for Residential Development) and GB1 (Development in the Green Belt) of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The proposal would preserve the setting of the Grade II listed Brook Farm and thus is considered to accord with Planning Policy L13 (Listed Buildings) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. **RECOMMENDATION**

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

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Planning Policy D1 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 all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting) and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Planning Policies H4, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To protect the character and appearance of the area to accord with Planning Policies H4, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatments to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatments shall include the acoustic barriers along the north and east boundaries of the site as detailed within the acoustic report received. The boundary treatments shall be completed before the buildings are first occupied. Development shall be carried out in accordance with the approved details and thereafter retained.

Reason

To protect the character and appearance of the area, to safeguard residential amenity and to accord with Planning Policies H4, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of development, detailed plans showing the proposed access to the site shall be submitted to and approved in writing with the Local Planning Authority. Development shall accord with these approved details.

Reason

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

7. Prior to the commencement of development, an amended plan of the detached garage building serving plot 2 with the ridge line running from front to rear shall be submitted to and approved in writing by the Local Planning Authority. Development shall accord with these approved details.

Reason

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

8. Prior to the commencement of development, details of the noise mitigation measures to be included within each dwelling in accordance with the recommendations of the submitted acoustic report shall be submitted to and agreed in writing by the Local Planning Authority. Development shall accord with these approved details.

Reason

To safeguard the residential amenity of future occupiers and to accord with Planning Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

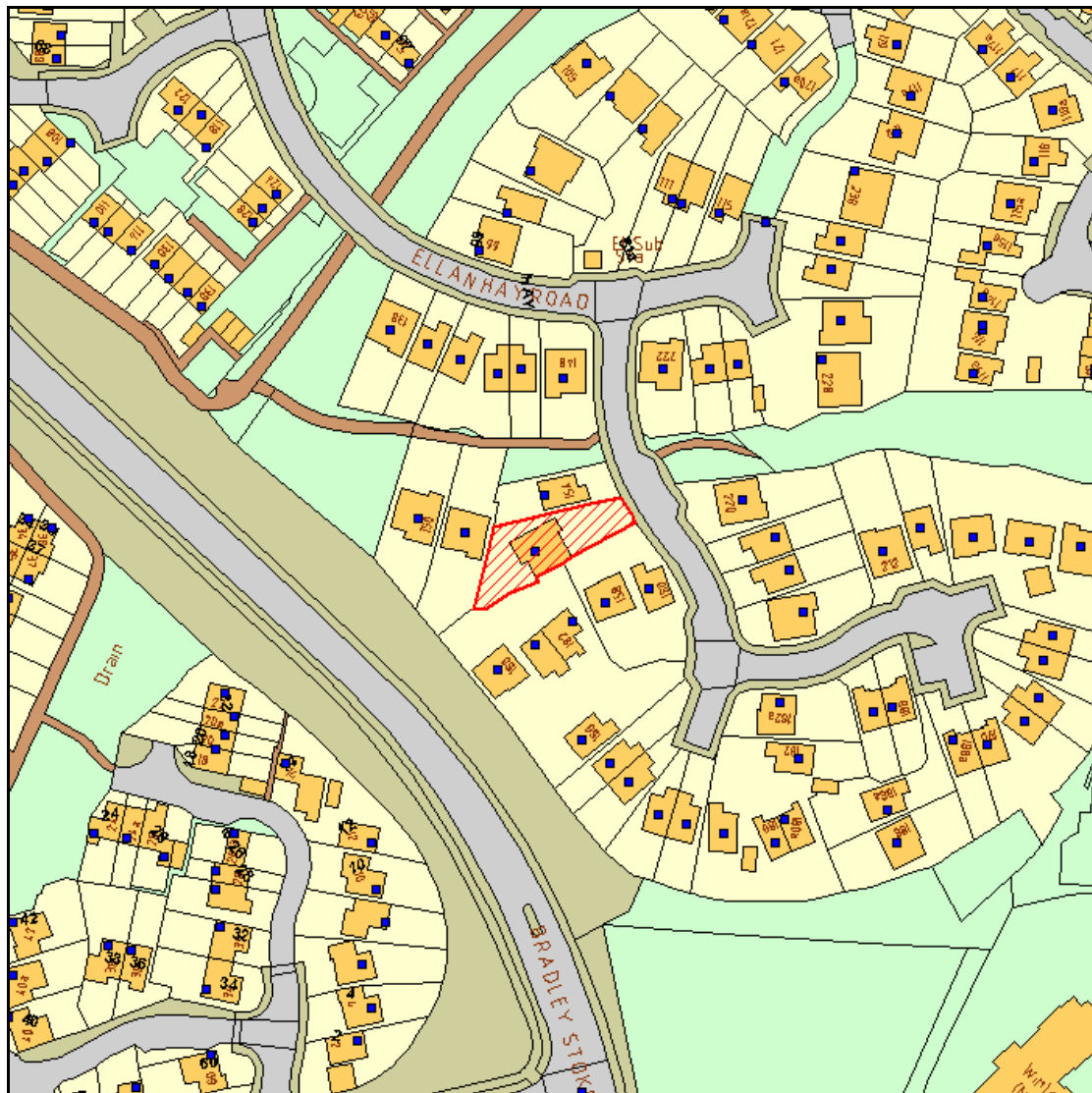
9. The glazing in the side facing bathroom/ ensuite windows of each dwelling shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason

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

CIRCULATED SCHEDULE NO. 43/10 – 5 NOVEMBER 2010

| | | | |
|----------------------------------|---|-------------------------|-------------------------------|
| App No.: | PT10/2509/F | Applicant: | Mr John Bradbury |
| Site: | 156 Ellan Hay Road Bradley Stoke Bristol South Gloucestershire BS32 OHF | Date Reg: | 24th September 2010 |
| Proposal: | Erection of single storey rear extension to form additional living accommodation. | Parish: | Bradley Stoke Town Council |
| Map Ref: | 363251 180755 | Ward: | Bradley Stoke South |
| Application Category: | Householder | Target Date: | 18th November 2010 |



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule List because an enquiry has been received from a neighbouring occupier.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey rear extension to form additional living accommodation.
- 1.2 The application site comprises a two-storey detached dwellinghouse situated on the western side of the cul-de-sac Ellan Hay Road within the established residential area of Bradley Stoke.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
H4 Residential Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
- 2.4 Emerging Policy
The South Gloucestershire Core Strategy March 2010

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/1659/F, conversion of rear of existing garage to form extended dining room and study, 13/07/07, approval.
- 3.2 PT02/1002/PDR, erection of rear conservatory, 18/04/02, no objection.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection

Other Representations

- 4.3 Local Residents
Correspondence has been received from one neighbouring occupier. The occupier enquires as to exactly where on the rear of the property the single storey extension would go and whether it would replace the existing conservatory.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning Policy D1 applies to all types of development and requires that a good standard of design is achieved. Planning Policy H4 allows for the principle of residential extensions subject to design, residential amenity and transportation considerations. Given the nature of the proposal, design and residential amenity are the main issues to consider.

5.2 Appearance/Form

The proposed extension would be located on the rear elevation of the property adjacent to the southern side and replace an existing conservatory. The replacement extension would be similar in scale to the existing conservatory and measure approximately 5.3 metres in length, 3.7 metres in width and have an apex of 3.5 metres at ridge height falling to 2.2 metres at the eaves. The extension would be encompassed by a pitched roof with 4no. rooflights in the roof slope. Access would be through the southwestern rear elevation and the materials would comprise brickwork for the walls, double Roman concrete tiles for the roof and white uPVC or white powder aluminium doors. The proposal would integrate with an existing single storey lean-to rear extension on the rear elevation. The scale, form, siting and materials proposed are considered to be generally in-keeping with the character of the existing dwellinghouse and surrounding properties and would be well screened from the public realm.

5.3 Residential Amenity

The layout of the site is such that the application site is flanked by neighbouring properties on all sides within relatively close proximity. However, it is considered that the main issue to consider is the impact on no. 162 Ellan Hay Road since the extension would be located adjacent to the rear boundary of this property. No windows would be located in the side elevations of the extension, therefore, it is considered that the neighbouring occupiers would not be significantly adversely affected through loss of privacy. In addition, the neighbouring property is situated directly south of the host dwelling, therefore, the proposal would not have a significant adverse impact in terms of loss of light. Whilst it is noted that the proposal would be slightly larger in scale than the existing conservatory and would comprise solid materials as opposed to glazing in the existing conservatory, it is considered that it would not have a significantly greater overbearing impact given the single storey form of the extension with the pitched roof, which would slope away from the boundary. In addition to this, existing timber fencing on the boundary would help to screen the majority of the extension from the neighbouring occupiers.

6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted)

January 2006 set out above, and to all the relevant material considerations set out in the report for the following reasons:

The proposed extension would be in keeping with the form, scale, siting and materials of the existing dwelling and surrounding properties and would not be prominent from the public realm – Policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

Although the proposal would be slightly larger than the existing dwellinghouse and constructed of more solid materials, it is considered that the proposal would not have a significant adverse impact on the residential amenities of the neighbouring occupiers through loss of light, privacy or outlook – Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

7.1 Planning Permission is GRANTED subject to the condition stated in the decision notice.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

CIRCULATED SCHEDULE NO. 43/10 – 5 NOVEMBER 2010

| | | | |
|----------------------------------|---|-------------------------|------------------------|
| App No.: | PT10/2531/F | Applicant: | Noma Architects |
| Site: | Land Adj To 1 Dunkeld Avenue Filton Bristol South Gloucestershire BS34 7RH | Date Reg: | 27th September 2010 |
| Proposal: | Erection of 1 no detached dwelling, pedestrian access and associated works. (Re-Submission of PT10/1543/F) | Parish: | Filton Town Council |
| Map Ref: | 359723 178718 | Ward: | Filton |
| Application Category: | Minor | Target Date: | 19th November 2010 |



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 100023410, 2008. **N.T.S.** **PT10/2531/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule List because objections have been received from neighbouring occupiers, which are contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 1no. detached dwelling and associated works.
- 1.2 The application site comprises an irregular triangular shaped plot of land on the western side of Dunkeld Avenue within the established residential area of Filton. The site is accessed off Dunkeld Avenue and the existing access would be modified to facilitate the proposed dwelling. The site forms a corner plot and is secured by a dwarf brick wall with timber fencing over.
- 1.3 An electric substation currently occupies the site. The substation would be removed and a new substation sited adjacent to the eastern boundary of the site. It is considered that the siting of the new substation is permitted development by virtue of Part 17, Class G of the General Permitted Development Order 1995 and therefore, does not require planning permission.
- 1.4 The application forms a resubmission of application no. PT10/1543/F, which was refused for the following reason:

The design of the proposed dwelling, including the scale, proportions and siting of the fenestration and access door on the principal elevation would be out of keeping with the character of the streetscene. In addition, it is considered that the proposed dwelling would not be sufficiently distinctive or achieve an adequate standard of design in its own right to comply with Policy D1. On this basis, it is considered that the proposal is contrary to Policies D1 and H2 of the South Gloucestershire Local Plan (adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted).

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
PPS23 Planning and Pollution Control
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
H2 Proposals for New Residential Development within Urban Areas and Defined Settlement Boundaries
T12 Transportation Development Control Policy for New Development
EP1 Environmental Pollution
EP6 Contaminated Land
L17/L18 The Water Environment
T8 Parking Standards

2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

2.4 Emerging Policy
The South Gloucestershire Core Strategy March 2010

3. RELEVANT PLANNING HISTORY

3.1 PT10/1543/F, erection of 1no. detached house with associated works, refusal, 10/08/10.

4. CONSULTATION RESPONSES

4.1 Filton Town Council
No objection

4.2 Transportation
No objection

4.3 Environmental Protection
No objections in principle provided that further details are submitted with regards to the extent, scale and nature of any contamination; an assessment of the potential risks of the contamination; and an appraisal of remedial options and a proposal of the preferred option.

Other Representations

4.3 Local Residents
Five letters of objection have been received by neighbouring properties, which highlight the following concerns:

Highway safety issues;
Would be out of keeping with the surrounding properties;
Loss of views/privacy;
Would move the substation closer to private garden;
Increase in noise and pollution;
Misleading elevations;
Applications for smaller householder extensions have been refused for being out of character.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
PPS3 generally encourages designs and layouts, which make efficient and effective use of land, including encouraging innovative approaches to help deliver high quality outcomes. In addition, PPS3 states that new development should integrate well with the character of the streetscene in terms of scale, density, layout and access.

Local Planning Policy H2 allows for the principle of new residential development. The previous application was refused on the basis of its design. Therefore, the main issue to consider is whether the amendments to the design of the scheme overcome the previous refusal reason and whether there are any new residential amenity, transportation of environmental issues.

5.2 Appearance/Form

It was considered in the previous application that the siting, layout and density of the proposed dwelling would generally be in-keeping with the surrounding built form. In addition, although slightly smaller than the adjacent dwelling, it was considered that the general scale of the dwelling would not be significantly out of keeping with the surrounding development and would not appear adversely cramped within the streetscene given that adequate spacing would be retained to the northeast and southwest. The applicant has specified red-brown concrete pantiles for the roof, cream render for the walls with red brick for the base and detailing and aluminium powder coated grey windows. These materials are considered to be acceptable in principle and samples will be conditioned if permission is granted. Notwithstanding the 'L' shape footprint of the dwelling, the hipped roof, materials and general form of the dwelling would be in-keeping with the character of the surrounding development, when viewed from Dunkeld Avenue.

- 5.4 The previous refusal reason related to the detailing proposed including the fenestration and entrance porch, as well as the heads and cills, which was considered to be out of keeping with the established character of the streetscene. In response the proposal has been amended to include a bay window at ground floor level with a half gable dormer in the roof above and brick detailing on the sides and base of the dwelling.
- 5.5 Objections have been received from neighbouring occupiers relating to the appearance of the dwelling, which they consider to be out of keeping with the surrounding properties. However, it is considered on balance, that the amended design of the proposed dwelling is sufficiently informed by the design of the surrounding development and would integrate acceptably within the streetscene. It is noted that the dwelling is somewhat different from the surrounding properties, and this is dictated by the irregular shape of the triangular shape of the site. However, on balance, it is considered that the amendments to the design of the dwelling in combination with the form, siting, scale, layout and materials proposed are such that the proposal complies with policy D1 of the South Gloucestershire Local Plan (adopted) January 2006.
- 5.6 The applicant has specified grey concrete paving to the front of the dwelling and buff concrete paving to the eastern side and rear. A gravel pathway would allow for access to the rear garden on the western side of the dwelling. The applicant has specified that the front of the site would be secured by the existing dwarf wall with fencing above, whilst the rest of the site would be screened by 1.8 metre high timber fencing. A bin store would be located at the front of the site and within a slatted and gated timber enclosure. It is considered that an open frontage would be more in-keeping with the surrounding development and the retention of just the dwarf brick wall without the above fencing could be ensured by condition if permission is granted. In addition, it is

considered that the proposed timber clad refuse store would be prominent from the surrounding area due to the proposed location adjacent to the front of the site. Given that the store could be located in a less prominent location, an amended location for the bin store could be ensured by condition if permission is granted.

5.7 Residential Amenity

In the previous application it was considered on balance, that there would be no significant adverse impacts on the residential amenities of the neighbouring properties through loss of light or privacy provided that a condition were applied to restrict the insertion of rooflights, which could introduce adverse overlooking issues. On the basis that the position and amount of the fenestration is unchanged from the previous application as well as the siting of the dwelling, it is considered that the proposal is acceptable in terms of residential amenity and if permission is granted, a condition will be applied to restrict the insertion of rooflights. A neighbouring occupier has objected to the loss of view of Dunkeld Avenue from the rear windows in their property. However, the proposed dwelling would be approximately 20 metres from the objector's dwellinghouse and it is considered in this instance that this is a sufficient distance to ensure that the loss of view would not have a significant adverse impact on the residential amenity of the neighbouring occupiers. The first floor side window proposed in the southwestern elevation would serve a hallway and could be conditioned to be obscure glazed. On this basis, it is considered that it would not introduce an unacceptable degree of overlooking to the detriment of the neighbouring occupiers residential amenity. A neighbouring occupier has objected on the basis that the substation would be moved adjacent to their private garden. However, the relocation of the substation does not form part of the application because it is permitted development by virtue of Part 17, Class G of the General Permitted Development Order 1995 and therefore, does not require planning permission. The Council's Environmental Protection Officer has not objected to the development, including the removal of the existing substation, provided that an investigation is carried out before development commences to assess the extent and scale of any contamination, the potential risks to the surrounding occupants and an appraisal of remedial options and preferred development to the satisfaction of the Local Planning Authority. It is considered that this would be adequate to ensure that the surrounding residential occupiers would not be significantly adversely harmed as a result of the development. Neighbouring occupiers have objected on the basis of the potential for noise and pollution from the increased development. However, given the scale of the development proposed it is considered that any the noise and pollution generated would not be to an extent that would be materially harmful to the amenities of the neighbouring occupiers. A condition could be applied in respect of the times of construction to protect the amenity of the adjacent occupants.

5.8 Transportation

The applicant has specified provision for 1no. car parking space. The parking space would be located to the front of the property and comprise a tarmac surface. Objections have been received from local residents regarding the potential increase in traffic and the impact on highway safety, however, the Council's Transportation Officer has not objected to the proposal. The Council's

parking policy (T8) is based on maximum standards to discourage the use of private car. In this instance given that the site is located within a relatively sustainable location with local facilities within walking distance it is considered that a single parking space adheres to these standards. The Council Transportation Officer considers that the proposed access would provide an acceptable means of access for vehicles but has recommended that the existing kerbstone be lowered to assist vehicular movements. This can be conditioned if permission is granted. Given the scale of the proposed development, it is considered that it would not have a material impact on local traffic levels to an extent that would be harmful to highway safety or the amenities of the area.

5.9 Further Matters

An objection has been received on the basis that the street elevation plan is misleading. However, it is considered that this plan is sufficiently accurate for an assessment to be made.

6. **CONCLUSION**

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

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

The principle of the development is accepted by Policy H2 of the South Gloucestershire Local Plan (adopted) January 2006.

The concerns of the neighbour occupiers are noted, however, the amended design of the dwelling is sufficiently informed by the character of the surrounding properties. On balance, it is considered that the proposed dwelling would fit acceptably within the streetscene and would not have a significant adverse impact on the visual amenity of the surrounding area – Policies, D1 and H2 of the South Gloucestershire Local Plan (adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted).

Provided that the insertion of rooflights is restricted by condition, it is considered that the proposal would not have a significant adverse impact on the residential amenity of the neighbouring occupiers through loss of natural light or privacy – Policy H2 of the South Gloucestershire Local Plan (adopted) January 2006.

The parking provision proposed is considered to be acceptable and the scale of the development and the access proposed is such that the proposal would not have a significant adverse impact on congestion or highway safety – Policies T8 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.

The Councils Environmental Protection Officer has not objected to the development in principle provided that a report is submitted including a scheme for remediation if any contamination is found on the site and this can be ensured by condition – Policies EP1, EP6 and H2 of the South Gloucestershire Local Plan (adopted) January 2006.

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

Reason

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

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

Reason

In the interests of residential amenity and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

4. 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. For the avoidance of doubt, the proposed front boundary fence above the dwarf brick wall adjacent to the boundary shall be removed permanently. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

Reason

In the interests of visual amenity of the area and to accord with Policies D1 and H2 of the South Gloucestershire Local Plan (adopted) January 2006.

5. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor side window on the western elevation shall be glazed with obscure glass to level 3 standard or above and be permanently fixed in a closed position.

Reason

To preserve the residential amenity of the occupiers of the neighbouring property to the west of the site and to accord with Policy H2 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) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17, L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the occupation of the dwellinghouse hereby approved, the footway kerbing stones adjacent to the site access shall be dropped.

Reason

To assist vehicular movements into and out of the site in the interests of highway safety and to accord with Policies T12 and H2 of the South Gloucestershire Local Plan (adopted) January 2006.

8. Prior to the commencement of the development, an investigation and risk assessment shall be carried out in accordance with a scheme to assess the nature and extent of any contamination on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. For the avoidance of doubt, the report of the findings must include:

- (1) a survey of the extent, scale and nature of contamination;
- (2) an assessment of the potential health risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; ground waters and surface waters; ecological systems; archaeological sites and ancient monuments.
- (3) an appraisal of remedial options, and proposal of the preferred option(s).

The written report shall be submitted to the Local Planning Authority for approval. The recommendations in the agreed report shall be implemented accordingly.

Reason

To ensure that adequate remedial measures are taken to ensure that there is no unacceptable risk of pollution within the site to accord with Policies EP1, EP6 and H2 of the South Gloucestershire Local Plan (adopted) January 2006.

9. The hours of working on site during the period of construction shall be restricted to:

Monday - Friday.....7:30 - 18:00

Saturday..... 8:00 - 13:00

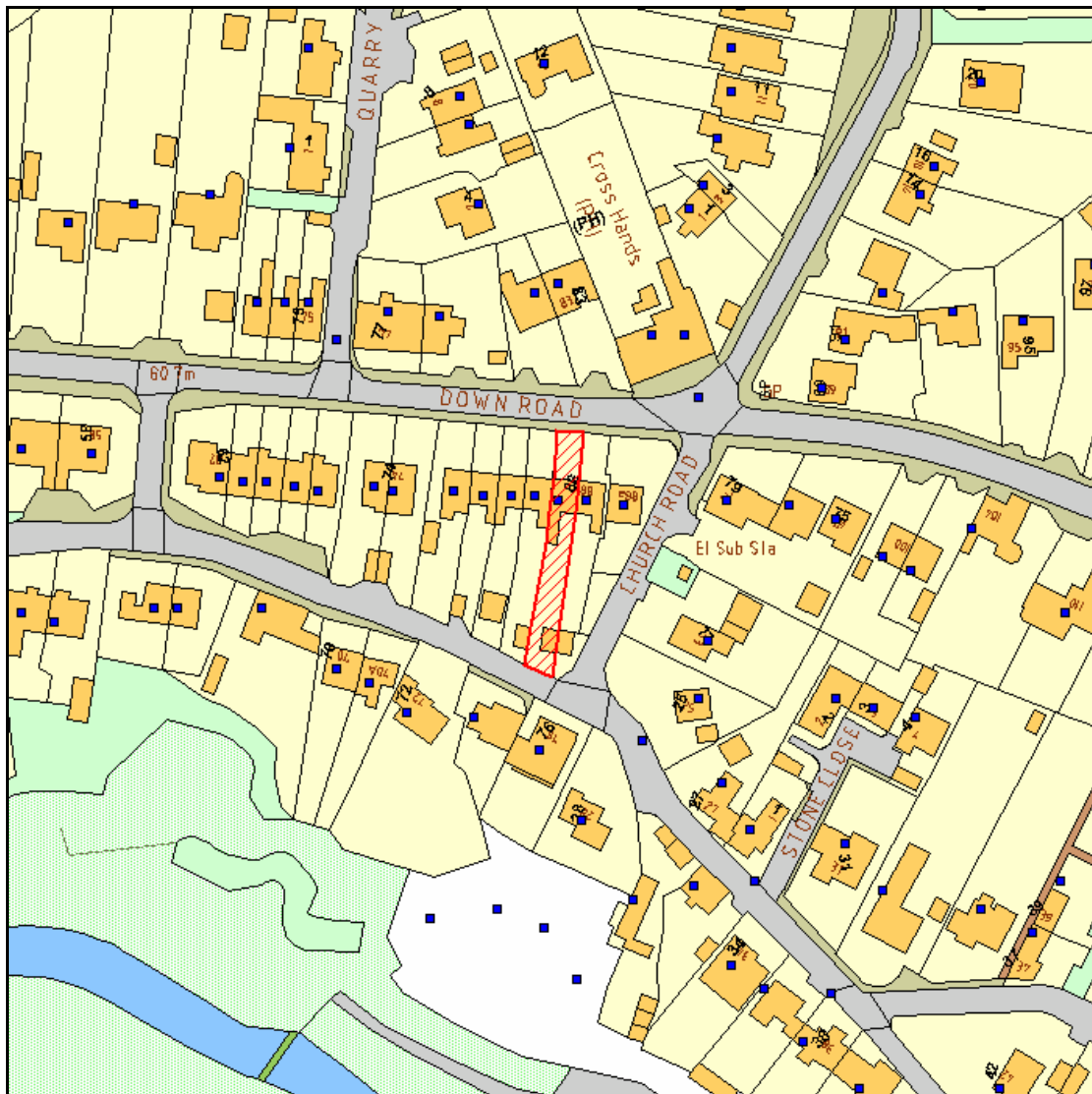
No working shall take place on Sundays or Public Holidays.

Reason

To preserve the amenities of the surrounding neighbouring properties and to accord with Policy H2 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 43/10 – 5 NOVEMBER 2010

| | | | |
|----------------------------------|---|-------------------------|--------------------------------|
| App No.: | PT10/2538/F | Applicant: | Mr And Mrs Keith Wellington |
| Site: | 84 Down Road Winterbourne Down Bristol South Gloucestershire BS36 1BZ | Date Reg: | 28th September 2010 |
| Proposal: | Single storey rear extension to form additional living accommodation. | Parish: | Winterbourne Parish Council |
| Map Ref: | 365373 179620 | Ward: | Winterbourne |
| Application Category: | Householder | Target Date: | 23rd November 2010 |



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 100023410, 2008. **N.T.S.** **PT10/2538/F**

This application is being circulated to Members because the Officer's recommendation is contrary to written representations received from a local resident and the parish council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a single storey rear extension. The proposed extension would be perpendicular to an existing linear extension at the rear of the dwelling and extend across the width of the rear garden. This would form a courtyard style area between the existing rear elevation of the host dwelling and the front elevation of the proposed development.
- 1.2 The proposed extension would measure approximately 2.8 metres in width and 3.2 metres in depth with a ridge height of approximately 3.2 metres falling to circa 2.5 metres at the eaves. Both ridge and eaves height would match the existing rear extension.
- 1.3 The application site relates to a two-storey traditional terrace dwellinghouse located in the well-established residential area of Winterbourne Down.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Design
H4: Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist Supplementary Planning Document 2007
- 2.4 Emerging Policy
South Gloucestershire Council Core Strategy Pre-Submission Publication Draft March 2010:
CS1: High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 P87/2183 Erection of single storey rear extension. **Approved.**
26 August 1987
- 3.2 P88/2670 Erection of single storey rear extension. **Approved.**
5 October 1988

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

Objection on the grounds that the proposal would be overbearing and result in a loss of light to neighbouring gardens.

Other Representations

4.2 Local Residents

1 letter received from a local resident objecting to the proposal on the following grounds:

- a) overbearing;
- b) loss of light;
- c) loss of privacy

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The development consists of residential development within an existing residential curtilage. Such development is permitted in principle by policy H4 subject to the following considerations.

5.2 Residential Amenity

The proposed development would be attached to the east elevation of the existing extension which is located some 0.1 metres from the boundary shared with number 82 Down Road. This would remain as existing and hence it is considered that the proposed development would not alter existing residential amenity levels enjoyed by this neighbouring occupier.

The proposed development would extend across the garden with the eastern elevation adjacent to the boundary shared with number 86 Down Road. This side elevation would be windowless and would be located some 3 metres from the rear elevation of the neighbouring occupier. The proposal is considered small in scale and minor in nature. Given this together with the location and the existing boundary treatment consisting of an approximately 2 metre tall timber fence, the proposed development is not considered to result in a loss of privacy nor an overbearing impact on the neighbouring occupier.

Notwithstanding this it is appreciated that windows on the eastern side elevation could be inserted under permitted development without the need for planning permission or obscure glazing. It is therefore recommended that a condition restricting the insertion of windows on the eastern side elevation of the proposed development be attached in the event of any grant of planning permission to ensure no loss of privacy arises from the development in the future.

- 5.3 In terms of loss of light, the houses on Down Road are north facing. The sunlight would pass from east to west. Given that the proposed development would be located to the west, rather than the east of the occupier at 86 Down Road it is considered that any loss of light would be negligible. The occupier to the west of the proposal at Number 82 Down Road would not experience any material loss of light for the existing extension on this boundary is to remain unaltered.

5.4 The property benefits from a modest garden and it is considered that sufficient space would be retained to serve the main dwelling. The proposal raises no highway issues and accordingly meets criteria contained within policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

5.5 Design/Visual Amenity

The proposed development would be of a similar design and style as that already existing. The materials would match the existing. The proposal would include a set of French doors on the southern elevation leading to the rear garden area. There is evidence of other extensions and outbuildings in the locality of a similar style, height and scale. As such it is considered that the proposal meets criteria in policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.

6. CONCLUSION

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

6.2 The proposal is small in scale and minor in nature. Given the location and the existing boundary treatment the development would maintain existing levels of residential amenity and meet criteria within policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

6.3 The proposal would not affect the street scene and would match existing development at the property. The proposal meets criteria in policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.

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

7. RECOMMENDATION

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

Contact Officer: Genevieve Tuffnell
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. No windows shall be inserted at any time in the ground floor eastern elevation of the approved development without written consent of the Local Planning Authority

Reason

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