



**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. 39/11**

**Date to Members: 07/10/11**

**Member's Deadline: 13/10/11 (5pm)**

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

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

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

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

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

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

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

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

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

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

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

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

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

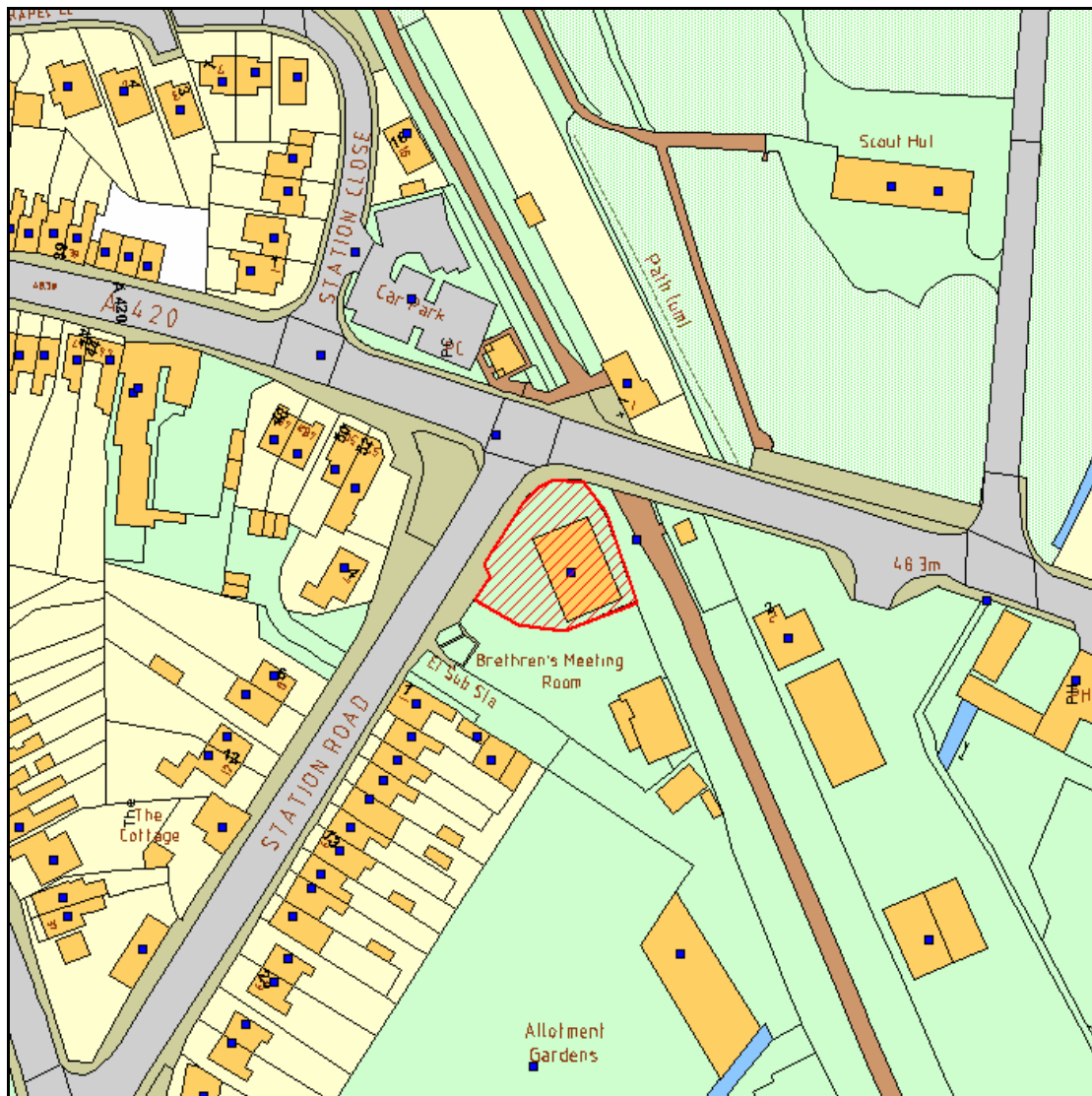
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk), where referrals can be picked up quickly by the Development Services Support Team. If in exceptional circumstances, you are unable to e-mail your 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 – 07 OCTOBER 2011

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	PK11/1166/F	Approve with Conditions	Station Road Warmley South Gloucestershire BS30 8XH	Siston	Siston Parish Council
2	PK11/2398/F	Approve with Conditions	Longwell Green Trading Park Alder Moor Way Longwell Green South Gloucestershire BS30 7ER	Longwell Green	Oldland Parish Council
3	PK11/2615/F	Approve with Conditions	Frogmore House Sheepfair Lane Marshfield South Gloucestershire SN14 8NA	Boyd Valley	Marshfield Parish Council
4	PK11/2650/F	Approve with Conditions	11 Worcester Road Kingswood South Gloucestershire BS15 1RN	Kings Chase	None
5	PK11/2678/F	Approve with Conditions	Willow Cottages Hall End Lane Wickwar South Gloucestershire GL12 8PD	Ladden Brook	Wickwar Parish Council
6	PK11/2694/F	Approve with Conditions	The Northwest Wing Siston Court Mangotsfield South Gloucestershire BS16 9LU	Siston	Siston Parish Council
7	PK11/2695/LB	Approve with Conditions	The Northwest Wing Siston Court Mangotsfield South Gloucestershire BS16 9LU	Siston	Siston Parish Council
8	PK11/2807/CLP	Approve with Conditions	188 Badminton Road Downend South Gloucestershire BS16 6NP	Downend	Downend & Bromley Heath Parish Council
9	PT11/2008/CLP	Approve with Conditions	Windmill House Alveston Road Old Down South Gloucestershire BS32 4PH	Severn	Olveston Parish Council
10	PT11/2029/CLP	Approve with Conditions	Windmill House Alveston Road Old Down South Gloucestershire BS32 4PH	Severn	Olveston Parish Council
11	PT11/2453/F	Approve with Conditions	Europa House Midland Way Thornbury South Gloucestershire BS35 2JX	Thornbury South & Alveston	Thornbury Town Council
12	PT11/2688/CLE	Approve with Conditions	Old Barn Redhill Lane Olveston South Gloucestershire BS35 4AQ	Severn	Aust Parish Council

## CIRCULATED SCHEDULE NO. 39/11 – 07 OCTOBER 2011

<b>App No.:</b>	PK11/1166/F	<b>Applicant:</b>	Mr A Saunders
<b>Site:</b>	Station Road Warmley South Gloucestershire BS30 8XH	<b>Date Reg:</b>	12th April 2011
<b>Proposal:</b>	Change of use of premises from Class B1 (c) to Class B1 and Class B8 (storage only) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	367069 173467	<b>Ward:</b>	Siston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th June 2011



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 100023410, 2008. **N.T.S.** **PK11/1166/F**

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

This application is referred to the Circulated Schedule given that an objection has been received.

### **1. THE PROPOSAL**

- 1.1 The application when first submitted sought planning permission for a change of use of an existing B1( c ) industrial unit to an open B1 use and/or a Class B8 use, as there is a restricted planning condition 11 attached to the original planning consent P98/4456 restricting the use of the site to B1( c ). The description however has subsequently been amended to the following:  
“Change of use from Class B1 ( c ) to Class B1 and B8 (storage) use”.
- 1.2 The site of the B1(c) warehouse lies within the designated safeguarded employment area of Tower Road, Warmley. The site adjoins the old Midland railway line and the Warmley signal box which is a grade 2 listed building. To the south of the site number 1 Station Road is a locally listed building.

### **1(b) Background/Information submitted in support of application**

- Application is made speculatively for marketing purposes
- Change of use of site only
- No alterations or changes are proposed to either the exterior or interior of the property

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS4 Planning for Sustainable Economic Growth  
PPS 5 Planning for the Historic Environment  
Ministerial Statement; Planning for Growth 23<sup>rd</sup> March 2011

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Design
- E3 Proposals for assessing proposals for employment development
- E4 Safeguarded Employment Area (Tower Road Warmley)
- T12 Transportation Development Control Policy
- L1 Landscape Protection and Enhancement
- L9 Species Protection
- EP1 Environmental Pollution
- L13 Listed Buildings
- L15 Locally Listed Buildings
- EP1 Environmental Pollution

2.3 Supplementary Planning Guidance  
Design Checklist

**3. RELEVANT PLANNING HISTORY**

- 3.1 P98/4456                      Erection of B1 industrial unit  
Approved with conditions 15<sup>th</sup> December 1998

**4. CONSULTATION RESPONSES**

- 4.1 Siston Parish Council  
No objection

4.2 Other Consultees

Historic Environment Record Officer  
No historic comments to make

Conservation Officer

No objection subject to imposition of planning conditions to ensure development does not result in adverse environmental or visual impacts on the setting of the nearby heritage assets. Addressed in detail under paragraph 5.7 of this report.

Environmental Protection  
No objection

Transportation Officer

No objection subject to imposition of planning conditions. Addressed in detail under paragraph 5.3 of this report

**Other Representations**

4.3 Local Resident

One letter of objection has been received. The grounds of objection can be summarised as follows:

- 1) The layout of the site does not allow vehicles to manoeuvre safely
- 2) The proposal will involve more vehicle movements than at present

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy E3 of the adopted South Gloucestershire Local Plan advises planning permission will be granted for employment generating uses, subject to the satisfaction of criteria set out in Policy E3, which is listed below: The application site is a safeguarded economic site under Policy E4 of the SGLP.

5.2 In addition the Council's Core Strategy has been submitted to the Secretary of State and is awaiting examination in public. As such the Core Strategy is considered to carry clearly less weight than the adopted Development Plan. However, the policy relating to Safeguarded Employment Areas renamed Safeguarded Areas for Economic Development is to be retained in principle (currently named Policy CS12) and the application site will remain within a safeguarded area. The supporting text relating to Policy CS12 advises that opportunities to redevelop existing employment sites, through intensification or re-modelling will be encouraged. Redevelopment can increase productivity through the more efficient use of land and enable the site to make a better contribution to the local area through better design and improving the number and range of jobs available.

5.3 Since the determination of planning application PK98/4456 National Guidance PPS4 Planning for Sustainable Economic Growth has replaced PPG4. PPS4 advises that Local Planning Authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic development should be treated favourably.

### 5.4 **B. Adequate provisions is made for servicing and delivery requirements and development would not give rise to unacceptable level of vehicular traffic, especially heavy goods vehicles, or on street parking, to the detriment of the amenities of the surrounds area and highway safety; and**

One objection has been received, indicating concerns relating to highways issues (see 4.3 above).

This application when first submitted sought planning permission for an open B1 use and/or Class B8 use. An objection was raised by the Highway Officer with regards the proposed B8 use in particular, on the grounds that there is insufficient space within the site boundary for HGV's and 7.5 lorry's to turn independently of the vehicular parking on site. It was also considered given the close proximity of the site access to the junction with the High Street, any permitted use would require all vehicles (including HGV's) to enter and leave the site in forward gear.

5.5 It was recommended that any B8 use has to be used in conjunction with the proposed B1 use and should not be sub divided or sub let at any time and the B8 use be restricted to a maximum of 100 square metres and be restricted to storage use only. On that basis no objection is raised on transportation grounds.

It should be noted that should a planning application be submitted in the future for change of use to a sole B8 (storage and distribution) the Council would not be able to support it on the grounds as addressed above. It is considered the restriction on the B8 use by condition would address the concerns of the objection that has been raised.

- 5.6 Although a plan illustrating car parking and turning was submitted to the Council on the 01<sup>st</sup> Aug, a condition will be imposed requiring the submission of a further plan as it is considered a better layout for car parking could be achieved on the site, i.e. provide parking at the side of the building as per the original planning permission P98/4456. A condition will also be imposed requiring the submission of cycle parking provision, as there is no cycle parking currently on site.

- 5.7 **C. Development would not prejudice existing residential amenities; and**  
At the time of the previous planning application (PK98/4456/F) for use of building for B1( c )use the Planning Officer reported the following:

*The proposed building will be located approximately 21 metres from the nearest property to the north and 30 metres from the closest residential property to the west of the site.*

*Although as yet there is no indication of the future occupier of the site, the use of the unit for B1 (Business) should ensure that no undue noise nuisance would occur over and above that generated by the existing use of the site. Furthermore in relation to this issue, the Councils' Environmental Protection Section has raised no concerns with regards to the noise and disturbance implications of the proposal.*

- 5.8 It is considered that this new proposal for a B1 and restricted B8 use (storage only) if allowed would not have an adverse impact on the existing residential amenities of neighbouring occupiers and is therefore considered appropriate in a residential area. Although of limited weight, it should be noted that B1 uses are permitted to change to B8 use subject the floor area is no greater than 235 sq.m, and in this instance the building measures 236sq.m. . In addition no objection has been raised by the Councils' Environmental services Department.

- 5.9 At present this site benefits from unrestricted hours of operation. In light of a change of use from a restricted Class B1 use on this site to B1 and B8 (storage only), it is considered appropriate to impose restricted hours of operation so as to safeguard the amenities of nearby residential properties. The agent has suggested the following hours:

Monday-Friday:	08:00am –06.00pm
Saturday :	09:00-5:00pm
Sunday:	11:00am-4.00pm



- 5.10 The Planning Officer is of the view the proposed hours of operation in particular the Saturday and Sunday hours of operation are considered appropriate in this instance, in particular regard should be had for the size of the unit i.e. 236 sq.metres.
- 5.11 **D. The character of the area or settlement is not adversely affected**  
The application site is located on the corner of Station Road and the High Street (A420). It comprises a large modern building set within an open hard-surfaced site enclosed by a low pennant stone wall to the road frontage. The immediate area is residential although this site forms part of a much larger safeguarded employment site, south of the application site, sandwiched between Tower Road North and the Dramway. It is considered that the introduction of a B1 use and B8 use would not adversely affect the character of the area, given the existing situation.
- 5.12 The Council's Listed Building Officer has requested additional planting along the eastern boundary of the application site and some tree planting along the frontage of the site in order to help soften the impact of the building. The addition of specimen trees along the road frontages would also be beneficial in enhancing the site and ensure the site and use do not result in further harm to the amenity of the area and setting of the nearby heritage assets. It is also suggested conditions should be imposed (similar to those on the original consent) to ensure that: i.e. I) no external storage of materials / goods outside the building within vehicle parking areas and the stone boundary wall, which is a characteristic feature of the area, shall be retained
- 5.13 The Planning Officer agrees with the Listed Building Officer there should be no outside storage and the existing wall shall be retained. However the Officer is of the view the planting of trees along the site frontage could impact on parking and turning within the site. It is also considered that as this application relates to change of use of an existing building it is necessary to request additional landscaping as the proposal relates only to a proposed change of use and as such will have no greater impact than the existing situation.
- 5.14 **E. The maximum density compatible with the site's location, its accessibility and its surroundings is can be achieved and**  
As the site relates to an existing building, this criteria is not considered applicable in this instance.
- 5.15 **F. In the case of travel intensive B1 (office) development, the site is well served by public transport**  
The end user of the proposed B1 use is not known, however given the size of the unit i.e. 236 sq. metres it is considered that any B1 use would not result in an intensive office development. Notwithstanding this the site is considered to be well served by public transport and benefit from alternative transport links i.e. Bristol/Bath cycle way that runs along the back of the site. A condition will be imposed requiring the provision of cycle parking.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- a) The proposed change of Use to B1 and B8 by reason of its size \and restricted hours of operation will not have an adverse impact on the existing amenities of neighbouring occupiers in terms of noise and disturbance -Policy E 3 and EP1 of the South Gloucestershire Local Plan
- b) The proposed change of Use to B1 and B8 by reason will not have an adverse impact on the visual amenities of the area as it relates solely to change of user- -Policy E 3 and D1 and EP1 of the South
- c) The proposed Change of Use to B1 and B8 by reason of its size and restricted use would not have an adverse impact on highway safety -Policy E 3 and T12 of the South Gloucestershire Local Plan

## 7. RECOMMENDATION

- 7.1 Planning permission be granted subject to the following planning conditions.

**Contact Officer: Tracey Price**  
**Tel. No. 01454 863424**

### 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 existing stone wall enclosing the application site shall be retained and shall not be altered without the written consent of the Local Planning Authority.  
  
Reason  
In the interest of the visual amenity of the area and to accord with Policies D1, L13 and L15 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The premises shall be used for B1 and B8 (storage only) and for no other purpose (including any other purpose in Class B8 ; of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

The application site is deemed unsuitable for a sole B8 storage and distribution use due to insufficient space within the application site for parking and manoeuvring of commercial vehicles. To accord with Policy E3, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The B8 (storage only) use hereby approved shall be restricted to 100 square metres in floor area of the building at all times and shall not be sublet or sub divided from the approved B1 use at any time.

Reason

The application site is deemed unsuitable for a sole B8 storage and distribution use due to insufficient space within the application site for parking and manoeuvring of commercial vehicles. To accord with Policy E3, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times Monday to Friday 18:00pm -08:00am, Saturday 17:00pm - 09:00am and Sundays 16:00pm-11:00am.

Reason

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

6. No outside storage of material/goods/waste or plant associated with the approved B1 and B8 use shall take place at the premises at any time.

Reason

In the interests of visual and historic amenity and to protect the amenity enjoyed by those living in the locality and ensure satisfactory levels of on site car parking and manoeuvring areas are maintained at all times to accord with Policies D1, E3 , L13, L15, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the use hereby authorised commencing detailed plans showing the provision of car and cycle parking facilities and manoeuvring areas for all vehicles in accordance with the standard set out on Policy T7 and T8 of the South Gloucestershire Local Plan shall be submitted to the Local Planning Authority for approval. Thereafter the development shall proceed in accordance with the agreed scheme, with the parking facilities and manoeuvring area provided before the change of use hereby permitted is brought into use.

Reason

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

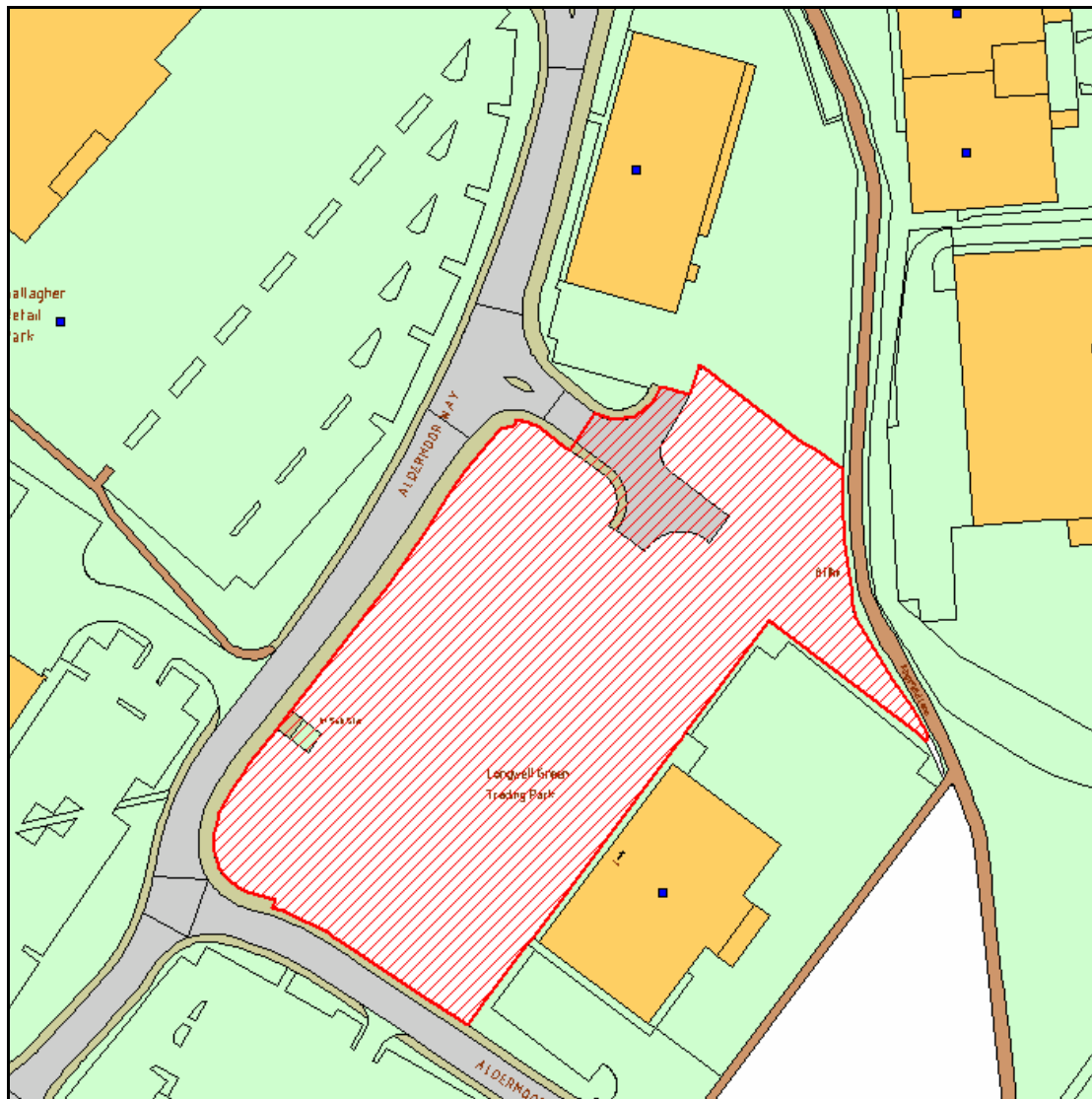
8. The use hereby permitted shall not be open to customers outside the following times Monday to Friday 18:00pm -08:00am, Saturday 17:00pm - 09:00am and Sundays 16:00pm-11:00am.

Reason

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

**CIRCULATED SCHEDULE NO. 39/11 – 07 OCTOBER 2011**

<b>App No.:</b>	PK11/2398/F	<b>Applicant:</b>	I.M. Properties PLC
<b>Site:</b>	Longwell Green Trading Park Aldermoor Way Longwell Green South Gloucestershire	<b>Date Reg:</b>	9th August 2011
<b>Proposal:</b>	Erection of 7 no units for Class B1(c) (Light Industrial), Class B2 (General Industrial) and Class B8 (Storage and Distribution) with ancillary trade counters. Erection of 1 no. additional Class B8 unit for self storage, car parking, service areas and associated works. Construction of new access.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	365413 171713	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Major	<b>Target Date:</b>	7th November 2011



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 100023410, 2008. **N.T.S.** **PK11/2398/F**

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

This application has been forwarded to the Council's Circulated Schedule of applications for Member consideration in accordance with the Council's adopted scheme of delegation as the proposal represents major development and the application is accompanied by a Section 106 Legal Agreement.

### **1. THE PROPOSAL**

1.1 The application site is situated within the commercial centre of Longwell Green on the east side of Aldermoor Way. The site is bounded by Aldermoor Way to the west and south, a large commercial unit to the east and a builder's merchant's to the north. The site has been cleared and comprises scrub only surrounded by hoarding.

The application site is situated within the urban area and within a safeguarded employment area as defined in the adopted Development Plan.

1.2 The application proposes erection of 7 no units for Class B1(c) (Light Industrial), Class B2 (General Industrial) and Class B8 (Storage and Distribution) with ancillary trade counters, erection of 1 no. Class B8 unit for self-storage, car parking, service areas and associated works. Two vehicular accesses are proposed from Aldermoor Way spar to the south and from the access road from Aldermoor Way to the north.

This application is a revised scheme for outline approval PK06/1576/O and the associated reserved matters PK07/0782/RM.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning and the Historic Environment
PPG13	Transport
PPG14	Development on Unstable Land
PPS23	Planning and Pollution Control
PPG24	Planning and Noise
PPS25	Planning and Flood Risk

#### **2.2 Development Plans**

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

D1	Achieving Good Quality Design
L1	Landscape Protection and Enhancement
L11	Archaeology
L17 & 18	The Water Environment
EP1	Environmental Pollution
EP2	Flood Risk and Development
EP4	Noise Sensitive Development
EP6	Contaminated Land

EP7	Unstable Land
T8	Parking Standards
T12	Transportation Development Control Policy
E3	Criteria for Assessing Proposals for Employment Development within the Urban Area and/or Permitted by Policies E4/E6/E7
E4	Safeguarded Employment Areas

South Gloucestershire Core Strategy -Submission Draft (December 2010)

CS1	High Quality Design
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS11	Distribution of Economic Development Land
CS12	Safeguarded Areas for Economic Development
CS29	East Fringe of Bristol

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist – August 2007

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK03/3509/F Erection of buildings for vehicle repair, servicing, sales and parts storage with access car-parking and associated works.  
Approved 07.12.2004
- 3.2 PK06/1576/O Erection of Trade Park with buildings for (B1c), (B2) and (B8) uses with car parking, services areas and new access (Outline). All other matters to be reserved except access.  
Approved 17.10.2008
- 3.3 PK07/0782/RM Erection of Trade Park with buildings for (B1c), (B2) and (B8) uses with car parking, service areas and new access. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK06/1576/O).  
Approved 22.06.2007
- 3.4 PK11/031/SCR Erection of 7 no units for Class B1(c) (Light Industrial), Class B2 (General Industrial) and Class B8 (Storage and Distribution) with ancillary trade counters. Erection of 1 no. additional Class B8 unit for self-storage, car parking, service areas and associated works. Construction of new access. Screening Opinion for PK11/2398/F  
EIA Not Required 08.08.2011

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

4.1 Oldland Parish Council  
No objection.

4.2 Other Consultees (including internal consultees of the Council)

**Public RoW Officer** – No objection

**Wessex Water** – No objection

**Archaeological Officer** – Previous excavation of parts of the Aldermoor Way development adjacent to the ring road; revealed some archaeological features. But previous comprehensive ground disturbance mean little would now remain. Therefore no objection.

**Coal Authority** - The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of PPG14. No objection.

**Drainage Engineer** – No objection in principle but, the development lies within a flood zone and as such the Environment Agency must be consulted.

**Environmental Protection** – No objection, standard informative recommended.

**Crime Prevention Officer** – Recommended various changes to the layout in the interest of crime prevention. The recommended changes were subsequently incorporated into the scheme.

**Environment Agency** – No objection, subject to conditions; implementation of the scheme in accordance with the submitted FRA; scheme for maintenance of surface water to be submitted; control of future possible land contamination.

**Sustainable transport** – No objection, subject to conditions related to right turn holding lane; travel plan; visibility splays and S106 agreement for financial contribution towards traffic management facility at the Bath Road signal junction with Aldermoor Way.

**Spatial Planning** - Policy E3 restricts B8 floorspace for strategic warehousing to the most accessible locations. Self-storage is not strategic in character – but serves a local function. On that basis it is not considered to be a policy objection and the proposal can be determined on the basis of no in principle objection to the SGLP, CS and PPS4. A concept statement is not required

#### **Other Representations**

4.3 Local Residents

None received.

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

5.1 Principle of Development

The site lies within land allocated for employment use under Policy E4 of the South Gloucestershire Local Plan (Adopted) January 2006. This policy states that planning permission will be granted for employment generation uses, subject to the satisfaction of the criteria set out in Policy E3.



Policy E3 states that proposals for employment uses as permitted by Policy E4 will be permitted, subject to certain detailed criteria. However, the Policy goes on to say that proposals for large scale B8 storage and distribution uses will only be permitted at Severnside, Cribbs Causeway and Emersons Green Area B. The South Gloucestershire Local Plan (Adopted) January 2006 in par 7.45 defines large scale B8 storage and distribution uses, as greater than 1000 sq metres floor spaces, not ancillary to other employment activities on the same site and likely to generate significant HGV movements. Unit 8 would measure 1633m<sup>2</sup> floor space and as a self-storage business would fall within Class B8. However, as the self storage facility would relate to a local, non strategic need and would result in little by way of HGV movements due to the nature of the business, Officers consider unit 8 not to represent a large scale B8 storage and distribution use for the purposes of consideration against Policy E3. As such the proposal would not represent a departure from Policy E3. A condition is recommended to ensure unit 8 is controlled as a self-storage unit within Use Class B8 as unrestricted changes within Class B8 could conflict with the purposes of Policy E3.

The South Gloucestershire Core Strategy Pre-Submission Publication Draft was issued March 2010 and the consultation period expired on 06.08.2010. The Council's response to the representations received was considered at the Council's Cabinet meeting on 13 December 2010 and at the Full Council meeting on 15 December 2010 and the proposed changes to the Core Strategy agreed by Full Council have now been published. The South Gloucestershire Core Strategy Submission Draft was then published December 2010. The South Gloucestershire Core Strategy Development Plan Document was submitted to the Secretary of State on 31 March 2011 for Examination. Whilst this document is a material consideration in the determination of planning applications, it will be afforded less weight than the adopted Development Plan at this stage.

## 5.2 Planning history and economic development

The application site is situated within a safeguarded employment area within the urban area closely associated to the main transportation infrastructure and within walking and cycling distance of local communities.

Outline consent was given under ref PK06/1576/O and subsequent reserved matters approval under PK07/0782/RM in Oct 2008 for erection of a trade park comprising 10 units Class B1/B2/B8 within the red edge application site of this proposal. This recent consent represents a material consideration in determination of this application. A further 3 units were proposed to the east of the adjacent commercial unit abutting the east boundary of the site. This area of land does not form part of this current application.

The proposal would relate to units falling within Classes B1/B2/B8 only and as such the proposal in principle accords with Policy E4 which requires land within safeguarded employment areas to be retained or used for purposes within Classes B1(c)/B2/B8. The current proposal relates to a reduced number of units from 10 approved in 2007 to 8. Additionally, the main unit within the scheme (unit 8) would have a substantial floor space and would fall within

Class B8, a use which generally generated less employment than other B Classes. Therefore in terms of economic development the current submission is likely to result in generation of a reduced level of employment to the extant consent (PK06/1576/O). The applicant has provided detailed justification and a viability assessment which demonstrate that the extant consent is not viable and consequently the extant consent has not been implemented. The visibility assessment goes on to demonstrate that the viability of the current scheme is pivotal on the implementation of the large B8 unit for which an occupier is in place. As such it is considered that although on face value the current submission represents a loss in terms of potential employment generation when compared to the extant consent, the current proposal represents a viable proposition, whilst providing an acceptable level of employment generation within sustainable location in the urban area. The proposal is therefore considered to represent an employment generating use and a sustainable form of development.

### 5.3 Highway matters

The proposal has two accesses, one from an existing access from Aldermoor Way itself to the north and one from the Aldermoor Way spur to the south. On the indicative plans, units 1-7 are shown as being accessed from the existing Aldermoor Way access, with unit 8 accessed from the Aldermoor Way spur. This will lead to an increase of traffic on Aldermoor Way and, to mitigate this effect, the developer has agreed to provide a new right turning lane onto Aldermoor Way, which will be required by condition and was agreed and conditions as part of the extant consent PK06/1576/O. Visibility is acceptable at this junction.

The access onto the Aldermoor Way spur is considered acceptable, even though it is opposite the access with the existing Homebase retail unit. A planning condition will be recommended to ensure that visibility splays are not obstructed here.

One of the main transport considerations for this application is the increased traffic on the adjoining highway network. The most sensitive highway network link in the vicinity is the junction of Aldermoor Way and Bath Road, which will be affected by the largest percentage of increased traffic as a result of the development. The developer is therefore required to improve this junction, by upgrading the existing traffic signal equipment, to mitigate the effects of the development on this section of the highway network. Under the extant consent PK06/1576/O the developer agreed to provide a sum of £30k towards the following works:

- 1) The installation of a MOVA signal control system at the signal controlled junction of Bath Road and Aldermoor Way.
- 2) The advertising and implementation of on-street parking controls on Aldermoor Way between its junction with Bath Road and its junction with Marsham Way.

Under consent PK06/1576/O the second part of the S106 agreement (part 2 above) was implemented. This element of the contribution was costed at £10k. Part 1 of the unilateral obligation above has a cost of £20k attached. As such the applicant for this current planning application has agreed to enter into an appropriate legal agreement to provide a sum of £20k to be used for the purpose set out in part 1 above.

The application submitted indicated a total of 81 parking spaces including disabled spaces within the application site. The total floorspace proposed is 4246m<sup>2</sup> within the site. Of which 1633m<sup>2</sup> will be used for Class B8 (unit 8) and 21 spaces are proposed in relation to unit 8 which meets the Council's adopted parking standard. Units 1-7 would provide 60 spaces related to 2613m<sup>2</sup> floorspace. This is considered to be an acceptable provision of off street parking related to Class B1(c)/B2/B8 development in this location. On street parking controls have already been provided as indicated in part 2 of the S106 agreement attached to consent PK06/1576/O as further mitigation in relation to parking.

The application site is situated within a highly sustainable location as indicated in par. 52 above. The proposed Class B8 self-storage unit would generate little by way of HGV traffic. A condition is recommended to ensure unit 8 is controlled within Class B8 to self-storage only in accordance with the requirements of Policy E3 and to control HVG vehicle movements. On the basis of all of the above factors the proposal is considered to be acceptable in relation to highway safety, transportation and vehicle movements.

#### 5.4 Visual impact

Considering scale, units 1-7 would measure 8.3m to eaves and ridge height of 9.4m for Units 1-4 and 9.6m for Units 5-7. The self storage unit has been designed to the specific requirements of the proposed operator with 3 internal storage floors resulting in an overall height of 13.9m to flat roofed finish. This compares to 9m overall height to Homebase to the south and Wickes to the west and 11m overall height to B and Q to the west. As such the proposed buildings are considered to be in keeping with the scale of development in the locality.

In terms of layout, the site is divided into two parts with units 1-7 (the trade park) laid out to the north in two buildings and unit 8 (self storage unit) occupying a separate area to the south. The trade park buildings would be set opposite each other with parking area between and all pedestrian and goods activity taking place within the central space. The self-storage unit would span the width of the site with the reception area located in the most prominent part of the application site at the corner of Aldermoor Way and the Aldermoor Way spur. The building would be set back from the highway to provide parking and to allow for landscape planting in the prominent areas at the front of the site.

In the interests of promoting a high level of landscape enhancement along Aldermoor Way, it is considered necessary to ensure that any applications have sufficient space available for landscape enhancement along the Aldermoor Way frontage. The submitted indicative layout is acceptable in this respect and also indicates other landscape areas of sufficient size to make a meaningful contribution.

In terms of appearance and design, the trade park would be finished in colour coated cladding panels with facing brickwork at low level to a height of 2.1m. The horizontal emphasis of elevations would be visually broken up with entrance doors, with different coloured cladding and powder coated aluminium frames to doors and windows. The self-storage unit has been influenced by the proposed end user using horizontal colour coated cladding in two contrasting colours to add interest to the building. The prominent elevation facing Aldermoor Way would be glazed as a higher quality finish to lift the status and quality of the building at its most prominent elevation.

Overall, the quality of the design for the proposal is considered to be acceptable. An improved design to that approved under\_PK06/1576/O and in keeping with the industrial/commercial context of the surrounding area.

#### 5.5 Flood issues and land contamination

The development lies within a flood zone as defined on the Environment Agency Section 105 flood maps and Environment Agency Standing Advice Developments and Flood Risk Matrix (January 2009). A flood risk assessment was submitted as part of the application. The Environment Agency have raised no objection to the development and have accepted the findings of the FRA submitted subject to conditions. The conditions relate to implementation of the scheme in accordance with the submitted FRA, a scheme for maintenance of surface water to be submitted and ensuring control of future possible land contamination.

#### 5.6 Coal mining

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Site Investigation Report (March 2011) and Review of Ground Conditions Report (June 2011), which accompany this planning application.

The Site Investigation Report correctly identifies that the application site has been subject to past coal mining activity. The Coal Authority records indicate the site has been subject to past recorded and likely historic unrecorded underground coal mining at shallow depth.

It is considered that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of PPG14 in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

## 5.7 Archaeology

Archaeological excavation and other monitoring during the construction of the Avon Ring Road and parts of the Aldermoor Way development adjacent to the ring road in the period up to 1993 revealed traces of an important Roman settlement of uncertain extent. Medieval buildings of the 11-12<sup>th</sup> centuries and post medieval features were also present. The area between the previous excavation and the current application site was not monitored, so the full extent of the Roman settlement is unknown. It would therefore be reasonable to suggest that significant archaeological structures and deposits might have survived within the area of the proposed development. However it is clear from the supporting documents that comprehensive ground disturbance, including stripping of topsoil, remediation of mining remains and re-levelling the site with modern fill, means that there is little chance of archaeological remains surviving here. On this basis it is considered that an archaeological watching brief would achieve very little and is therefore not reasonable as a condition. The proposal is therefore considered to be acceptable in archaeological terms.

## 5.8 Residential amenity/noise/pollution control

The application site is situated a minimum distance of 115m from the nearest residential occupier on Bath Road. As such the proposed extension would not prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development.

In terms of noise disturbance, the site is situated within a safeguarded employment area away from residential areas and surrounded by other industrial and commercial uses. It is therefore considered that the proposal would result in no material increase in noise disturbance to residential occupiers in the local area.

As indicated in par.5.2-5.3 the application site is situated within a highly sustainable location and unit 8 has been restricted to self-storage within Class B8. Vehicle movements including HGV movements are likely not to be excessive and are likely to be less than associated with the extant consent PK06/1576/O. Therefore the proposal is considered not to result in a detrimental impact in relation to pollution control.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report. A summary of reasons for granting planning permission in accordance with article 22 of the town and country planning (general development procedure) order 1995 (as amended) is given below.

- a) Due to its scale and position in relation to the residential development in the locality, the proposed development is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) It has been assessed that the proposed development has been designed to respect and maintain the massing, scale, proportions, materials and overall design and character of the street scene and surrounding area. The development therefore accords to Policy D1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
- c) The proposal would provide adequate visibility at the access onto Aldermoor Way and the Aldermoor Way spur and adequate off street parking within the site. The proposal is therefore considered to be acceptable in highway safety terms in accord with Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- d) The scheme demonstrates a good standard of sustainability in accordance with the requirements of Policy D1 of the South Gloucestershire Local Plan (Adopted).
- e) The application demonstrates that it will not result in any adverse flooding or drainage effects in accordance with the requirements of Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.
- f) The proposal would ensure no significant impact in relation to land contamination and would provide mitigation measures if contamination is found in accordance with Policy EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.
- g) The proposal has demonstrated that there would be no significant issues in relation to unstable land from coal mining in accord with Policy EP7 of the South Gloucestershire Local Plan (Adopted) January 2006.
- h) The proposal would result in no further impact in relation to any archaeological features which may have been situated within the application site but which have now been detrimentally disturbed. The proposal accords with the requirements of Policy L11 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 and informatives as outlined in the attached decision notice and the applicant first voluntarily entering in an appropriate agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

£20 000 towards highway improvements

- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 7.3 Should the agreement not be completed within 6 months of the date of the Committee resolution that delegated authority be given to the Director of Planning, Transport and Strategic Environment to refuse the application.

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

### **CONDITIONS**

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

Reason

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

2. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (Campbell Reith, May 2011) and Flood Risk Assessment (FRA) Addendum (Micro-drainage Calculations & email Correspondence, August 2011) and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 1 in 100 year (20% climate change) critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Finished floor levels are set no lower than those specified in Sections 3.2.2 & 3.2.3 of the approved FRA.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies L17 and 18 and EP2 of the adopted South Gloucestershire Local Plan (2006) and Government advice contained in PPS1 and PPS25.

3. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority (LPA). The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

Reason

To prevent pollution of the water environment and minimise the risk of flooding in accordance with Policies L17 and 18 and EP2 of the adopted South Gloucestershire Local Plan (2006) and Government advice contained in PPS1 and PPS25.

4. If, during development, contamination not previously identified is found to be present at the site while the development is being implemented then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason

To protect controlled waters in accordance with Policies L17 and 18 and EP2 of the adopted South Gloucestershire Local Plan (2006) and Government advice contained in PPS1 and PPS25.

5. No development shall commence until large scale details of a right turn lane facility onto the main section of Aldermoor Way have been first submitted to and approved in writing by the Local Planning Authority the approved right turn facility shall be implemented in full in accordance with the approved details prior to occupation of any of the units hereby approved.

Reason

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

6. Prior to the first occupation of the development hereby authorised a Travel Plan shall be submitted to and agreed in writing with the Local Planning Authority. The agreed Travel Plan shall be implemented before the development hereby permitted is brought into use; or otherwise as agreed in the Travel Plan.

Reason

To encourage means of transportation other than the private car, to accord with Policies T10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. 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

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 and E4 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. No outside storage shall take place at the premises without the prior consent, in writing of the Local Planning Authority.

Reason

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



9. Prior to the first occupation of the units hereby approved, visibility splays of 4.5m x 90m shall be provided from the new site access onto the main part of Aldermoor Way. The visibility splays shall be maintained free from obstructions at all times.

Reason

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

10. Prior to the first occupation of the units hereby approved, visibility splays of 2.4m x 90m to the right and 2.4m x 55m to the left of the site access onto the Aldermoor Way spur, serving unit 8 (shown as 'self storage unit' on drawing no. 886-022 Rev C) shall be provided. The visibility splays shall be maintained free from obstruction at all times.

Reason

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

11. 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 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. 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 Policies D1, L1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

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

14. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season.

Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason

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

15. A replacement tree for the TPO tree removed under permission PK06/1576/O and PK07/0782/RM, the species, size, location, planting and maintenance specification of which is to be approved in writing by the Local Planning Authority, shall be planted in accordance with a timescale to be first agreed in writing by the Local Planning Authority.

Reason

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

16. No development shall take place until samples of the roofing and external facing materials proposed to be used including colour finishes have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

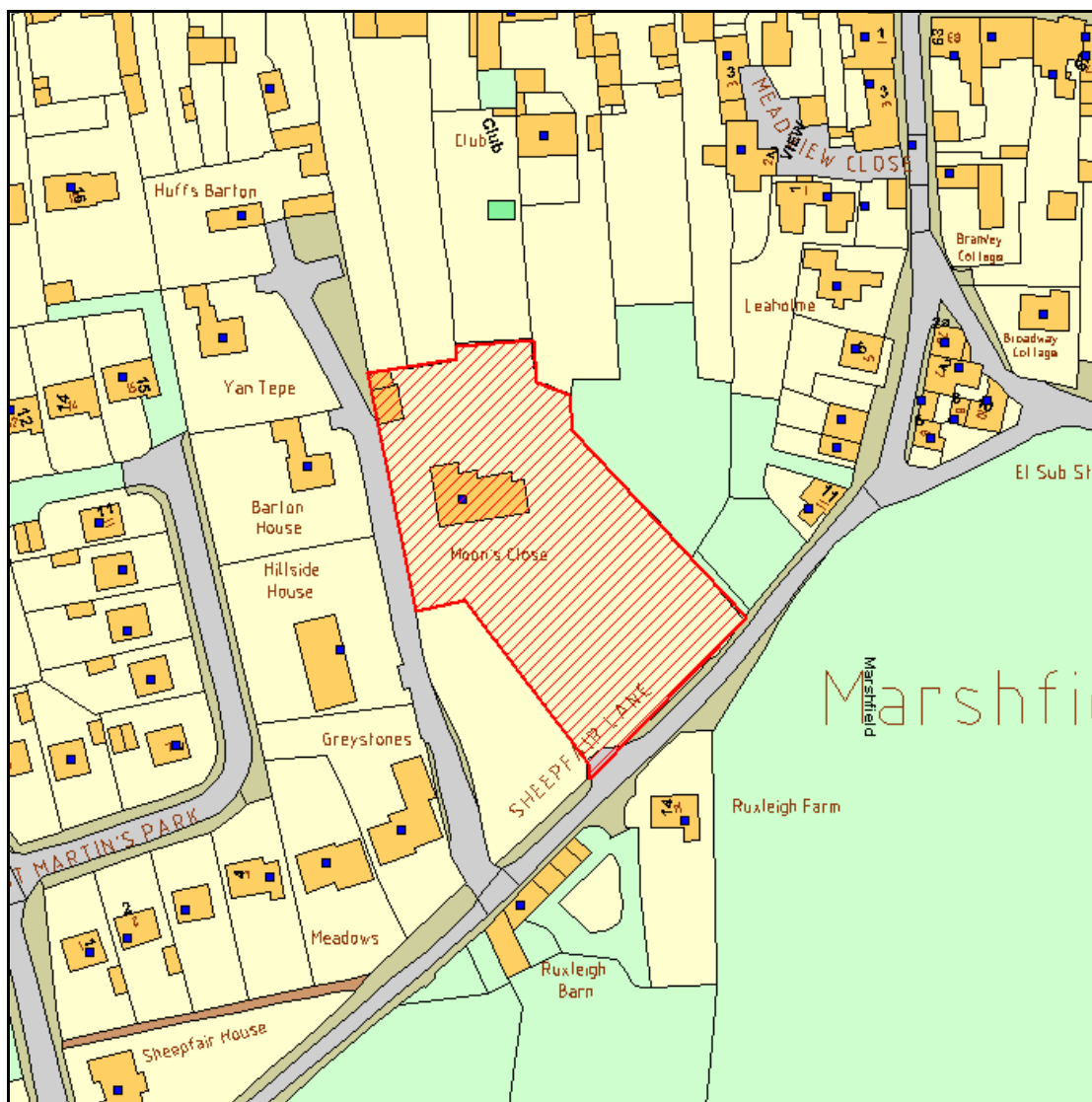
17. Unit 8 as indicated on the approved proposed site layout shall be used for self storage and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

To unrestricted changes to large scale storage and distribution facilities to accord with policy E3 of the adopted South Gloucestershire Local Plan (2006).

## CIRCULATED SCHEDULE NO. 39/11 – 07 OCTOBER 2011

<b>App No.:</b>	PK11/2615/F	<b>Applicant:</b>	Mr T Fudge
<b>Site:</b>	Frogmore House Sheepfair Lane Marshfield South Gloucestershire SN14 8NA	<b>Date Reg:</b>	25th August 2011
<b>Proposal:</b>	Erection of front conservatory and side extension to provide additional living accommodation. Roof conversion to facilitate first floor extension to provide further living accommodation.	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	377754 173626	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Householder	<b>Target Date:</b>	18th October 2011



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 100023410, 2008. **N.T.S.** **PK11/2615/F**

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

This application has been referred to the circulated schedule due to the receipt of one letter from a local resident questioning an aspect of the proposal.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a front conservatory and single storey side extension, and for alterations to the roofline to facilitate a roof conversion at Frogmore House, formally known as Moons Close, Marshfield. The proposed front conservatory would measure 8 metres wide by 3.9 metres in depth and would have an overall height to ridge of 2.8 metres. The proposed side extension would measure 3.5 metres in width and would have a height and depth to match the main dwelling. The proposal also includes alterations to the roof, including raising the ridge height and the addition of the central glazed area.
- 1.2 The application site is located within the settlement boundary of Marshfield, within the Marshfield Conservation Area and the Cotswold Area of Outstanding Natural Beauty. The site is adjacent to the Bristol Bath Green Belt but is not within the Green Belt. The site is also adjacent to the Grade II\* listed royal British legion hall which is located to the north.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1 Delivering Sustainable Development  
PPG2 Green Belt  
PPS3 Housing  
PPS5 Planning for the Historic Environment  
PPG13 Transport

#### **2.2 Development Plans**

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

D1 Achieving Good Quality Design in New Development  
L1 Landscape protection and Enhancement  
L2 Cotswolds Area of Outstanding Natural Beauty (AONB)  
L5 Open Areas within the Existing Urban Areas and Defined Settlements  
L12 Conservation Areas  
L13 Listed Buildings  
L17 &18 The Water Environment  
EP1 Environmental pollution  
GB1 Development within the Green Belt  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T8 Parking Standards  
T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.

South Gloucestershire Council Development in the Green Belt SPD (Adopted) June 2007

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK11/0403/F                      Erection of 2no. detached dwellings with access and parking, re-building of parts of boundary wall to a maximum height of 1.35 metres.  
Refused March 2011
- 3.2 PK11/0404/CA                      Demolition and rebuilding of part of stone boundary wall.  
Refused March 2011
- 3.3 PK11/0401/CA                      Demolition of existing dwelling.  
Withdrawn April 2011
- 3.4 PK11/0400/F                      Demolition of existing dwelling to facilitate the erection of 1no. detached dwelling with associated works.  
Withdrawn April 2011

**4. CONSULTATION RESPONSES**

- 4.1 Marshfield Parish Council  
No objections
- 4.2 Conservation Officer  
No objections

**Other Representations**

4.3 Local Residents

One letter of support from a local resident has been received stating the following:

- No objections, it is an interesting and attractive improvement to a currently rather tired 1950's bungalow.

One letter raising a general observation has been received questioning the following:

- The plan of the site shows part of the garden closest to Hillside house has been outlined in red and not shaded in. What is proposed for this section of the garden?

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that extensions should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space. The site is also located within the Marshfield Conservation Area and as such the proposal must preserve or enhance the character and appearance of the Conservation Area

### 5.2 Design / Visual Amenity

The proposal includes the erection of a modest sized front conservatory, the erection of a single storey side extension and alterations to the roofline, including raising the ridge height and the installation of a central glazed section. The proposed alterations are of an appropriate standard in design and would enhance the appearance of the main dwelling house. The extensions are of modest size in comparison to the bulk of the main dwelling and whilst the proposal would change the appearance of the building it is considered that the resultant building would be well proportioned and would remain in keeping with the scale of the surrounding dwellings. Furthermore, the proposed additions would incorporate materials to match those of the main dwelling, assisting the successful integration of the proposals with the host dwelling.

Overall it is considered that the proposal would result in a positive enhancement of the existing building. As such the proposal fully accords with policies D1 and H4.

### 5.3 Residential Amenity

The application property is set away from the boundaries with the neighbouring residential properties. As such it is not considered that the proposal would have any overshadowing or overbearing effect on the neighbouring dwellings.

The proposal involves conversions and extensions to the existing roof which would result in new first floor windows facing north, south, east and west. The neighbouring properties to the north are located approximately 20 metres away and have long rear gardens, furthermore Barton House and Hillside House are located over 15 metres away to the west. Given the existing boundary treatments in place in combination with the location of the proposal, set away from neighbouring dwellings, it is not considered that the proposal would result in any significant increase in overlooking or loss of privacy.

It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

#### 5.4 Green Belt

The application site is located adjacent to the Bristol Bath Green Belt. Policy GB1 seeks to ensure that any proposals conspicuous from the Green Belt do not have any adverse impacts on the visual amenity of the Green Belt.

Given the modest alterations in combination with the fact that the dwelling is located within the settlement boundary of Marshfield and would be viewed against a backdrop of existing residential buildings, it is not considered that the proposal would have any detrimental impacts on the visual amenity of the Green Belt.

#### 5.5 Impact on the Conservation Area

Whereas previous applications proposed the complete redevelopment of this site, the current application takes a more subtle approach and seeks to alter and extend the existing dwelling with the aim of creating a dwelling that makes better use of the space available whilst respecting the east-west axis of the building and ensuring the building does not become unduly intrusive in the landscape.

The alterations include the raising of a section of roofline, thereby creating a small clerestory section of wall which helps break up the expanse of the roof, and the introduction of a glazed section of roof that steps the ridge down to the single storey part of the building. A new lean-to conservatory is added to the south facing elevation to create a new garden room which will also help with solar gain.

Whilst the proposal will raise a section of the ridge and extend the building slightly to the east, the overall effect is not going to have a significant impact on the character or appearance of the conservation area. The roof material is being improved and the introduction of the clerestory helps break up and add some interest to the otherwise plain roof of the present dwelling.

Views of the building from both the street level and at higher points on the ridge to the south will be largely unaffected, and the building will continue to be seen as recessing up the hillside, rather than jutting quite forcibly into the view like the gables of the earlier designs.

Consequently it is considered that the alterations would maintain the east-west axis of the building and would respect the sloping contours of the site. The changes will not have any harmful impact on the character or appearance of the conservation area and will preserve the setting of the nearby grade II\* listed church. As such subject to conditions to ensure the roofing material and details of external joinery and finishes there are no objections to the proposal.

#### 5.6 Parking and Highway Safety

The proposal only includes a minimal increase in footprint. The vehicular access will remain as existing off Sheepfair Lane and the existing detached garage will be retained. Furthermore there is adequate alternative space for vehicular parking and turning within the site boundary. As such there are no transportation objections to the proposal.

## 5.7 Other Issues

With regard to the questions raised regarding the site plan, the area outlined in red is the application site and the area outlined in blue is other land that is owned by the applicant. The applicant has decided not to include the land outlined in blue as part of the application site for this current application.

## 6. CONCLUSION

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

6.2 The proposed extensions are of an appropriate standard in design and reflect the character of the main dwelling house and would result in a positive enhancement on the current situation. Furthermore the extensions would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact and the parking provision would remain in compliance with Policy T8. As such the proposal accords with Policies D1, L12, T8 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

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

## 7. RECOMMENDATION

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

**Contact Officer: Kirstie Henshaw**  
**Tel. No. 01454 865207**

### CONDITIONS

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

Reason

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

2. Prior to the commencement of development a representative sample of roofing slate shall be submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the agreed details.

Reason

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



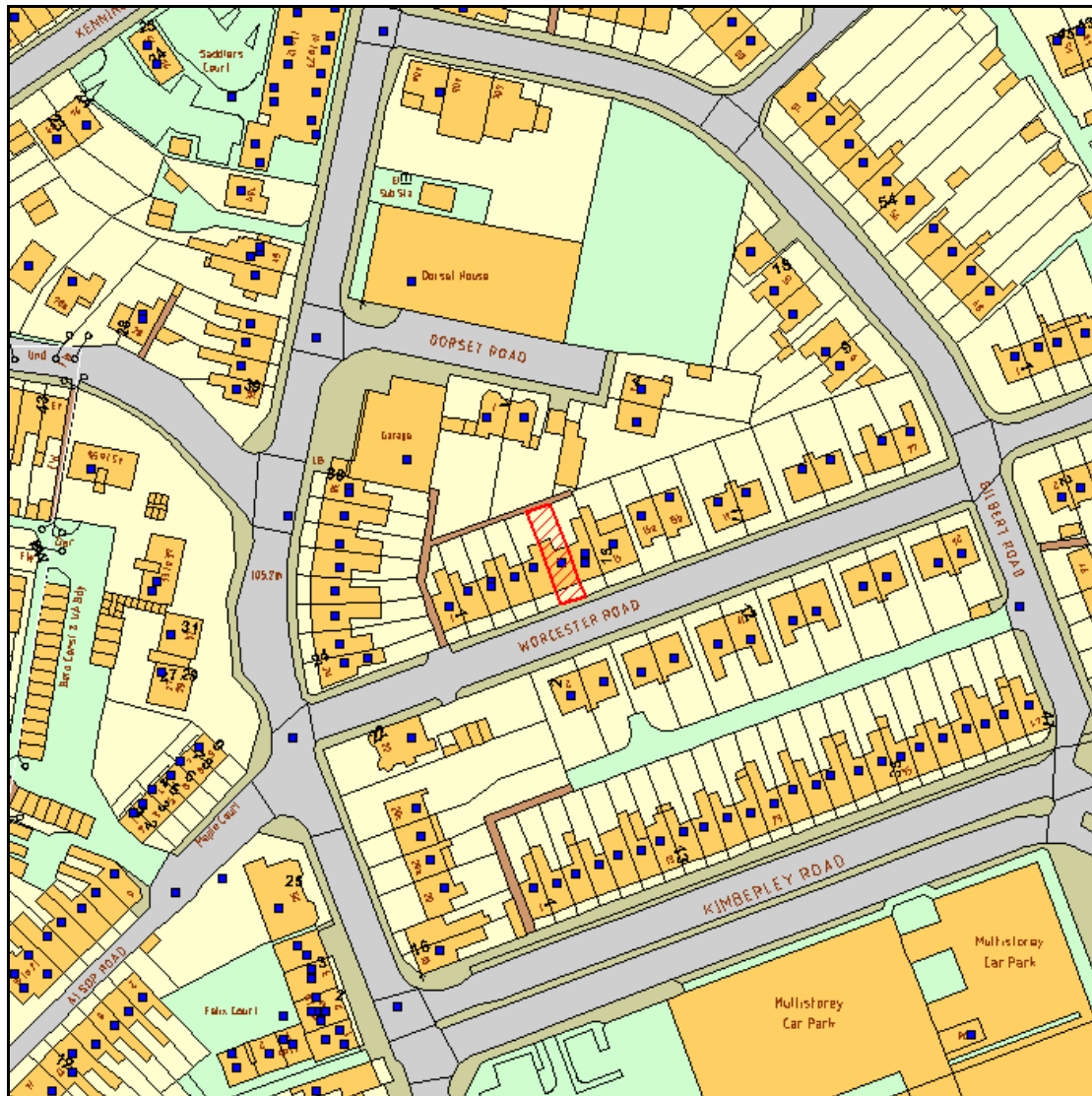
3. Prior to the commencement of development details of the external joinery and finishes, shall be submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

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

**CIRCULATED SCHEDULE NO. 39/11 – 07 OCTOBER 2011**

<b>App No.:</b>	PK11/2650/F	<b>Applicant:</b>	Mr C Davis
<b>Site:</b>	11 Worcester Road Kingswood Bristol South Gloucestershire BS15 1RN	<b>Date Reg:</b>	24th August 2011
<b>Proposal:</b>	Conversion of existing dwelling to form 2no. self contained flats and associated works.	<b>Parish:</b>	None
<b>Map Ref:</b>	364673 174106	<b>Ward:</b>	Kings Chase
<b>Application Category:</b>	Minor	<b>Target Date:</b>	17th October 2011



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

This application appears on the Circulated Schedule following an objection from a local resident

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the conversion of an existing dwelling to form 2 no. self-contained flats and associated works. The conversion would not entail any alterations to the external appearance of the property.
- 1.2 The application site relates to a two-storey terrace property situated within the established residential area of Kingswood.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS13	Transport

#### 2.2 Development Plans

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

D1	Achieving Good Design in New Development
H2	Proposals for Residential Development within the Existing Urban Area
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
H5	Residential Conversion
T7	Cycle Parking
T8	Maximum Parking Standards
T12	Transportation Development Control

##### South Gloucestershire Core Strategy, Submission Draft December 2010

CS1	High Quality Design
CS5	Location of Development
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

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

- 3.1 None relevant.

#### 4. CONSULTATION RESPONSES

4.1 Parish/Town Council  
The area is un-parished.

4.2 Other Consultees (including internal consultees of the Council)

Sustainable Transport  
No objections.

#### Other Representations

4.3 Local Residents  
One objection has been received on the basis of their being no parking facility and the parking restrictions in the road.

#### 5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the Urban Area. The provision of mixed and balanced communities is also supported. The South Gloucestershire Local Plan (adopted) 2006 (para 8.26) seeks to *‘increase the proportion of smaller dwellings, reflecting the projected growth in one person households and the existing disproportionate provision of smaller dwellings in South Gloucestershire’*. There is therefore, no principle objection to flats in the area. The property is an existing residential unit, lying within the urban area and as such the proposed conversion can be determined under Policy H5 of the South Gloucestershire Local Plan (adopted) 2006. Policy H5 permits the conversion of existing houses into smaller units of residential accommodation subject to the following criteria:

5.2 **A. Would not prejudice the character of the surrounding area; and**

The locality is entirely residential in character made up of properties of mixed age and style.

The existing two-storey terrace dwellinghouse is mainly of red brick and red brick detailing with rough pebble dash sections on the front first floor level elevation. White uPVC windows benefit the property. Opposite the terrace is a row of semi-detached two storey properties.

The property has a small front garden which currently is used for the storage of bins. Although there will be no physical external changes to the property the conversion into two self-contained flats will result in additional bin and cycle provision to accommodate the needs of both flats. These will be located to the front of the property within its garden.

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

The existing property is a three bedroom mid-terrace dwellinghouse. The proposal would retain its existing residential use, merely creating two 1 no. bedroom flats, one at ground floor level and one at first floor. It is unlikely that the number of people occupying the building would significantly increase. Plans indicate that adequate bin storage and cycle storage would be available within the site for both flats.

The conversion of the property into two flats would not significantly change the current level residential amenities experienced by neighbours over and above that of the existing level. As a result officers do not consider that a significant loss of privacy would occur following the conversion.

5.4 **C. Would identify an acceptable level of off-street parking; and**

The proposal would result in two separate residential units on the site. The existing property has no formal off-street parking provision and existing occupiers rely on the public highway for parking. No provision for off-street parking is proposed for this development.

The potential impact on public highway parking issues resulting from this development needs to be considered against the current parking situation. Whilst it is acknowledged that parking requirements for two residential flats could be slightly higher than that of one dwelling, it is judged that the difference would be very small.

The site is considered to be in a sustainable location. Downend Road and Syston Way are within one to two minutes walking distance away and both are on bus routes. Furthermore, the site is approximately 400m walking distance to the Kingswood Town Centre.

In view of the above, officers consider that the proposal would not have any significant impact or increase on the public highway compared to the existing situation. In addition, given the sustainable location of the site, officers deem that no highway objections could be sustained for this proposal (even without parking for development) in an appeal situation.

5.5 **D. Would provide adequate amenity space; and**

Plans show that adequate private and usable amenity space would be provided at the rear to serve the ground floor flat. Whilst no amenity space is provided for the first floor flat, given that this is a one bedroom flat, it is considered that there would be no expectation to provide amenity space for a property of this size, as it is unlikely to attract families.

5.6 **E. (In the case of buildings not previously used for residential purposes) the property is located within the existing urban areas and the boundaries of settlements as defined on the proposals map.**

The building has been previously used for residential purposes.

5.7 Having regard to all of the above, officers are satisfied that on balance, all of the criteria attached to Policy H5 are met.

## 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 conversion of an existing dwelling to form 2 no. self-contained flats and associated works is considered to accord with policy as:
- a) The conversion would not result in any alterations to the external appearance of the property. As such it is not considered to give rise to a material loss of amenity to the adjacent occupiers and the appearance will respect and maintain the character of the street scene and surrounding area. The development therefore accords with Policy H4, H5 and D1 of the South Gloucestershire Local Plan (Adopted) 2006.
- b) The proposal would not adversely affect existing levels of street parking. In addition provisions would be made for cycle parking within the site. It would not affect current acceptable levels of highway safety associated with the site in accordance with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) 2006
- 6.3 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report

## 7. **RECOMMENDATION**

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

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

### **CONDITIONS**

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

Reason

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

## CIRCULATED SCHEDULE NO. 3911 – 07 OCTOBER 2011

<b>App No.:</b>	PK11/2678/F	<b>Applicant:</b>	Mr Sean Hodges
<b>Site:</b>	Willow Cottages Hall End Lane Wickwar South Gloucestershire GL12 8PD	<b>Date Reg:</b>	31st August 2011
<b>Proposal:</b>	Erection of two storey side extension to form additional living accommodation.	<b>Parish:</b>	Wickwar Parish Council
<b>Map Ref:</b>	370824 186898	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Householder	<b>Target Date:</b>	20th October 2011

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100023410, 2008. **N.T.S.** **PK11/2678/F**

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

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

### **1. THE PROPOSAL**

1.1 The application site is situated on the south side of Hall End Lane between Wickwar and Rangeworthy. The site is situated on a single track access from Hall End Lane, which is shared with two other dwellings. The site is bounded by a similar looking cottage attached to the north and a Grade II Listed farmhouse to the south, the active rail track runs close to the west boundary and the site bounds open fields to the east. The site comprises a traditional stone built two storey semi detached cottage with car port to the south and other outbuildings in the rear garden.

The application site is situated outside the urban area or any settlement boundary as defined in the adopted Local Plan. The site is situated adjacent to a Grade II Listed Building

1.2 The application proposes erection of two storey side extension to form additional living accommodation.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1 Delivering Sustainable Development  
PPS5 Planning and the Historic Environment  
PPS7 Sustainable Development in Rural Areas

#### **2.2 Development Plans**

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

D1 Design  
H4 Development within Existing Residential Curtilages  
L13 Listed Buildings

##### **South Gloucestershire Core Strategy – Submission Draft December 2010**

CS1 High Quality Design  
CS9 Environmental Resources and Built Heritage

#### **2.3 Supplementary Planning Guidance/Documents**

South Gloucestershire Design Checklist – August 2007

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

3.1 PK08/2934/F                      Erection of two storey side extension to form additional living accommodation at Captains Farm.  
Approved 17.12.2008



## 4. CONSULTATION RESPONSES

4.1 Wickwar Parish Council  
No objection.

4.2 Other Consultees [including internal consultees of the Council]  
Archaeological Officer – No comment  
Conservation Officer - An extension as proposed would be acceptable in principle and it would not harm the setting of the listed building. Changes recommended to fenestration

### Other Representations

4.3 Local Residents  
One letter of objection received from the occupier of Hall End Cottage raising the following concerns:  
Overlooking from first floor side bedroom window resulting in loss of privacy; proposed window at second floor in the side gable which would also result in loss of privacy; the windows in the roof give alternative provision; render is propose which is a change of appearance as the existing elevations are all stone.

## 5. ANALYSIS OF PROPOSAL

5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. Policy L13 requires for development which affects a listed building or its setting, special regard should be had to the desirability of preserving the building, or its setting, or any features of architectural or historic interest which it possesses.

The South Gloucestershire Core Strategy Pre-Submission Publication Draft was issued March 2010 and the consultation period expired on 06.08.2010. The Council's response to the representations received was considered at the Council's Cabinet meeting on 13 December 2010 and at the Full Council meeting on 15 December 2010 and the proposed changes to the Core Strategy agreed by Full Council have now been published. The South Gloucestershire Core Strategy Submission Draft was then published December 2010. The South Gloucestershire Core Strategy Development Plan Document was submitted to the Secretary of State on 31 March 2011 for Examination. Whilst this document is a material consideration in the determination of planning applications, it will be afforded less weight than the adopted Development Plan at this stage.

5.2 Design  
The application site lies to the north of the grade II listed Hall End Cottage and is a modest, semi-detached, late 19<sup>th</sup> century stone built cottage with clay tile roof. It is separated from the listed building of Hall End Cottage by approximately 25metres, with detached garages and planting situated between

the two dwellings. The building was originally mirrored about the party wall, with a single window in each bay and access via a side entrance. A two storey extension to the northern cottage (Captains Farm) was approved in 2008.

Policy D1 of the Local Plan requires all new development to be well-designed. The proposal would be constructed using render and would have a similar form to the existing stone built cottage. The front elevation of the extension would be recessed to give subservience to the addition. The neighbour's extension built attached to Captains Farm, has a recessed front elevation and a similar design. The extension to Captains Farm has been constructed in stone. The main dwelling Willow Cottages is also constructed from stone. The extension would therefore appear different to the existing traditional cottages. However, render can be applied in a traditional manner and subject to the detailed finish of the render (roughcast appearance and lime wash) render is considered to be an acceptable contrasting finish material. A condition is recommended for a sample render panel to be provided on site prior to commencement and this will ensure a satisfactory finish.

Since submission of the application the scheme has been amended in accordance with the advice from the Conservation Officer. This includes centralising of the front first floor window and providing a separation between the wide ground floor window and door. This has improved the design of the building. Overall the design and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area and the setting of the adjacent Listed Building. As such it is considered that the design of the proposal accords with the criteria of Policy D1 and Policy L13.

### 5.3 Residential Amenity

Adequate amenity space to the property would be retained following the erection of the proposed extension. With regard to neighbouring properties, the neighbour to the north Captains Farm would be screened from the proposal by Willows Cottage. The extension would be situated 16m from the boundary with Hall End Cottage to the south and 23m from Hall End Cottage itself. As such the proposed extension would not prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development.

Following submission of the application, the drawings have been amended to remove the proposed first floor window in the side elevation of the extension from the scheme. Additionally the proposed second floor window in the side gable of the extension would be constructed using obscured glazing. Notwithstanding these design changes, the proposed extension would be situated sufficient distance from Hall End Cottage, for there to be no significant impact in relation to loss of privacy. As such it would not be reasonable to attach a condition to ensure the obscured glazing in the second floor side window is retained.

#### 5.4 Highway matters

There would as a result of the extension be sufficient space within the site to accommodate 2-3 cars off street. As such the proposal is considered to meet the Council's adopted parking standard and would raise no significant highway safety concerns.

### 6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report. A summary of reasons for granting planning permission in accordance with article 22 of the town and country planning (general development procedure) order 1995 (as amended) is given below.

- a) Due to its scale and position in relation to the adjacent dwellings, the proposed development is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) It has been assessed that the proposed extension has been designed to respect and maintain the massing, scale, proportions, materials and overall design and character of the street scene and surrounding area and the setting of the adjacent Listed Building. The development therefore accords to Policy D1, L13 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.

### 7. RECOMMENDATION

7.1 Consent is GRANTED subject to the conditions and informatives as outlined in the attached decision notice:

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

### CONDITIONS

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

Reason

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

2. A sample panel of the render indicating colour and texture, shall be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the development is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

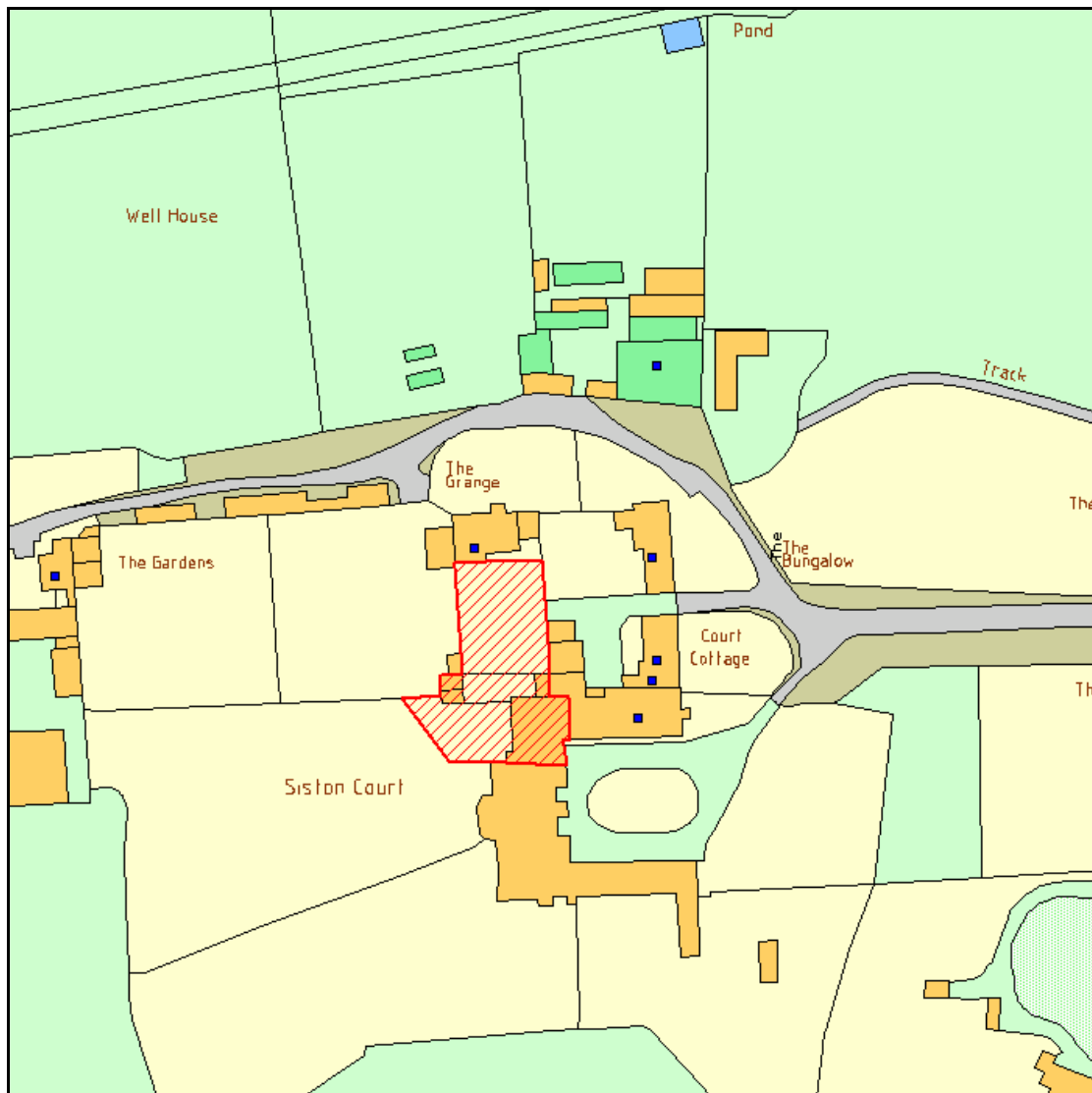
3. The tiles to be used in the extension hereby permitted shall match those of the existing dwelling in colour, texture and profile.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 39/11 – 07 OCTOBER 2011

<b>App No.:</b>	PK11/2694/F	<b>Applicant:</b>	Prof. S Hill
<b>Site:</b>	The Northwest Wing Siston Court Mangotsfield South Gloucestershire	<b>Date Reg:</b>	30th August 2011
<b>Proposal:</b>	Erection of single storey extension to form additional living accommodation	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	368688 175380	<b>Ward:</b>	Siston
<b>Application Category:</b>	Householder	<b>Target Date:</b>	19th October 2011



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 100023410, 2008. **N.T.S.** **PK11/2694/F**

## **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 planning permission for a single storey extension to a sub-divided part of Grade I Listed Siston Court, which is in residential use. The site comprises the northwest portion of the building and the extension would project into its walled garden, bounded by a stone wall of some 3 metres in height as well as another extension to the court which forms a triple garage with a high roof. This level of enclosure ensures that there is no public view into the part of the garden where the extension is proposed to be located.
- 1.2 The Court is a three storey large stone building, within the Green Belt and the Siston Conservation Area. The proposed extension would measure 4 metres by 3.1 metres, with a height to eaves of 2.6 metres, under a clay tiled apex roof with a maximum height of 4.4 metres. The walls are proposed to be of natural stone to match the existing house.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS5 Heritage
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H4 House extensions  
L11 Archaeology  
L12 Conservation Areas  
L13 Listed Buildings  
GB1 Green Belt
- South Gloucestershire Core Strategy -Submission Draft (December 2010)  
CS1 High Quality Design  
CS9 Built Heritage
- 2.3 Supplementary Planning Guidance  
Siston Conservation Area guidance note  
Development in the Green Belt

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

- 3.1 PK08/1033/LB Single storey extension Withdrawn
- 3.2 PK11/2695/LB Listed Building application to accompany this one

## 4. CONSULTATION RESPONSES

### 4.1 Siston Parish Council

Object as this leads to a loss of character of a listed building and local monument. We would request that the cumulative effect of the proposal be given prior consideration.

### 4.2 Other Consultees (including internal consultees of the Council) Conservation Officer

The proposal has been the subject of pre-application discussions, and several sketch schemes have been considered. Consultation with English Heritage has also taken place. The submitted proposal is considered to be, subject to detailed design, an appropriate scale and design, which respects the original building. The section of walling which is proposed to be breached is 1940's cavity wall construction, which is not considered to be significant historic fabric.

The kitchen is modest in scale and is set away from the historic stone wall of the neighbouring building to the east. This is understood to be the former brew house and wash house. This wall is of archaeological and historic importance and the new extension will allow for this wall to be left undisturbed, and maintained in the future.

I recommend that the application is approved, subject to the following conditions. In view of the grade of the building I would recommend that the area of demolition should be recorded. I have consulted the archaeology officer and agreed that the building recording can form part of the archaeological condition he will be recommending:

1. Prior to the commencement of development the detailed design of the following items, including materials and finishes, shall be submitted and approved in writing by the local planning authority.
  - a) all new windows (including cill, head and reveal details)
  - b) all new doors
  - c) eaves, verges and ridges
  - d) all new vents and flues
  - e) rainwater goods

The works shall be completed in accordance with the agreed details.

2. Prior to the commencement of development a representative sample of natural stone walling, of at least one metre square, demonstrating the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the local planning authority. The development shall be completed in accordance with the approved panel, which shall be retained on site for consistency.
3. Prior to the commencement of development a representative sample of clay roofing tile shall be submitted and approved in writing by the local planning authority. The works shall be completed in accordance with the agreed details.

Reason: In order that the development serves to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPS5 and accompanying Planning Practice Guide.

#### Archaeological Officer

Although the proposed work is limited in extent it is possible that significant archaeological structures and deposits are present in the area of the proposed extension. In order to mitigate the possible harmful effects to the archaeology of the site an archaeological watching brief condition (Standard Condition HC13) should be attached to any permission. I understand that a small amount of fabric dating to the 1940s is to be removed to facilitate the extension; the recording of this fabric could be incorporated into the watching brief.

#### English Heritage

Comment that the recommendation should be made by the Conservation Officer based on local policies.

### **Other Representations**

#### 4.3 Local Residents

No replies received

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This proposal stands to be assessed against the policies listed above, in light of all material considerations. The issues to be resolved are whether the extension represents inappropriate development in the Green Belt or not, its impact on the openness of the Green Belt, its impact on residential amenity and its impact on the Grade I Listed Building and Siston Conservation Area.

### 5.2 Green Belt

The dimensions of the proposed extension appear at 1.2 above. The increase that it would represent over the original dwellinghouse (a portion of the original Elizabethan Manor House) comes nowhere near the 30% guideline in the supplementary planning guidance, under which an extension is not considered to be disproportionate. Therefore the proposal is considered to be a proportionate extension to the original dwelling in the Green Belt and does not represent inappropriate development. With regard to its impact on the openness of the Green Belt, the high degree of existing screening of this walled garden would mean that there would be no impact on visual amenity or the openness of the Green Belt. As such, the proposal is considered to accord with Green Belt policy.

### 5.3 Residential Amenity

For the locational reasons given in the preceding paragraph, the proposal is not considered to have any adverse impact on existing levels of residential amenity for adjoining occupiers and therefore accords with policy H4 in this regard.



#### 5.4 Listed Building/ Archaeology

The proposal is considered to be of an appropriate scale and design, which respects the original building. The impact on the historic fabric would be limited to a breach in a 1940's cavity wall construction, which is not considered to be significant historic fabric. The kitchen is modest in scale and is set away from the historic stone wall of the neighbouring building to the east. This is understood to be the former brew house and wash house. This wall is of archaeological and historic importance and the new extension will allow for this wall to be left undisturbed, and maintained in the future. Subject to the conditions shown below, including the recording of the area to be demolished, it is considered that the proposed works and extension would not harm the Grade I Listed Building.

#### 5.5 Conservation Area

Due to the high level of screening of the walled garden already discussed, the visual impact of the proposal is extremely limited and therefore its impact on the wider Conservation Area is also limited. The proposal is considered to accord with policy L12 in this regard.

### 6. CONCLUSION

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

6.2 The proposal would provide enlarged family accommodation for this part of the Listed Building, without resulting in any adverse impacts on the Green Belt, the fabric of the Listed Building itself, archaeology, existing levels of residential amenity or the Conservation Area. The proposal is therefore considered to accord with policies GB1, L11, L12, L13, H4 and D1 of the adopted South Gloucestershire Local Plan.

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

### 7. RECOMMENDATION

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

**Contact Officer: Chris Gosling**  
**Tel. No. 01454 863787**

### CONDITIONS

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

Reason

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

2. Prior to the commencement of development the detailed design of the following items, including materials and finishes, shall be submitted and approved in writing by the local planning authority.
  - a. all new windows (including cill, head and reveal details)
  - b. all new doors
  - c. eaves, verges and ridges
  - d. all new vents and flues
  - e. rainwater goods

The works shall be completed in accordance with the agreed details.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPS5 and accompanying Planning Practice Guide.

3. Prior to the commencement of development a representative sample of natural stone walling, of at least one metre square, demonstrating the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the local planning authority. The development shall be completed in accordance with the approved panel, which shall be retained on site for consistency.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPS5 and accompanying Planning Practice Guide.

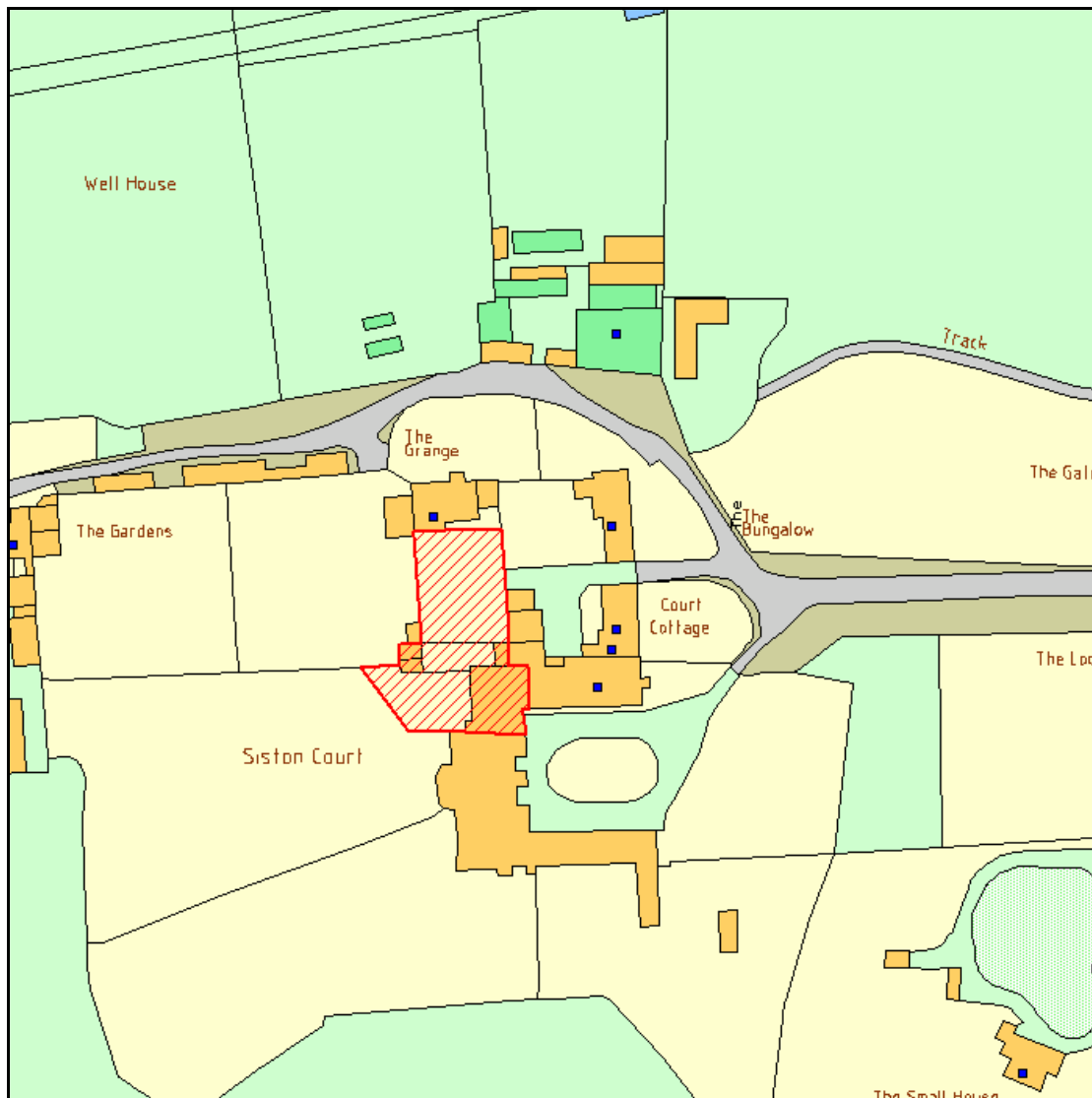
4. Prior to the commencement of development a representative sample of clay roofing tile shall be submitted and approved in writing by the local planning authority. The works shall be completed in accordance with the agreed details.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPS5 and accompanying Planning Practice Guide.

**CIRCULATED SCHEDULE NO. 39/11 – 07 OCTOBER 2011**

<b>App No.:</b>	PK11/2695/LB	<b>Applicant:</b>	Prof. S Hill
<b>Site:</b>	The Northwest Wing Siston Court Mangotsfield South Gloucestershire	<b>Date Reg:</b>	30th August 2011
<b>Proposal:</b>	Erection of single storey extension to form additional living accommodation	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	368688 175380	<b>Ward:</b>	Siston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	19th October 2011



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 100023410, 2008. **N.T.S.** **PK11/2695/LB**

## **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 Listed Building Consent for a single storey extension to a sub-divided part of Grade I Listed Siston Court, which is in residential use. The site comprises the northwest portion of the building and the extension would project into its walled garden.

1.2 The Court is a three storey large stone Elizabethan Manor House. The proposed extension would measure 4 metres by 3.1 metres, with a height to eaves of 2.6 metres, under a clay tiled apex roof with a maximum height of 4.4 metres. The walls are proposed to be of natural stone to match the existing house.

### **2. POLICY CONTEXT**

2.1 National Guidance  
Planning (Listed Buildings and Conservation Areas) Act 1990

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

3.1 PK08/1033/LB Single storey extension Withdrawn

3.2 PK11/2694/F Planning application to accompany this one

### **4. CONSULTATION RESPONSES**

4.1 Siston Parish Council  
Object as this leads to a loss of character of a listed building and local monument. We would request that the cumulative effect of the proposal be given prior consideration.

4.2 Other Consultees (including internal consultees of the Council)  
Conservation Officer  
The proposal has been the subject of pre-application discussions, and several sketch schemes have been considered. Consultation with English Heritage has also taken place. The submitted proposal is considered to be, subject to detailed design, an appropriate scale and design, which respects the original building. The section of walling which is proposed to be breached is 1940's cavity wall construction, which is not considered to be significant historic fabric.

The kitchen is modest in scale and is set away from the historic stone wall of the neighbouring building to the east. This is understood to be the former brew house and wash house. This wall is of archaeological and historic importance and the new extension will allow for this wall to be left undisturbed, and maintained in the future.

I recommend that the application is approved, subject to the following conditions. In view of the grade of the building I would recommend that the area of demolition should be recorded. I have consulted the archaeology officer and agreed that the building recording can form part of the archaeological condition he will be recommending:

1. Prior to the commencement of development the detailed design of the following items, including materials and finishes, shall be submitted and approved in writing by the local planning authority.
  - a) all new windows (including cill, head and reveal details)
  - b) all new doors
  - c) eaves, verges and ridges
  - d) all new vents and flues
  - e) rainwater goods

The works shall be completed in accordance with the agreed details.

2. Prior to the commencement of development a representative sample of natural stone walling, of at least one metre square, demonstrating the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the local planning authority. The development shall be completed in accordance with the approved panel, which shall be retained on site for consistency.
3. Prior to the commencement of development a representative sample of clay roofing tile shall be submitted and approved in writing by the local planning authority. The works shall be completed in accordance with the agreed details.

Reason: In order that the development serves to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPS5 and accompanying Planning Practice Guide.

#### English Heritage

Comment that the Conservation Officer should provide advice in line with local and national policy.

#### **Other Representations**

- 4.3 Local Residents  
No replies received.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

This proposal stands to be assessed against the legislation listed above. The issue to be resolved is the impact on the fabric and setting of the Grade I Listed Building.

## 5.2 Listed Building

The proposal is considered to be of an appropriate scale and design, which respects the original building. The impact on the historic fabric would be limited to a breach in a 1940's cavity wall construction, which is not considered to be significant historic fabric. The kitchen is modest in scale and is set away from the historic stone wall of the neighbouring building to the east. This is understood to be the former brew house and wash house. This wall is of archaeological and historic importance and the new extension will allow for this wall to be left undisturbed, and maintained in the future. Subject to the conditions shown below, including the recording of the area to be demolished, it is considered that the proposed works and extension would not harm the Grade I Listed Building.

## 6. CONCLUSION

- 6.1 The recommendation to refuse Listed Building Consent has been made having regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice contained within PPS5 (Planning and the Historic Environment).
- 6.2 The recommendation to grant consent 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 Listed Building Consent is granted, subject to the conditions shown below.

**Contact Officer: Chris Gosling**  
**Tel. No. 01454 863787**

## CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

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

2. Prior to the commencement of development the detailed design of the following items, including materials and finishes, shall be submitted and approved in writing by the local planning authority.
- a. all new windows (including cill, head and reveal details)
  - b. all new doors
  - c. eaves, verges and ridges
  - d. all new vents and flues
  - e. rainwater goods

The works shall be completed in accordance with the agreed details.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPS5 and accompanying Planning Practice Guide.

3. Prior to the commencement of development a representative sample of natural stone walling, of at least one metre square, demonstrating the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the local planning authority. The development shall be completed in accordance with the approved panel, which shall be retained on site for consistency.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPS5 and accompanying Planning Practice Guide.

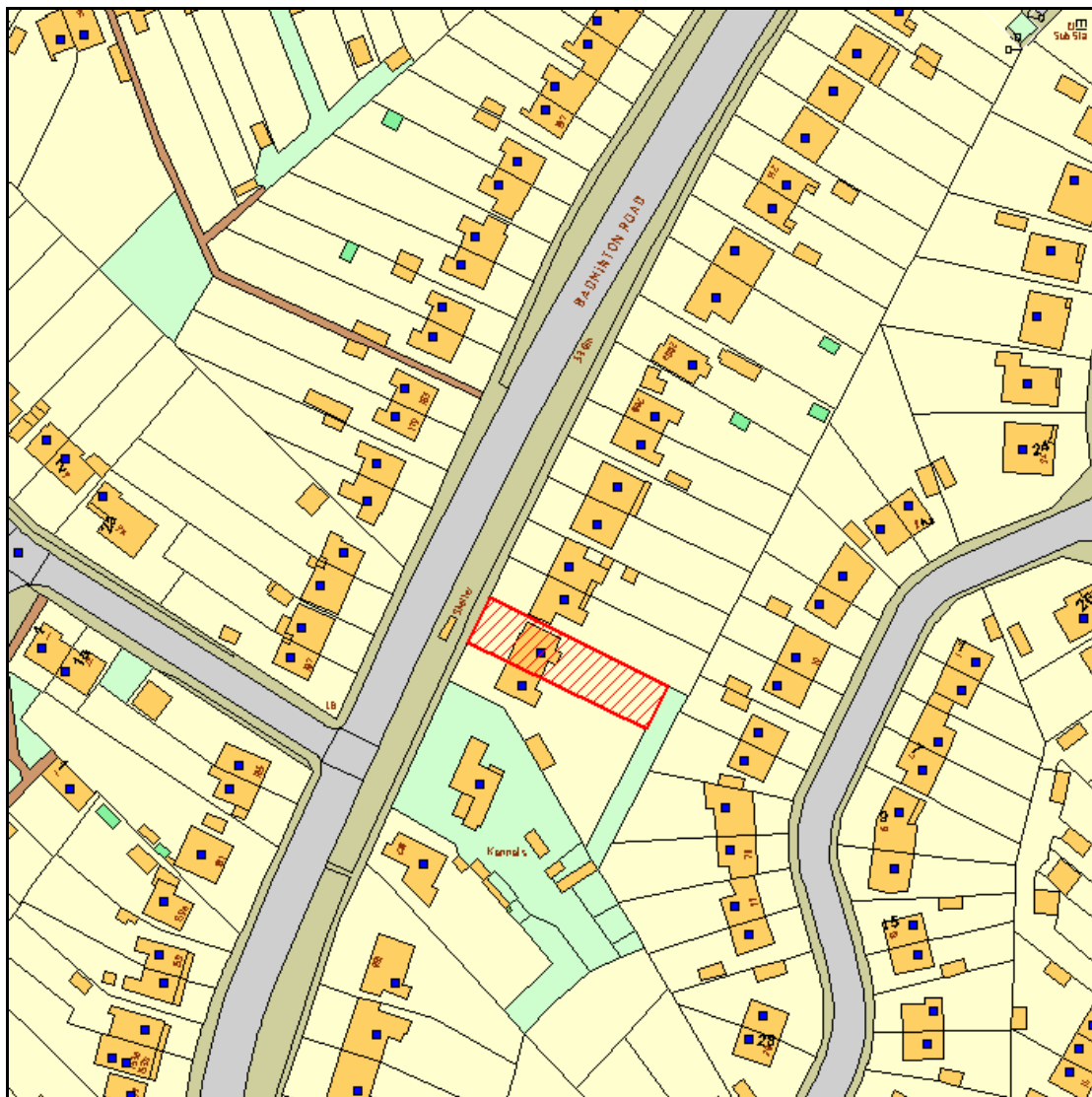
4. Prior to the commencement of development a representative sample of clay roofing tile shall be submitted and approved in writing by the local planning authority. The works shall be completed in accordance with the agreed details.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPS5 and accompanying Planning Practice Guide.

**CIRCULATED SCHEDULE NO. 39/11 – 07 OCTOBER 2011**

<b>App No.:</b>	PK11/2807/CLP	<b>Applicant:</b>	Mr M Skinner
<b>Site:</b>	188 Badminton Road Downend Bristol South Gloucestershire BS16 6NP	<b>Date Reg:</b>	12th September 2011
<b>Proposal:</b>	Application for a Certificate of Lawfulness for the proposed erection of hipped roof over existing two storey side extension to facilitate loft conversion	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365414 177549	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd November 2011



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 100023410, 2008. **N.T.S.** **PK11/2807/CLP**



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

This application appears on the Circulated Schedule in accordance with the standard procedure for the determination of such applications.

### **1. THE PROPOSAL**

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to the erection of hipped roof over existing two storey side extension to facilitate a loft conversion. The property is a two-storey semi-detached dwellinghouse located within the residential area of Downend.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

### **2. POLICY CONTEXT**

- 2.1 The proposed hipped roof enlargement is assessed under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

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

- |     |             |                                |
|-----|-------------|--------------------------------|
| 3.1 | PK99/0522/F | Single storey rear extension   |
|     | Approved    | 22 <sup>nd</sup> February 2000 |

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
No objection.

#### **Other Representations**

- 4.2 Local Residents  
None received.

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

- 5.1 Principle of Development  
The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as

such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance.

It stands to be ascertained whether the proposed development falls within the limits set out in Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

**5.2 Hipped roof over existing two storey extension to facilitate loft conversion.**

Schedule 2, Part 1, Class B of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, provided that it meets the following criteria.

**B1 Development is not permitted by Class B if -  
(a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The proposed hipped roof will match but not exceed the height of the highest part of the existing roof.

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

The proposed hipped roof will not extend beyond the plane of the existing roof slope which forms the principle elevation of the dwellinghouse and fronts a highway.

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

- (i) 40 cubic metres in the case of a terrace house, or**
- (ii) 50 cubic metres in any other case;**

The dwelling is semi-detached and the total cubic content of the proposed hipped roof enlargement is approximately 34.3 m<sup>3</sup>.

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

- (i) the construction or provision of a veranda, balcony or raised platform, or**
- (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**

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

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

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

## **6. CONCLUSION**

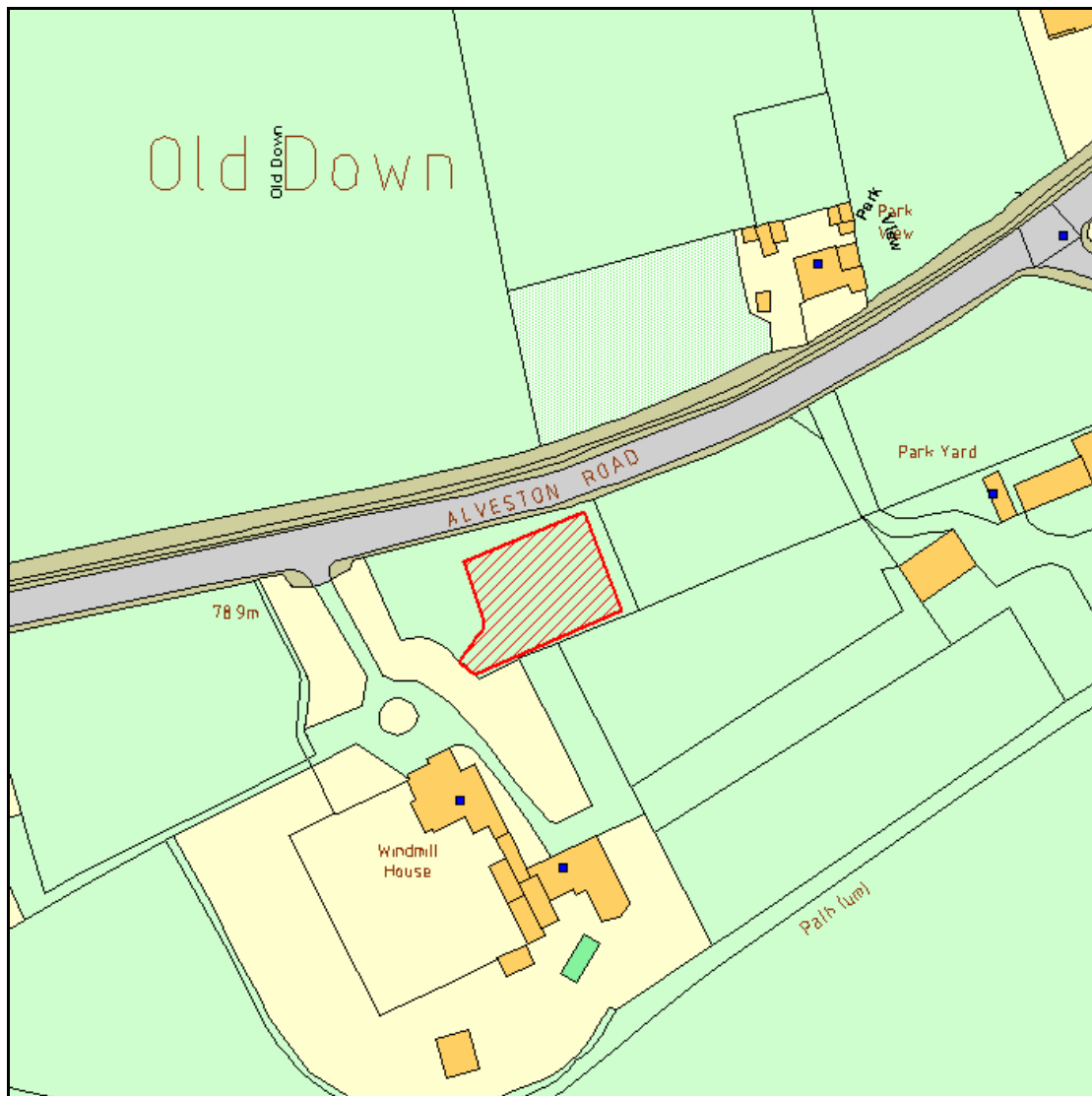
- 6.1 That a Certificate of Lawfulness for Proposed Development is granted for the following reason:

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

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

**CIRCULATED SCHEDULE NO. 39/11 – 07 OCTOBER 2011**

<b>App No.:</b>	PT11/2008/CLP	<b>Applicant:</b>	Windmill House Care Home
<b>Site:</b>	Windmill House Alveston Road Old Down Bristol South Gloucestershire BS32 4PH	<b>Date Reg:</b>	6th July 2011
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed use of land as a car park incidental to the main use of the site as a residential nursing home (Class C2 of the Town and Country Planning (Use Classes) Order 1987 as amended).	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	361429 187282	<b>Ward:</b>	Severn
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26th August 2011



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 100023410, 2008. **N.T.S.** **PT11/2008/CLP**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 This application is for a Certificate of Proposed Lawful Development for the use of land to provide car parking for the benefit of Windmill House Nursing Home.
- 1.2 The application site consists of a small area of residential land associated with Windmill House Nursing Home. The use of the land for residential purposes is lawful as approved under PT10/0929/CLP (as detailed below). As such the land forms part of the residential planning unit associated with the nursing home. Access to the site is directly from Alveston Road. The site is in the Green Belt and outside of any settlement boundary.

### **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 N558/3 Change of use of existing dwelling, outbuilding and grounds from residential to use as a nursing home. Approved October 1982
- 3.2 N558/6 Conversion of existing games area to residential accommodation and erection of covered way, lobby and vegetable store. Approved January 1984
- 3.3 P86/1179 Alterations to existing enclosure to form front entrance porch; construction of tennis court. Approved 23<sup>rd</sup> April 1986
- 3.4 P86/1181 Erection of two storey side extension to elderly persons home to form garage, hall, bedroom and bathroom with two bedrooms, dining room, kitchen, lounge and bathroom over. (outline) Approved 20<sup>th</sup> October 1986
- 3.5 P86/1985 Erection of two storey side extension to elderly persons home to form garage, hall, dining room and kitchen, with three bedrooms, bathroom and living room above (details following outline) (to be read in conjunction with P86/1181).

Approved 20<sup>th</sup> October 1986

- 3.6 P88/1604 Erection of single storey rear extension to provide sun lounge.  
Approved 11<sup>th</sup> May 1988
- 3.7 P88/1605 Erection of single storey front extension to elderly persons home to provide W.C. and shower room. Provision of external access to basement.  
Approved 11<sup>th</sup> May 1988
- 3.8 P88/2466 Erection of extension at first floor level to provide enlarged bedroom.  
Approved 24<sup>th</sup> August 1988
- 3.9 P94/2263 Erection of extension to existing garages to facilitate conversion to three bed/sitting rooms and W.Cs. conversion of cover walkway to sun lounge.  
Approved 17<sup>th</sup> October 1994
- 3.10 PT02/1185/O Erection of single storey extension to residential care home. (Outline)  
Refused 13<sup>th</sup> May 2002
- 3.11 PT02/1838/O Erection of single storey extension to residential care home. (Outline)  
Approved 4<sup>th</sup> November 2002
- 3.12 PT02/3273/RM Erection of single storey extension (Approval of Reserved Matters) (To be read in conjunction with Outline planning permission PT02/1838/O).  
Approved 4<sup>th</sup> December 2002
- 3.13 PT07/3344/F Erection of two storey, first floor and infill rear extensions to provide 13 no. additional bedrooms with associated works.  
Refused 3<sup>rd</sup> July 2008
- 3.14 PT08/2872/F Change of use of land from agricultural land to car park. (Retrospective)  
Withdrawn by applicant
- 3.15 PT08/3184/F Change of use of land from agricultural land to car park (Retrospective). Erection of two storey, ground and first floor infill rear extensions to provide 13 no. additional bedrooms.  
Refused 13<sup>th</sup> February 2009

- 3.16 CAW/09/0016/1 Enforcement Notice  
 Change of Use of agricultural land to car parking for residential home. Restore land to its previous condition including the removal of the hard standing used for parking of cars; permanently cease the use of the land for the parking of cars.
- The Enforcement Notice was appealed (APP/P0119/C/09/2102689) was dismissed and varied by the Planning Inspector as follows,
- Change of use of agricultural land to residential home use, in the form of ancillary car parking. Remove the surface of the car park, spread topsoil on the land to a depth of 250mm and sow land to grass. Remove the laurel hedge on the eastern boundary of the land. Permanently cease the use of the land the parking of cars.
- 3.17 PT10/0929/CLE Certificate of Lawfulness for the existing use of land (outlined in red on plan) as garden.  
 Approved (14<sup>th</sup> June 2010)
- 3.18 PT11/0971/F Change of use of land from agricultural land to car park and extension to garden (Retrospective).  
 Under consideration
- 3.19 PT11/0977/F Erection of 3 no. two storey extensions and 2 no. single storey extensions to provide 13 no. additional bedrooms and other facilities  
 Under consideration
- 3.20 PT11/2029/CLP Application for Certificate of Lawfulness for the proposed placing of a Geomat surface onto the land.  
 Under consideration

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

- 4.1 The applicant argues that the use of the land subject of this application can be used for the parking of vehicles incidental to the primary use of the planning unit as a residential nursing home. The applicant submits that the use of land within the lawful residential curtilage of the nursing home for incidental parking was accepted by the Local Planning Authority in evidence at the public inquiry relating to development at the nursing home.
- 4.2 No specific reference is made in respect of the public inquiry in the evidence. The applicant has confirmed that this reference is to the appealed enforcement notice as detailed in paragraph 3.16 above.

## **5. SUMMARY OF CONTRARY EVIDENCE**

5.1 There is no contrary evidence.

## **6. OTHER REPRESENTATION RECEIVED**

6.1 Olveston Parish Council  
No objection.

6.2 Highway Development Control Officer  
No comment.

## **7. EVALUATION**

7.1 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 provide precise and unambiguous evidence.

7.2 The site subject of this application is a former orchard which has been in the ownership of the residential care home for a substantial length of time. The use of the area of land as residential curtilage is lawful by way of the approved certificate of lawfulness (PT10/0929/CLE) as detailed in paragraph 3.17 of this report. The applicant's evidence is limited. It is purely a statement that the proposed use would take place within established residential curtilage associated with the nursing home and as such would be incidental to the use of the land as a residential care home. The applicant refers to the previous public inquiry against the enforcement notice relating to the existing area of car parking to the southeast of this site (as detailed in paragraph 3.16 of this report). Whilst the applicant comments that the Local Planning Authority have accepted (in evidence) that the use of land as and ancillary car parking within the curtilage of the residential care home would not require planning permission, there is not any specific evidence of this. Nonetheless, it is noted that the Planning Inspector comments in the decision letter that such a use 'could to an extent take place without further planning permission in the future'. However, it should be noted that the decision was made prior to the subject land benefiting from the lawful use as residential curtilage, and at the time that the decision was made the land was not included within the residential curtilage of the residential care home.

7.3 Having regards to the above, limited weight is given to the conclusions of the inspector in assessing this proposal. The scope of the assessment of this application lies in the meaning of 'incidental'. The Town and Country Planning Act does not provide a definition of the term 'incidental' from a planning perspective. However, the dictionary definition of the word 'incidental' suggests that it relates to a use 'occurring in connection with or resulting from something more important'



- 7.4 On this basis, it is necessary to consider the nature of the existing use as a residential care home and the relationship of the curtilage to it; and whether or not the use of the land for the parking of cars would amount to a material change of use of the land. The area of land subject to this application is residential curtilage associated with the residential care home. It is not unreasonable to provide parking that would facilitate and compliment the use of the land and buildings as a residential care home. It is estimated that the area of land subject to the application has capacity to hold up to 30 parked cars. The residential care home contains 37 bedrooms for the care of residents. These residents would generate visits from family members and professionals in the course their stay at the care home and these visits would be directly related to the purpose of the residential care home. As a matter of fact and degree, the capacity of the land would be consistent with the scale and nature of the residential care home and as such it is considered that the provision of parking would be incidental to the use of the site as a residential care home.
- 7.5 On this basis, it is considered that the use of the land for the provision of car parking would be incidental to the main use of the site and that express planning consent is not required in this instance.

## **8. RECOMMENDATION**

- 8.1 A Certificate of Proposed Lawful Development for the use of the land (outlined in red on plan) for incidental car parking purposes to Windmill House is **GRANTED**.

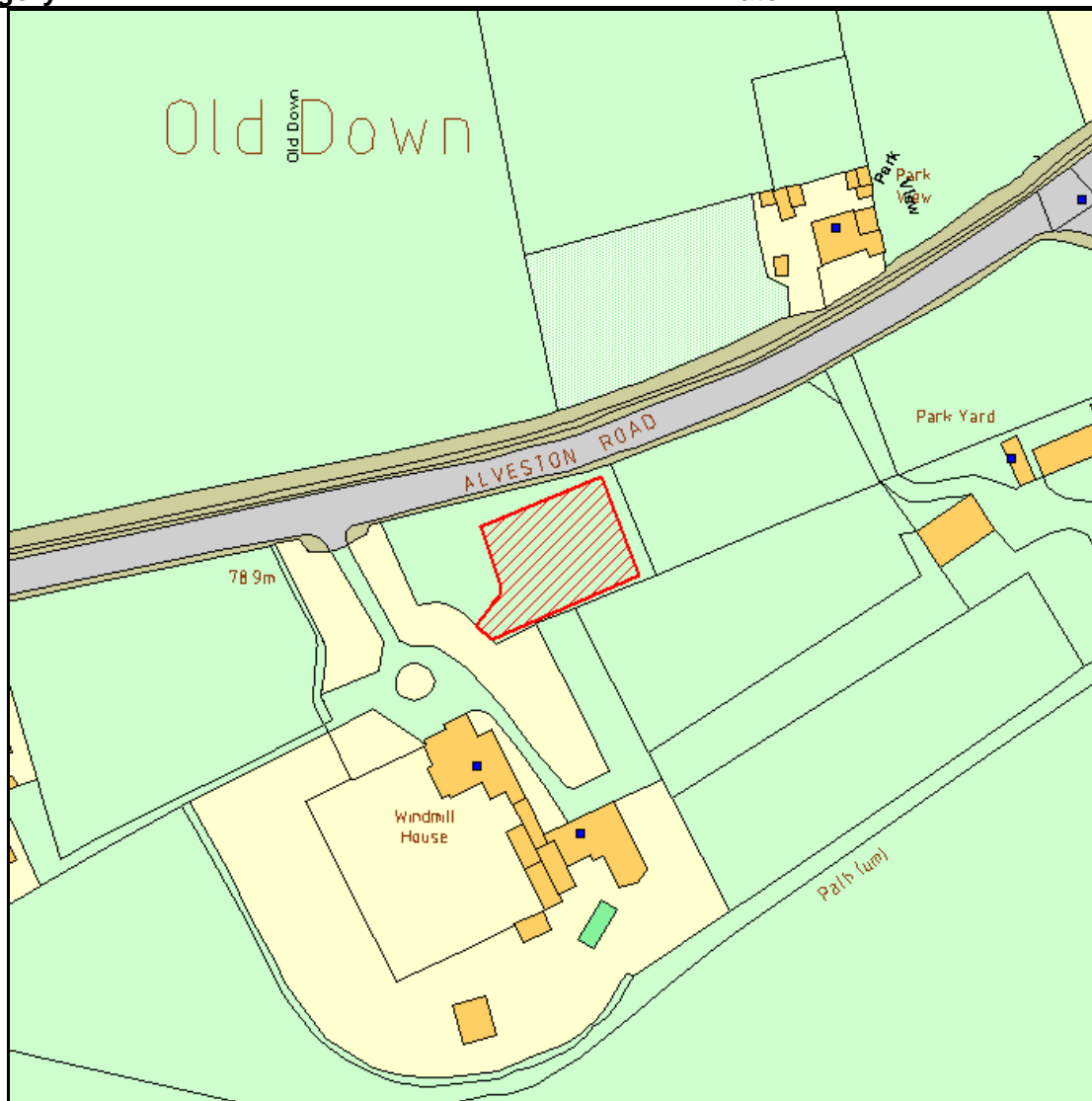
**Contact Officer: Simon Penketh**  
**Tel. No. 01454 863433**

## **CONDITIONS**

1. The proposed use would take place on established residential curtilage associated with Windmill House Nursing Home. Given the scale of the proposed use it is considered that the use of the land for the provision of car parking would be incidental to the main use of the site.

**CIRCULATED SCHEDULE NO. 39/11 – 07 OCTOBER 2011**

<b>App No.:</b>	PT11/2029/CLP	<b>Applicant:</b>	Windmill House Care Home
<b>Site:</b>	Windmill House Alveston Road Old Down South Gloucestershire	<b>Date Reg:</b>	6th July 2011
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed placing of GrassProtecta Plastic Mesh surface treatment onto the land as detailed in the submitted specifications (as received by the Council on 1st July 2011)	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	361429 187282	<b>Ward:</b>	Severn
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26th August 2011



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 and may lead to prosecution or civil proceedings.  
 100023410, 2008. **N.T.S.** **PT11/2029/CLP**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 This application is for a Certificate of Proposed Lawful Development for the installation of 'GrassProtecta Plastic Mesh' to provide a protective surface over the land for the purposes of parking vehicles.
- 1.2 The application site consists of a small area of residential land associated with Windmill House Nursing Home. The use of the land for residential purposes is lawful as approved under PT10/0929/CLP (as detailed below). As such the land forms part of the residential planning unit associated with the nursing home. Access to the site is directly from Alveston Road. The site is in the Green Belt and outside of any settlement boundary.

### **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 N558/3 Change of use of existing dwelling, outbuilding and grounds from residential to use as a nursing home.  
Approved October 1982
- 3.2 N558/6 Conversion of existing games area to residential accommodation and erection of covered way, lobby and vegetable store.  
Approved January 1984
- 3.3 P86/1179 Alterations to existing enclosure to form front entrance porch; construction of tennis court.  
Approved 23<sup>rd</sup> April 1986
- 3.4 P86/1181 Erection of two storey side extension to elderly persons home to form garage, hall, bedroom and bathroom with two bedrooms, dining room, kitchen, lounge and bathroom over. (outline)  
Approved 20<sup>th</sup> October 1986
- 3.5 P86/1985 Erection of two storey side extension to elderly persons home to form garage, hall, dining room and kitchen, with three bedrooms, bathroom and living room above (details following outline) (to be read in conjunction with P86/1181).  
Approved 20<sup>th</sup> October 1986

- 3.6 P88/1604 Erection of single storey rear extension to provide sun lounge.  
Approved 11<sup>th</sup> May 1988
- 3.7 P88/1605 Erection of single storey front extension to elderly persons home to provide W.C. and shower room. Provision of external access to basement.  
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- 3.8 P88/2466 Erection of extension at first floor level to provide enlarged bedroom.  
Approved 24<sup>th</sup> August 1988
- 3.9 P94/2263 Erection of extension to existing garages to facilitate conversion to three bed/sitting rooms and W.Cs. conversion of cover walkway to sun lounge.  
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- 3.10 PT02/1185/O Erection of single storey extension to residential care home. (Outline)  
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- 3.11 PT02/1838/O Erection of single storey extension to residential care home. (Outline)  
Approved 4<sup>th</sup> November 2002
- 3.12 PT02/3273/RM Erection of single storey extension (Approval of Reserved Matters) (To be read in conjunction with Outline planning permission PT02/1838/O).  
Approved 4<sup>th</sup> December 2002
- 3.13 PT07/3344/F Erection of two storey, first floor and infill rear extensions to provide 13 no. additional bedrooms with associated works.  
Refused 3<sup>rd</sup> July 2008
- 3.14 PT08/2872/F Change of use of land from agricultural land to car park. (Retrospective)  
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- 3.15 PT08/3184/F Change of use of land from agricultural land to car park (Retrospective). Erection of two storey, ground and first floor infill rear extensions to provide 13 no. additional bedrooms.  
Refused 13<sup>th</sup> February 2009
- 3.16 CAW/09/0016/1 Enforcement Notice  
Change of Use of agricultural land to car parking for residential home. Restore land to its previous condition including the removal of the hard standing

used for parking of cars; permanently cease the use of the land for the parking of cars.

The Enforcement Notice was appealed (APP/P0119/C/09/2102689) was dismissed and varied by the Planning Inspector as follows,

Change of use of agricultural land to residential home use, in the form of ancillary car parking. Remove the surface of the car park, spread topsoil on the land to a depth of 250mm and sow land to grass. Remove the laurel hedge on the eastern boundary of the land. Permanently cease the use of the land the parking of cars.

- 3.17 PT10/0929/CLE Certificate of Lawfulness for the existing use of land (outlined in red on plan) as garden. Approved (14<sup>th</sup> June 2010)
- 3.18 PT11/0971/F Change of use of land from agricultural land to car park and extension to garden (Retrospective). Under consideration
- 3.19 PT11/0977/F Erection of 3 no. two storey extensions and 2 no. single storey extensions to provide 13 no. additional bedrooms and other facilities Under consideration
- 3.20 PT11/2008/CLP Application for Certificate of Lawfulness for the proposed use of land as car park

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

- 4.1 The application is submitted with the manufacturers specification for the type of membrane surface treatment to be used. This is 'GrassProtecta Plastic Mesh' as manufactured by Grassform Group. The manufacturers specifications show that the product is supplied in rolls and is laid out directly onto the grass surface to be treated. This is then fixed using pegs. The installation does not require the laying of gravel sub-base or any excavation.

#### **5. SUMMARY OF CONTRARY EVIDENCE**

- 5.1 There is no contrary evidence.

#### **6. OTHER REPRESENTATION RECEIVED**

- 6.1 Olveston Parish Council  
No objection.

6.2 Highway Development Control Officer

No comment

6.3 Council Arboriculturalist

No objection

7. **EVALUATION**

7.1 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 provide precise and unambiguous evidence.

7.2 The site subject of this application is a former orchard which has been in the ownership of the residential care home for a substantial length of time. The use of the area of land as residential curtilage is lawful by way of the approved certificate of lawfulness (PT10/0929/CLE) as detailed in paragraph 3.17 of this report. The applicant argues that an engineering operation is a matter that would require general supervision by an engineer; and that this is not the case with the product being proposed. It is further argued that development would not represent a building or engineering operation so does not constitute development under the provisions of the Town and Country Planning Act. The submission is supported by the manufacturers specification which clearly sets out that the use of the proposed material (GrassProtecta) requires no excavation or preparatory works to the land it is to be installed upon. The material is intended to be laid out directly onto grass; or seeded soil so that the grassed area would grow through it. The material would simply be fixed using pegs.

7.3 Section 55 of the Town and Country Planning Act sets out the definition of operational development as the 'carrying out of building, engineering, mining or other operations in, on or under land, or the making of any material change of use of any buildings or other land'. Section 55 of the Planning Encyclopaedia sets out that 'the (planning) act provides no definition of engineering operations'..... but that....'the court took the view that an engineering operation *could* be an operation which would generally be supervised by an engineer but that it was unnecessary that it should actually have been so supervised'.

7.3 Having regards to the above, limited weight is given to the argument that the proposed works are not engineering works simply because they will require no supervision by an engineer. The scope of the assessment of this application lies in the meaning of 'operational development' and what level of works are required to install the detailed product.

7.4 The manufacturers specification is clear in that the product requires no engineering works as it is simply laid out on the ground to be treated and fixed using pegs. The product will become stable as the grass on which it is laid grows through it. On this basis, it is considered that the proposed installation of the GrassProtecta plastic mesh surface treatment would not constitute operational development as defined in section 55 of the Town and Country Planning Act 1990 (as amended).

## **8. RECOMMENDATION**

- 8.1 A Certificate of Proposed Lawful Development for the installation of the GrassProtecta plastic mesh surface treatment on the land (outlined in red on plan) for is **GRANTED**.

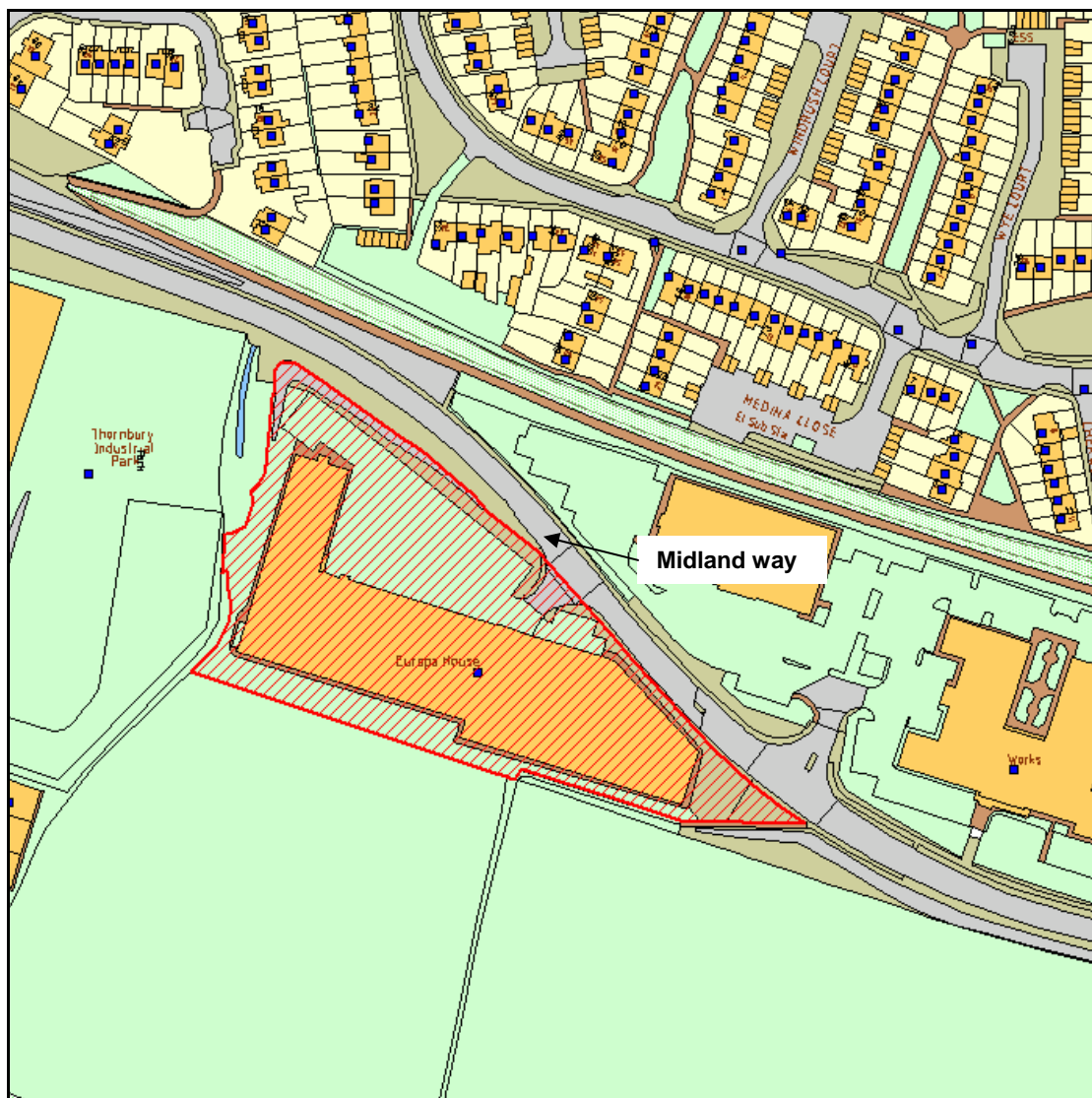
**Contact Officer: Simon Penketh**  
**Tel. No. 01454 863433**

### **CONDITIONS**

1. The proposed installation of the GrassProtecta Mesh Surface Treatment does not constitute operational development as defined in section 55 of the Town and Country Planning Act 1990 (as amended)

## CIRCULATED SCHEDULE NO. 39/11 – 07 OCTOBER 2011

<b>App No.:</b>	PT11/2453/F	<b>Applicant:</b>	Europa Group Ltd
<b>Site:</b>	Europa House Midland Way Thornbury South Gloucestershire BS35 2JX	<b>Date Reg:</b>	4th August 2011
<b>Proposal:</b>	Part change of use from Storage and Distribution (Class B8) to Office (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Creation of internal service yard and car parking for 45 cars associated with B8 accommodation on ground floor.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364233 189375	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Major	<b>Target Date:</b>	2nd November 2011



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 100023410, 2008. **N.T.S.** **PT11/2453/F**



## **INTRODUCTION**

This application has been referred to the Circulated Schedule in view of the necessary legal agreement in respect of transportation mitigation measures.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the part change of use of an existing building from Class B8 (Storage and Distribution) to Class B1 (Offices). The application would also allow the creation of an internal service yard and parking for 45 cars.
- 1.2 The application relates to a two-storey office/ storage building on the south side of Midland Way, Thornbury. The site falls just within the Thornbury settlement boundary with the open Green Belt immediately behind. The site also falls within a Safeguarded Employment Area.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1: Delivering Sustainable Development  
PPS4: Planning for Sustainable Economic Growth  
PPG13: Transport

#### 2.2 Development Plans

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

D1: Achieving Good Quality Design in New Development  
E3: Criteria for Assessing Employment Proposals  
E4: Safeguarded Employment Areas  
T7: Cycle Parking  
T8: Parking Standards  
T12: Transportation Development Control Policy for New Development

##### South Gloucestershire Core Strategy -Submission Draft (December 2010)

CS1: High Quality Design  
CS12: Safeguarded Areas for Economic Development  
CS32: Thornbury

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)  
Ministerial Statement for Growth (23 March 2011)

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

- 3.1 P87/0221/1: Residential development of approximately 6.1 hectares (15.1 acres) of land together with industrial development of approximately 1.3 hectares (3.25 acres); construction of length of primary distributor road and associated estate road (outline) (in accordance with the amended plans received by the council on 18th November 1987). Refused: 9 December 1987.

- 3.2 P87/0221/2: Development of approximately 7.5 hectares (18.5 acres) of land to include industrial development on approximately 3.6 hectares (8.94 acres) and residential development on approximately 3.2 hectares (7.81 acres); construction of length of primary distributor road and associated highway works (outline) (in accordance with the amended plans received by the council on 19TH may 1988). Permitted: 13 May 1993.
- 3.3 P89/0221/3: Development of approximately 8.8 hectares (22 acres) of land for employment purposes (in accordance with the site plan received by the council on the 29TH January 1990) (outline) and amended plans received on 14<sup>th</sup> December 1990). Withdrawn: 27 February 1995.
- 3.4 P92/0221/10: Engineering works to form landscaped slope. Permitted: 9 December 1992.
- 3.5 P92/0221/6: Use of 24 acres of land for construction of roads, offices, industrial, warehousing, retailing and residential development (Outline). Refused: 11 November 1992.
- 3.6 P92/0221/7: Development of approximately 25 acres of land to include industrial development falling within classes B1, B2 and B8 on 6.32 acres and residential development on 9.95 acres; construction of distributor road, footpath and associated highway works (Outline). Refused: 16 September 1992.
- 3.7 P92/0221/8: Construction of distributor road and associated landscaping and engineering works. Permitted: 9 December 1992.
- 3.8 P92/2507/F: Diversion of public footpaths OTH119 & OTH107. Permitted: 13 January 1993.
- 3.9 P97/2791: Erection of two distribution/warehouse units. Permitted: 9 April 1998
- 3.10 P98/1985: Erection of extension to warehouse. Permitted: 18 August 1998
- 3.11 P99/2398/A: Display of five flag signs on poles measuring 8.4 metres in height (retrospective). Approved: 15 September 1999
- 3.12 PT01/1837/F: Erection of extension to warehouse. Permitted: 27 July 2011.
- 3.13 PT02/2665/F: Installation of 8 additional windows in northwest elevation of existing warehouse. Permitted: 3 October 2002.
- 3.14 PT11/027/SCR: Change of Use (increase in office accommodation). EIA not required: 14 July 2011.

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

- 4.1 Thornbury Town Council  
No objection.

#### 4.2 Other Consultees

Highways DC: no objection subject to legal agreement/ condition

Highways Agency: no objection

PROW: no comment

Wessex Water: statutory comments

Ecology Officer: no objection (condition requested)

#### **Other Representations**

#### 4.3 Local Residents

No comments received.

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

#### 5.1 Principle of Development

In its statement for growth, the Government issued a call to action on growth with a set of proposals to help rebuild the Country's economy. As such, it is the Government's top priority to promote sustainable economic development and jobs with a clear expectation that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy. Policy EC10 of PPS4 supports this stance advising that *'Planning applications that secure sustainable economic growth should be treated favourably.'*

5.2 Planning policy E4 advises that within a Safeguarded Employment Area, permission will be granted for employment generating uses subject to those criterion listed by policy E3. These include consideration of its environmental impact, highway safety and residential amenity issues. In view of the nature of development proposed, the application is considered to accord with planning policy E4.

#### 5.3 Design/ Visual Amenity

The application relates to the two-storey Europa House on the south side of Midland Way, Thornbury. The site, that provides an 'L' shaped building has historically had a B8 permission with ancillary B1 facilities currently provided within the brick built wing that adjoins the east flank boundary projecting towards Midland Way. The occupants wish to expand over the next three years by about 300 staff resulting in a total of 500 staff on site.

5.4 Accordingly, this proposal would allow approximately one quarter of the existing storage accommodation to be converted into offices (on two floors); this comprises that part of the premises that currently abuts the existing office facilities. Externally, this change of use would necessitate new glazing across both floors that would reflect that of the existing office accommodation.

5.5 A further part of the existing storage accommodation (approximately twice that of the new office space) would provide vehicle parking and a service area. This would necessitate minimal external changes; it was noted at the time of the Officer site visit that this part of the building already appears to provide parking. The remainder of the building would be retained for B8 storage accommodation.

- 5.6 In view of the limited external alterations to the building, the proposal is considered to be acceptable on design/ visual amenity grounds with no objection raised on this basis.
- 5.7 Residential Amenity  
The application site is remote from neighbouring residential properties whilst given the nature of the works, the proposal is also considered to be acceptable having regard to any impact on adjoining land uses. As such, there is no objection to the application on this basis.
- 5.8 Highway Safety  
The proposal would reduce the number of potential HGV movements on the adjacent highway network but these would be replaced by an increase in the number of cars with the increase in staffing from approximately 200 up to potentially 500 persons over the next 3 years. Accordingly, as part of this application, the parking layout would be changed to provide the maximum number of spaces that the Council's standards would permit for this scale of development with the turning area for the B8 usage moved inside to allow more outside parking.
- 5.9 Comments from the Council's Highways Officer advise that whilst the new turning area is considered acceptable, the main issue for consideration is the additional number of staff and the impact they would have on the available on-site parking and the potential for off-site parking that could potentially create problems for other users of Midland Way given that it is the designated HGV route in and out for the Thornbury Industrial estate.
- 5.10 To overcome this issue the applicant is required to contribute £10,000 towards promoting and implementing a Traffic Regulation Order (TRO) and parking review in the vicinity. In addition to this the applicant would be required to submit a Travel Plan to manage all movements to/ from the site; for the avoidance of doubt the Travel Plan should indicate what remedial measures would be undertaken if the targets within the Travel Plan were not achieved; this document would need to be agreed with the Council and could form the basis of a suitably worded condition in the event that planning permission is granted.
- 5.11 Further, given the importance of promoting alternatives to the car as a means of transport, the developer is also requested to contribute towards improving the public transport facilities within the vicinity of the site; this is estimated at £10,000 for a shelter and raised boarder.
- 5.12 Notwithstanding the above, the agent has resisted this requirement advising that in its consideration of a similar application for 'The White House' opposite, no requests were made. However, the circumstances of this site would appear to be very different with the site benefiting from planning permission in 1997 for B1, B2 and B8 usage. As such, this requirement is considered to be fair, necessary and essential to ensure the acceptability of this proposal. In this regard, whilst a balance needs to be struck to help ensure the creation of these additional jobs, given that the application would be unacceptable without these

- mitigation measures leading to problems for other highway users, it is not considered that the creation of these jobs can outweigh issues of highway safety; without these mitigation measure it would therefore be necessary to recommend refusal of this application.
- 5.13 In view of the above, the agent has reluctantly agreed to this request thus there is no objection to this application on highway safety grounds.
- 5.14 Impact on the Openness of the Green Belt  
The application site adjoins the settlement boundary with the open Green Belt behind. Accordingly, planning policy GB1 advises that *'any proposals for development within or conspicuous from the Green Belt which would have an adverse impact on the visual amenity of the Green Belt will not be permitted.'*
- 5.15 In this instance, an earth embankment adjoins the rear site boundary with the building set down from the level of land behind and this acts to screen views of the application site when viewed from the open Green Belt. Nevertheless, with the building already in place and given the nature of the works proposed, it is not considered that the proposal would conflict with the requirements of Green Belt policy. Accordingly, there is no objection to the application on this basis.
- 5.16 Outstanding Issues  
Comments from the Councils Ecology Officer advise that the application site is of negligible nature conservation interest although the southern and western site boundaries are demarcated by hedges with that along the western boundary is dense and mature but with that to the south more 'gappy' and sparse. In this regard, paragraph 14 of Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9) states that:  
  
*'Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, local planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate.'*
- 5.17 In view of the above, where appropriate, applications should demonstrate how they would contribute towards the targets and aims of the South Gloucestershire Biodiversity Action Plan (BAP); i.e. through the creation of new areas of habitat listed within the BAP or managing existing ones sympathetically. Therefore, it is considered that biodiversity gain should be sought through the planting of a new boundary hedge, using native mixed shrub species, and drawing up a sympathetic management regime for all hedges on site. In the event that this application is approved, this could also form the basis of a planning condition.
- 5.18 Notwithstanding the above, the agent has advised that this requirement is also considered to be unreasonable given the nature of the application (change of use) and thus has also sought to resist this obligation. In response, this would not form a sustainable refusal reason whilst in view of the wider benefits that this application would provide (i.e. employment opportunities) on balance, it is considered appropriate to recommend approval without this condition attached.

## **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 application site falls within a Safeguarded Employment Area and would facilitate the creation of additional jobs. The proposal is therefore considered to accord with Central Governments Statement for Growth, the provisions of PPS4 and planning policy E4 (Safeguarded Employment Areas) of the South Gloucestershire Local Plan (Adopted) January 2006.
  2. The proposed physical alterations are considered to be acceptable and compliant with the requirements of Planning Policies D1 (Achieving Good Quality Design in New Development) and E3 (Criteria for Assessing Employment Proposals) of the South Gloucestershire Local Plan (Adopted) January 2006.
  3. The proposal would not cause any significant adverse impact in residential amenity and would accord with Planning Policy E3 (Criteria for Assessing Employment Proposals) of the South Gloucestershire Local Plan (Adopted) January 2006.
  4. Subject to the highway mitigation measures proposed, the application is considered to be acceptable in highway safety terms and would accord with Planning Policies T7 (Cycle Parking), T8 (Parking Standards) and T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

- 7.1 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 278 of the Town and Country Planning Act 1990 (as amended) within 6 months to secure the following:
- i. The provision of £10,000 towards promoting and implementing a Traffic Regulation Order and car parking review within the vicinity of the site;
  - ii. The provision of £10,000 towards public transport facilities within the vicinity of the site (bus shelter and raised boarder).

- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 7.3 Should the Section 278 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. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

3. Prior to the first occupation of the development hereby approved, a Travel Plan shall be submitted to the Local Planning Authority for approval. The agreed scheme shall be implemented as approved before the development hereby permitted is brought into use; or otherwise as agreed in the Travel Plan. For the avoidance of doubt, the Travel Plan shall include details of the remedial measures to be undertaken should the targets within the Travel Plan not be achieved.

Reason

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

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

Reason

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

5. There shall be no further increase in office floor space (Class B1) over and above that hereby approved without the prior written approval of the Local Planning Authority.

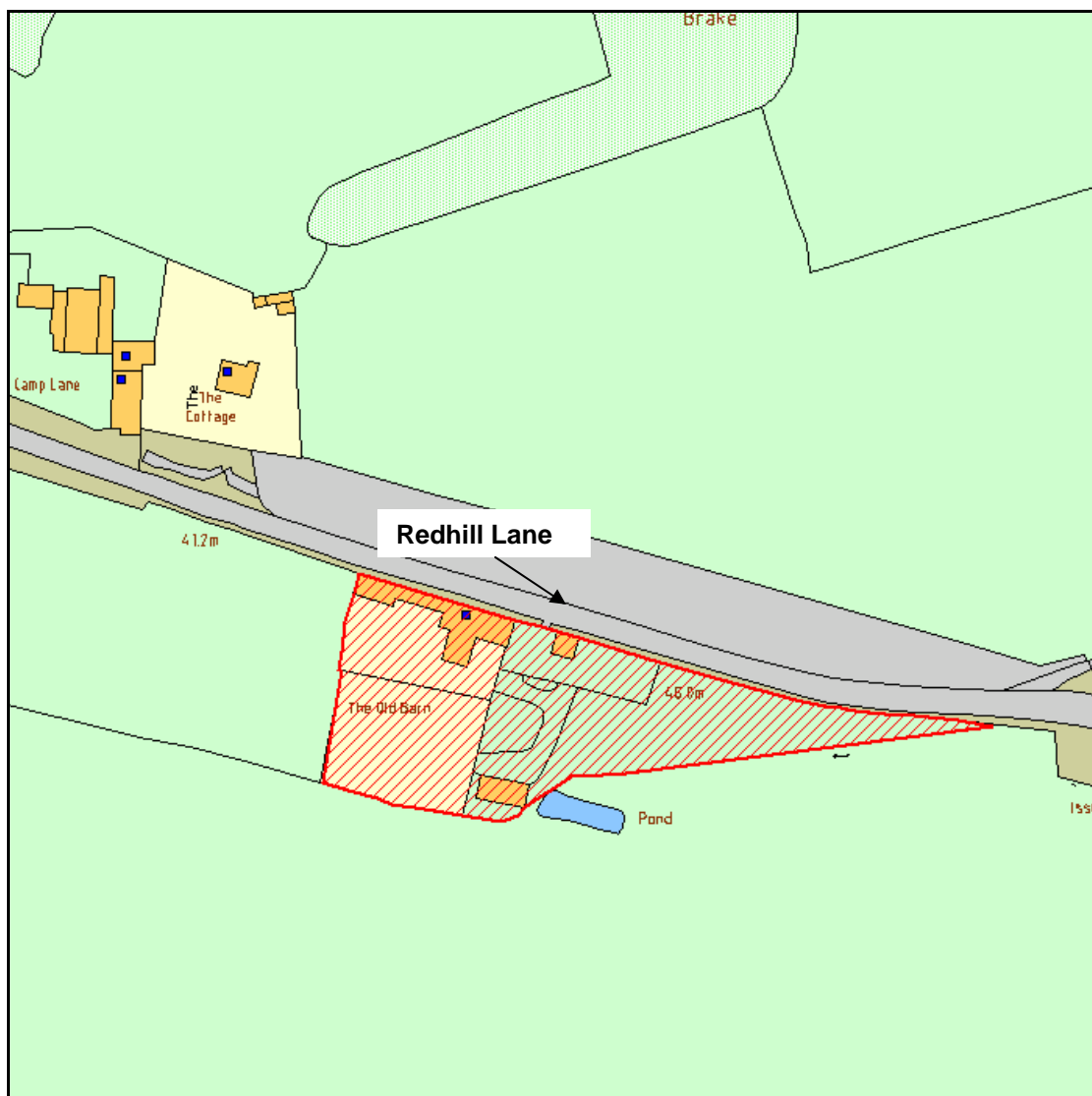
Reason

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



## CIRCULATED SCHEDULE NO. 39/11 – 07 OCTOBER 2011

<b>App No.:</b>	PT11/2688/CLE	<b>Applicant:</b>	Mr Tim Chesser
<b>Site:</b>	Old Barn Redhill Lane Olveston Bristol South Gloucestershire	<b>Date Reg:</b>	25th August 2011
<b>Proposal:</b>	Application for Certificate of Lawfulness for (1) the existing use of land as part of the planning unit comprising The Old Barn (a single private dwellinghouse within Use Class C3) and (2) the provision within the curtilage of the dwellinghouse at The Old Barn of a hard surface comprising a driveway and parking areas and hard standing for the purpose of access into the property and the parking of vehicles incidental to the enjoyment of the dwellinghouse as such.	<b>Parish:</b>	Aust Parish Council
<b>Map Ref:</b>	360758 188654	<b>Ward:</b>	Severn
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th October 2011



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 100023410, 2008. **N.T.S.** **PT11/2688/CLE**

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

This application is being Circulated to Members of the Council because this is the standard procedure for Certificate of Lawfulness applications.

### **1. THE PROPOSAL**

- 1.1 This application seeks a Certificate of Lawfulness to establish and confirm the extent of land as use class C3 associated with the existing dwellinghouse known as the Old Barn. This application also seeks confirmation that the existing driveway comes within the remit of Class F Part 1 of the Town and Country Planning (General Permitted Development) Order 1995.
- 1.2 The application site relates to a dwellinghouse known as The Old Barn at Redhill Lane. The site is located in the Green Belt and outside the Settlement Boundary as defined on the Local Plan Proposals Map 2006.
- 1.3 The application has been submitted to confirm the extent of the C3 use class associated with the Old Barn because the applicant wishes to erect an ancillary residential outbuilding and wishes to confirm the status of existing hardstanding that has been laid on site in relation to permitted development regulations.

### **2. POLICY CONTEXT**

2.1 This application is for a Certificate of Lawfulness and as such the policy context is not directly relevant because the planning merits of the application are not under consideration. In accordance with the national guidance, the applicant need only prove that on the balance of probabilities the land shown edged red on the attached site plan has been used continuously as C3 use class associated with the Old Barn dwellinghouse for at least 10 years prior to the date of this application.

2.2 National Guidance  
Town and Country Planning (Development Management Procedure) Order 2010 Article 35

Town and Country Planning (General Permitted Development) (Amendment) (England) (No.2 ) Order 2008

Circular 10/97: Enforcing Planning Control

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

- 3.1 N2406 Conversion of an agricultural building into a single dwelling. **Refused** . 15-APR-76
- 3.2 N2406/1 Conversion of an agricultural building into a single dwelling. **Approved**. 27-NOV-78.

- 3.3 N2406/2 Conversion of existing barn and ancillary outbuildings for residential use (in accordance with revised plans received by the Council on 14th October 1980). **Approved.** 13-NOV-80.
- 3.4 PT11/2422/F Erection of outbuilding to form store and playroom. **Withdrawn.**

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

- 4.1 Aust Parish Council  
Support proposal stating that some of the land has been used as garden and curtilage for at least 17 years.
- 4.2 Highways  
No objection.

#### **Other Representations**

- 4.3 Local Residents  
None received.

#### **5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

- 5.1 Letter from the Applicants to the Officer dated 20/08/11.
- 5.2 HM Land Registry Copy of the Title Deeds dated 16 January 2002 (ref AV237109) with associated Title Plan showing a triangular shaped red edged area of land associated with the main dwellinghouse.
- 5.3 Copy of typed estate agent details of the property from 2001 (no plan attached).
- 5.4 Copy of letter dated December 2001 from South Gloucestershire Council confirming the status of permitted development rights and constraints relating to the property (no plan attached).
- 5.5 Letter from neighbour dated 16/08/11 stating that the area to the east of the main house has been used as garden for more than 10 years (no plan attached).
- 5.6 Photographs of land in question from approx 2002.
- 5.7 Letter from neighbour dated 22/08/11 stating that the ground immediately adjacent to the main dwelling extending along the B4461 has been treated as being within domestic curtilage and contained a large wooden garden store building (no plan attached).
- 5.8 Original planning consent dated 22/9/80 with attached site plan.
- 5.9 Extensive legal correspondence.

## 6. SUMMARY OF CONTRARY EVIDENCE

- 6.1 Aerial photographs from 2005 indicating the area to the East of the access from the highway has not been continuously maintained as domestic curtilage.
- 6.2 Planning history from previous permitted application N2406/1 indicates the original residential curtilage of the property to be confined to the area within the stone walls directly to the South and East of the property. The subsequent application has 2 site plans relating to it. One shows no red line and the other indicates a red line only around the proposed access. Moreover there appears to be no reference on the decision notice as to which site plan it relates.

## 7. EVALUATION

### 7.1 Part 1 Extent of lawful C3 use

The applicant has submitted a site plan from the original planning consent of the property showing a triangular shaped area of land to be associated with the original barn conversion (planning reference N2406/2).

Whilst the decision notice does not directly refer to an approved site plan and there is another site plan existing on this file, it is considered that the site plan submitted by the applicants relates to the planning permission for the barn conversion and demonstrates the land envisaged to be associated with the main dwelling at its original conversion.

- 7.2 The Title Plan ref AV237109 attached to the deeds from the original purchase in January 2001 shows the land associated with the dwelling edged in red. This is the same triangular shape as the site plan on the original planning consent ref N2406/2. It is considered that such evidence adds weight to the applicant's assertion of the extent of the C3 use associated with the main dwelling at the site.
- 7.3 The estate agent details of the property from the purchase in 2001 describe the area adjacent to the driveway (east of the main dwellinghouse) as formal gardens with a lawned area together with a pond, a patio and wooden garages. The area of land subject to this application contains these features and this would indicate that the area to the east of the main dwelling was considered to be residential curtilage at this time.
- 7.4 2 letters from neighbours state that the area to the east of the main dwelling has been used as garden area/being within the domestic curtilage for 10 years or more. Given that these letters are not sworn statements and do not have any associated plans indicating the precise area to which they relate, these letters by themselves are considered to be of limited weight. However whilst they are of limited weight individually when taken together with the other evidence do lend support to the application in terms of circumstantial evidence.
- 7.5 The page of 5 photographs submitted by the applicant from approx 2002 is of limited weight to the application given that there is no confirmed date other than 2002 which is less than 10 years ago.

- 7.6 The aerial photographs from 2005 show the area to the far east of the main dwelling making up the narrow end of the triangle of the site plan as overgrown non-maintained land distinct and separate from the hardstanding and lawned areas. Notwithstanding this, it appears from other aerial photography that the land has been dug and relaid and furthermore, it is recognised that a garden area does not have to be landscaped to be enjoyed as such.
- 7.7 Accordingly on the basis of the evidence held by the Council and submitted by the applicant, on the balance of probabilities in these particular circumstances, it is considered that the land to the east of the main dwelling as indicated on the title plan accompanying the title deeds (ref AV237109) and the site plan attached to the original planning consent (N2406/2) as submitted by the applicant, has been used continuously as use class C3 in association with the main dwelling for more than 10 years and as such a grant of a certificate of lawfulness for this particular area of land for C3 use is recommended.
- 7.8 It is noted that the proposed area to which these plans relate are different from both the original site plan submitted with the application and the revised application plan. For the avoidance of doubt the only land to which the certificate of lawfulness for C3 use would relate in the event of an approval is the land edged red upon the site plan attached to the decision notice which accords with the site plans on both the title plan and the original planning consent ref N2406/2.
- 7.9 Part 2 Lawfulness of existing hardstanding with regards existing permitted development regulations.  
It is considered that the conclusion from Part 1 i.e. the confirmed area of C3 use, answers the second part. Given that the hardstanding is not considered to be located between a principal elevation and a highway such hardstanding is considered to be permitted development under the current permitted development regulations at Class F Part 1 Schedule 2 of the existing Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

## **8 RECOMMENDATION**

- 8.1 The recommendation to grant a certificate of lawfulness for the area shown edged in red on the attached site plan has been taken having regard to the all evidence set out above, and to all the relevant material considerations set out in the report.

**Contact Officer: Genevieve Tuffnell**  
**Tel. No. 01454 863438**

## **CONDITIONS**

1. The applicant has demonstrated on the balance of probability that the land hatched red on the accompanying site plan has been used continuously as use class C3 in association with the dwellinghouse known as the Old Barn for 10 years or more. For the avoidance of doubt this land shown edged red on the accompanying site plan is the same land as shown on Title Plan reference AV237109 and Site plan attached to planning permission N2406/2.