



**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. 24/11**

**Date to Members: 24/06/11**

**Member's Deadline: 30/06/11 (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:

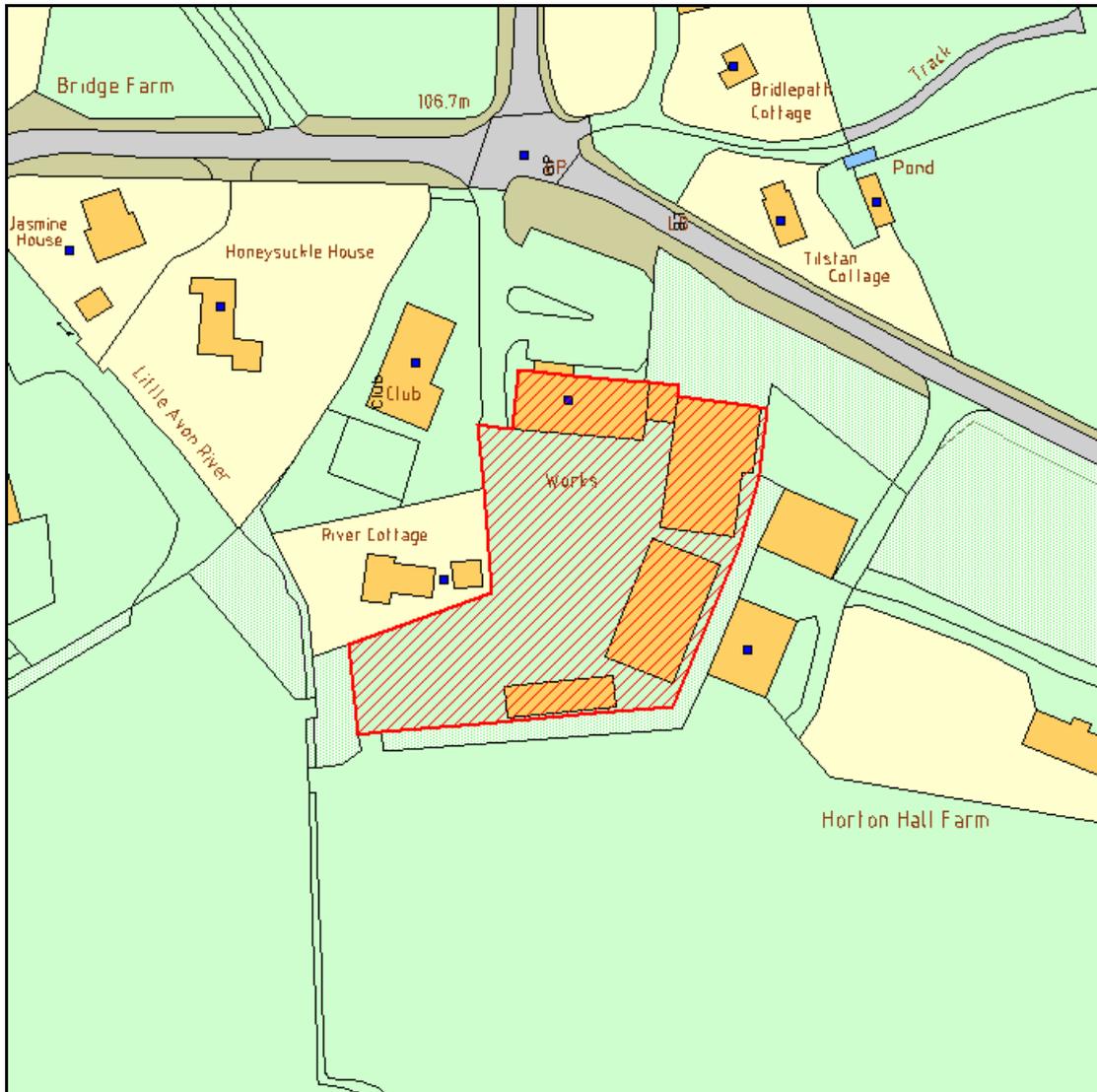
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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 – 24 JUNE 2011

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	<b>PK04/1442/CLE</b>	No Objection	Sodbury Road Horton South Gloucestershire BS37 6QH	Cotswold Edge	Horton Parish Council
2	<b>PK11/0690/O</b>	Approved - S106 Signed	Hill View And Hill Top Woodstock Road Kingswood South Gloucestershire BS15 9UB	Woodstock	None
3	<b>PK11/1440/TRE</b>	Approve with Conditions	4 And 5 Bridge Road Kingswood South Gloucestershire BS15 4FW	Rodway	None
4	<b>PK11/1450/F</b>	Approve with Conditions	Dyers Cottage Mission Road Iron Acton South Gloucestershire BS37 9XR	Ladden Brook	Iron Acton Parish Council
5	<b>PK11/1474/RV</b>	Approve with Conditions	Indesit Company Uk Ltd Station Road Yate South Gloucestershire BS37 5HR	Yate North	Yate Town
6	<b>PT11/1197/R3F</b>	Approve with Conditions	Sixth Form Castle School Gloucester Road Thornbury South Gloucestershire	Thornbury North	Thornbury Town Council
7	<b>PT11/1424/LB</b>	Approve with Conditions	58 High Street Winterbourne South Gloucestershire	Winterbourne	Winterbourne Parish Council
8	<b>PT11/1481/F</b>	Approve with Conditions	174 Gloucester Road Patchway South Gloucestershire BS34 5BG	Patchway	Patchway Town Council
9	<b>PT11/1505/F</b>	Approve with Conditions	16 Highnam Close Patchway South Gloucestershire	Bradley Stoke Central And Stoke Lodge	Patchway Town Council

**CIRCULATED SCHEDULE NO. 24/11 – 24 JUNE 2011**

<b>App No.:</b>	PK04/1442/CLE	<b>Applicant:</b>	Bill Bennett Engineering LTD
<b>Site:</b>	Sodbury Road Horton South Gloucestershire BS37 6QH	<b>Date Reg:</b>	28th April 2004
<b>Proposal:</b>	Certificate of lawfulness of existing use of land for sales, servicing and repair of forklift trucks. Design and manufacture of machines and attachments; manufacture of tools and other metal products. (Resubmission of PK04/0878/F)	<b>Parish:</b>	Horton Parish Council
<b>Map Ref:</b>	3756580 1844635	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st June 2004



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 100023410, 2008. **N.T.S.** **PK04/1442/CLE**

## **INTRODUCTION**

This application is for a Certificate of Lawful Use and as such, under the Council's current scheme of delegation, must appear on the Circulated Schedule.

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Use, is that the applicant has to prove on the balance of probability that the use of the site as described has occurred for a period of 10 years consecutively, prior to the receipt of the application on the 26 April 2004. The applicant's own evidence does not need to be corroborated by independent evidence. In the absence of any contradictory evidence the Council should not refuse the application if the applicant's evidence alone is unambiguous and sufficiently precise.

## **1. THE PROPOSAL**

- 1.1 The application has been submitted under Section 191 (as amended) of the Town and Country Planning Act 1990 for a Certificate of Lawfulness for an existing use of the site.
- 1.2 The application relates to Bill Bennett Engineering Ltd. The site is located to the south of Horton Road, in the village of Horton. The bulk of the site lies within the Village Development Boundary but the southernmost part lies within open countryside; all of the site lies within the Cotswolds AONB. The Village Social Club and car park lies to the west and a bungalow to the south-west; open fields lie to the south. Within the site are four main buildings arranged around a central yard. To the front of the site is a car park that is shared with the Social Club.
- 1.3 Planning permission N.3785/2 was granted in Oct 1980 for the Construction of a showroom, offices and workshop totalling 885 sq.m. for sale and maintenance of agricultural tractors. Construction of car park for social club and alterations to vehicular access. A Condition (I) attached to the planning permission restricted the use of the premises to the sale, maintenance and repair of agricultural tractors and machinery.
- 1.4 A subsequent planning permission P89/1879 was granted for the - Erection of new workshops and store and repositioning of existing store building. Alterations to existing sales/workshop building.
- 1.5 The applicant considers that the site has been used for the sales, servicing and repair of forklift trucks and the design and manufacture of machines and attachments, and the manufacture of tools and other metal products (Class B2) for the last 10 years consecutively prior to the submission of this application.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

Town and Country Planning (General Procedures) Order 1995 Article 24  
Town and Country Planning (Use Classes) Order 1987 (as amended)  
Circular 10/97: Enforcing Planning Control

## 2.2 Development Plans

As the application is for a Certificate of Lawfulness the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only prove that on the balance of probability the use has taken place for an uninterrupted period of at least the last 10 years prior to the receipt of the application.

## 3. RELEVANT PLANNING HISTORY

- 3.1 N3785/1 - Construction of Car Park  
Approved 16 March 1978
- 3.2 N3785/2 - Construction of showroom, offices and workshop totalling 885 sq.m. for sale and maintenance of agricultural tractors. Construction of car park for social club and alterations to vehicular access (in accordance with revised plans received by the Council on the 26<sup>th</sup> November 1980)  
Approved 29 May 1981
- 3.3 P89/1879 - Erection of new workshops and store and repositioning of existing store building. Alterations to existing sales/workshop building  
Approved 21 June 1989
- 3.4 P92/1197 - Alterations to showroom entrance steps to provide ramp for disabled access.  
Approved 25 March 1992
- 3.5 Pk02/0517/RVC - Relaxation of condition '1' of planning permission N3785/2 dated 29 May 1981 to allow unrestricted B1 use.  
Withdrawn 2 April 2003
- 3.6 PK04/0878/F - Certificate of lawfulness of existing use of land for sales, servicing and repair of agricultural and horticultural machinery. Design and manufacture of machines and attachments.  
Withdrawn 30 Mar 2004

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

4.1 The following was initially submitted 26 April 2004:

- A site plan showing the uses of the various buildings within the site.
- An affidavit from Andrew James – who held an account with Bill Bennett for 20 years, and during this time bought products and used services. Mr James confirms that Bill Bennett Engineering has been consistently carrying out the following activities at Horton for more than 10 years:
  1. Sales and repairs of forklifts.
  2. General Engineering and Manufacturing of metal products and machinery.

- An affidavit from Jim Wilkie who has had a close relationship with Bill Bennett since the company began. In 1991 he introduced Bill Bennett to Kooi Aap BV (Dutch manufacturer of truck-mounted forklifts). Subsequently the company began importing these forklifts. Mr Wilkie confirms that Bill Bennett Engineering has been consistently carrying out the following activities at Horton for more than 10 years:
    1. Sales and repairs of forklifts.
    2. General Engineering and Manufacturing of metal products and machinery.
  - An affidavit from Andy Butt an employee since 1981, now in Engineering and Manufacturing Department. Mr Butt confirms that Bill Bennett Engineering has been consistently carrying out the following activities at Horton for more than 10 years:
    1. Sales and repairs of forklifts.
    2. General Engineering and Manufacturing of metal products and machinery.
  - An affidavit from Mike Jones an employee of Bill Bennett since 1981 and now Workshop Manager. Mr Jones confirms that Bill Bennett Engineering has been consistently carrying out the following activities at Horton for more than 10 years:
    1. Sales and repairs of forklifts.
    2. General Engineering and Manufacturing of metal products and machinery.
  - An affidavit from David Peacock a villager in Horton since 1975. Mr Peacock confirms that Bill Bennett Engineering has been consistently carrying out the following activities at Horton for more than 10 years:
    1. Sales and repairs of forklifts.
    2. General Engineering and Manufacturing of metal products and machinery.
  - An affidavit from Michael John Neale a senior partner at Soloman Hare Chartered Accountants who have audited the accounts of Bill Bennett for over 20 years. Mr Neale confirms that Bill Bennett Engineering has been consistently carrying out the following activities at Horton for more than 10 years:
    1. Sales and repairs of forklifts.
    2. General Engineering and Manufacturing of metal products and machinery.
- 4.2 Following an initial assessment of the evidence by the Council's Solicitor, officers requested further more detailed information about the company history and the use of the individual buildings. In response, four A4 ring-binders of information were eventually submitted on 10 Nov 2005; the information comprised affidavits from Bill Bennett, Glyn Webb and Roger Tuck as well as additional affidavits from Andy Butt and Mike Jones. The affidavits are supported by a folder of invoices to AJC James & Sons.
- 4.3 Given the sheer volume and complexity of the information provided, it is not possible to list all of the evidence in the body of this report, the following therefore only represents a summary of the most important evidence provided:

#### 4.4 Affidavit of Mr Bill Bennett founder of Bill Bennett Engineering

This affidavit consists of 110 paragraphs providing a comprehensive chronological history of the company and its activities since its foundation in 1969 up until November 2005. There are also 54 supporting exhibits consisting of a variety of dated invoices, orders, contracts, newspaper cuttings, sales brochures, photographs etc. The key points of interest are summarised as follows:

- The current site was developed as a purpose built premises for the activities of the Company and was opened on 29 July 1982.
- The new premises had a purpose built manufacturing workshop.
- This building is still used for manufacturing to-day.
- By the mid 1980's the Company employed around 30 employees and had a turnover of over 5 million pounds.
- In 1989 a robotic welder was bought. The facilities attracted work from inside and outside of agriculture some on sub-contract.
- Due to increased growth a new manufacturing building was completed in 1991.
- In 1991 the main Fendt tractor franchise was lost.
- In 1992 the Company diversified its operation into forklifts, which although having agricultural uses could also be used in the construction industry.
- From the early years horticultural equipment was sold and more so after the loss of the tractor franchise.
- A manager for the horticultural department was employed in May 1992.
- In 1993 the Company became a dealer for Kubota, a leading manufacturer of tractors and mowers used both in the agricultural industry and other sectors.
- In 1992 the company became an importer of a special type of forklift manufactured by Kooi BV of Holland. These forklifts are truck-mounted and have a wide variety of applications from Agriculture, recycling, building products and general haulage.
- In 1996 a salesman called Glyn Webb was employed to sell the Kooi Aap truck mounted forklifts; Mr Webb still works for the company selling truck-mounted forklifts.
- By Dec 1993 the company was manufacturing and fitting mounting brackets for the Kooi Aap forklift.
- The Company continued to diversify and manufacture a variety of tractor hitches – invoices provided for 1999 - 2000.
- Other sub-contracts were acquired for non-agricultural manufacture (motorway barrier post sockets) in 1992.
- Forklifts were sold throughout 1992 – 2004 as evidenced by the invoices provided.
- Machinery purchased as far back as 1988 is still used to-day.
- Since 1991 the Company's dependence on the agricultural sector has changed. This followed the loss of the Fendt Tractor franchise.
- Although the Company still sells and services agricultural equipment, the range of equipment also has non-agricultural applications.

- Prior to 1991 the majority of the Company's turnover was from the agricultural industry. A gradual change to the present day has seen the majority of the Company's turnover change to be generated from non-agricultural sectors. This change has accelerated over the last 5 years with the decline of UK agriculture and the aftermath of the foot and mouth crises.
- Due to the small size of the Company it is not possible to dedicate a use to each type of enterprise. All the enterprises of the Company's work together to form one, each having a link to another. Space in each building is utilised on a requirement basis for either manufacturing or servicing.
- The Company has consistently carried out the following activities on the current site for more than 10 years:
  1. Sales and repairs of forklifts.
  2. General Engineering and Manufacturing of metal products and machinery.

#### 4.5 Affidavit of Roger Tuck an Employee since June 1977

Mr Tuck is currently Manufacturing Forman and has always been employed in the Company's manufacturing department. The affidavit comprises 14 paragraphs and two exhibits; the key points are summarised as follows:

- The company started selling forklifts in 1992. Since this time the company has manufactured hitches and attachments for truck mounted forklifts.
- The company has manufactured a variety of products including pick up hitches for tractors, hedge trimmers for tractors, grass mowers, buckets for mini excavators, mounting brackets for truck mounted forklift and forklift attachments.
- The manufacturing department conducts sub-contracting work.
- The Company has consistently carried out the following activities on the current site for more than 10 years:
  1. Sales and repairs of forklifts.
  2. General Engineering and Manufacturing of metal products and machinery.

#### 4.6 Affidavit of Glyn Webb an Employee since Feb 1996

Mr Webb is an Area Sales Manager for truck-mounted forklifts manufactured by the Company. The affidavit comprises 28 paragraphs and 11 supporting exhibits; the key points are summarised as follows:

- Forklifts have been sold by the Company every year since 1996 to the present.
- The Company has diversified its manufactured product range into mounting brackets for the truck-mounted forklifts as well as brick grabs (at least since 1998)
- The truck-mounted forklifts have a variety of applications including non-agricultural.
- The Company has consistently carried out the following activities on the current site for more than 10 years:
  1. Sales and repairs of forklifts.

2. General Engineering and Manufacturing of metal products and machinery.

4.7 Affidavit of Mike Jones an Employee since January 1981.

Mr Jones was employed in the service department. The affidavit comprises 46 paragraphs and 24 exhibits; the key points are summarised as follows:

- In 1982 the service department serviced mainly but not solely agricultural equipment, the main workload being centred on the Fendt tractors.
- Automatic pick-up hitches that were made in the manufacturing department next door were fitted in the service workshop.
- The Company's manufacturing department has existed since 1982 and the Company has manufactured a variety of products for both agriculture and commercial use.
- In 1991 the Company lost the Fendt tractor franchise, the main source of work in the service department.
- Since 1992 the Company has sold and fitted mounting brackets to Kooi Aap forklifts. The process utilised the same machines.
- In 1992 the Company also started selling Manitou and Nissan forklifts, the latter being used in warehouses.
- The Manitou customers would be roughly 40% farming and 60% non-farming applications. The Nissan forklift customers were all non-farming customers.
- In 1996 Manitou forklifts were sold instead of Merlo which had similar applications.
- Although the Company continues to sell, repair and service agricultural products, there has been a huge decline in the amount of farm equipment that comes in for repair. This started in the late 1990's and still declines every year.
- Since 1992 a large proportion of the service department's work has been associated with forklifts. This proportion has steadily grown as more forklift work has come in and agricultural work has declined.
- The majority of the service department customers are now non-agricultural.
- Invoices covering each of the years 1994 to 2004 for non-agricultural work, have been exhibited. All relate to the various types of forklifts sold and serviced by the Company.
- The Company has consistently carried out the following activities on the current site for more than 10 years:

1. Sales and repairs of forklifts.

2. General Engineering and Manufacturing of metal products and machinery.

4.8 Affidavit of Andrew Butt an Employee since 1981

Mr Butt initially worked in the manufacturing department but in 1998 became Manufacturing Manager. The affidavit comprises 92 paragraphs and 46 exhibits. The key points are summarised as follows:

- In 1982 the manufacturing department had a purpose built workshop for manufacturing.

- Prior to 1994 a variety of machinery was used some of which is still used to-day.
- In 1981 the main focus was importing Fendt tractors and the manufacture of associated attachments and accessories.
- Through the 1980's tractor sales increased every year until in 1989 a robotic welding machine was purchased. This machine is still used to-day.
- The robotic welding machine attracted sub-contract work that was non-agricultural e.g. motorway barrier sockets.
- A new manufacturing workshop was built in 1990.
- Although in the early years the main focus was on the Fendt tractor attachments, the Company would always be doing some other type of manufacturing business e.g. gas profiler water baths and specialist trailers.
- Following the loss of the Fendt Tractor franchise, the Company started selling forklifts in 1992. The Manitou forklift was sold to farmers but in 1993 hitches were sold to JCB and have been ever since.
- In 1992 the Company started selling Kooi Aap truck mounted forklifts. At the same time the manufacture of mounting brackets for these forklifts began. These mounting brackets are still manufactured by the Company to-day. Other attachments manufactured include brick grabs and a device for removing turf from pallets.
- In 1996 the Company started manufacturing signs for petrol stations.
- In 1994 the Company started manufacturing a racking system for lorries.
- Since 1995 various products have been manufactured for Kubota including snow ploughs and pick-up hitches.
- The exhibits include numerous invoices for the manufacture of non-agricultural products spanning the years 1994 to 2004.
- The Company has consistently carried out the following activities on the current site for more than 10 years:
  1. Sales and repairs of forklifts.
  2. General Engineering and Manufacturing of metal products and machinery.

4.9 A Ringbinder of Invoices to AJC James and Sons

The invoices cover a period between 1994 to 2001 and appear to relate to a variety of small scale agricultural applications.

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

5.1 Local Residents

A total of 5no. letters have been received from local residents, these letters are summarised as follows:

5.2 Two letters were received dated 15 May 2004 and 9 Nov 2004 from Mr and Mrs P.Tily of Horseshoe Farm, Horton.

- It would seem difficult to disprove the affidavits produced by Bennett Engineering.
- The intensification on the site has been enormous over the last two or three years with huge articulated lorries using the car park.

- The factory opens at 7.00am with manufacturing noises continuing into the early evening.
- Thirty/forty cars commute into the village.
- Expansion plans were proposed 4 March 2002.
- Lorries park on the public highway.

5.3 Letter from John Loye of Totteroak House to Enforcement dated 4 Aug 2003

- By judging the type of vehicles and their resultant destination i.e. Bill Bennett Engineering, the business bears little resemblance to that which was originally intended in the planning permission.
- Mr Bennetts main business appears to be the supply and service of Kooi Forklifts, which are attached to curtain sided trucks, which are up to 40 tons GVW.
- The change of use of the premises is now totally unsuited to the area.

5.4 Letter from John Loye of Totteroak House dated 20 Sept. 2004

- I have lived in Horton since 1986
- The business has changed within the last 5 years with a marked increase in traffic, particularly in the heavy lorry and truck activity. Many have 'Kooi' forklifts attached and latterly 'palfinger' forklifts.
- There are also many delivery vans.
- These type of forklifts are not agricultural.
- The site and surrounding roads are not suited to the activity that occurs at the site.

5.5 Letter from Mr G.Groves of Wellstead, Horton Hill dated 13 March 2005

- Numerous heavy lorries now use the road through the village.
- The character of the village is being changed by the apparent change of use taking place in the Bennett Engineering Works, which appears latterly to have changed to doing much heavier work than formerly.

## 6. **OTHER CONSULTATIONS**

6.1 Horton Parish Council

Two responses were received from the Parish Council:

Summary of comments received 18 May 2004 and 17 November 2004.

- Ongoing situation regarding the volume of heavy goods vehicles going to and from Bill Bennett Engineering, which over the last few years has increased considerably.
- Highways issues previously outlined 22 March 2002 have not been addressed.
- Weight restriction with no access should be placed on Widden Hill. A lorry route should be put in place.
- Lorries create safety hazard, especially when reversing in and out of Bill Bennet's.
- Consider a personal consent with a condition restricting ownership and no sub-letting.
- Is an 'O' licence in place.

- It has been about 5 years since the increase of lorries became apparent in the Village and these appear to be larger lorries than before and a number of them seem to be coming from Europe.
- Lorries use the main road and side road adjacent to the site, to park, which causes a safety hazard.

6.2 The Environment Agency

No objections. Standard informatives were suggested.

6.3 Councillor Sue Hope

No response

## 7. EVALUATION

7.1 The Authorised Use of the Site

The Council records reveal that the site was originally in agricultural use. Planning permission N.3785/2 which relates to the existing site area, granted consent for the showroom/offices located to the front of the site and the workshop (now linked by a store) located immediately to the east. Apart from a barn that was retained for storage purposes and located to the south of the showroom/office building, all of the original agricultural buildings were demolished. Permission was also granted for the shared car park to the front of the showroom/office building and alterations to the access. A number of conditions attached to this planning permission restricted the activities on the site and condition (l) specifically restricted the use of the site and buildings to the sale, maintenance and repair of agricultural tractors and machinery. Condition (j) controls the noise levels that can be emitted from the buildings within the site. A Section 52 Agreement ensured that the applicant voluntarily relinquished his existing use rights on a premises located elsewhere in the village.

7.2 A subsequent planning permission P89/1879 granted consent for the erection of an additional workshop located to the south of the previously approved workshop; a small extension to be used for mower servicing was also approved on the southern side of the showroom/office, as well as a new store linking the showroom/office to the original workshop to the east. The older barn store was re-located to the southern end of the site, leaving a larger concrete yard area in the middle of the site. This layout concurs with the plan submitted with the current application PK04/1442/CLE.

7.3 The current application seeks to regularise unauthorised uses that the applicant claims have been carried on for 10 years consecutively prior to the receipt of the application on the 26 April 2004. The period relevant to this application is therefore 26 April 1994 to 26 April 2004.

7.4 The Unauthorised Uses

The applicant considers that the current use of the site is for the sales and repairs of forklifts and the general engineering and manufacturing of metal products and machinery. The submitted supporting site plan indicates that the original showroom/sales building is now used for sales of parts, manufactured products and forklifts; the original workshop for manufacturing plus servicing of

forklifts; the later workshop building for design and manufacturing purposes; and the original barn/store for manufacturing and storage. The link extension and rear extension to the showroom/office retain their original intended uses for storage and mower servicing respectively.

- 7.5 Although no use classes were quoted in either of the planning permissions N.3785/2 or P89/1879, officers consider that the primary use of the site falls within a B2 general industrial use with the showroom/office being sui generis. In this respect the unauthorised uses are considered to also fall within these use classes; it is condition (l) of permission N.3785/2 that restricts the use of the premises as a whole. It is noted that there are no conditions on the later planning permission P89/1879 that specifically restrict the use of the buildings that that permission relates to.
- 7.6 It is evident from the affidavits and supporting information provided that some level of the original intended use of the site has continued throughout the relevant 10-year period but that over time, other uses have been introduced that do not conform with those uses permitted by N.3785/2. A key issue therefore for officers in the determination of this current application, is to ascertain what precisely the unauthorised uses are and at which point in time, they became the dominant use of the premises.
- 7.7 The submitted affidavits of Mr Bill Bennett (company founder) and Messrs Mike Jones and Andrew Butt (long serving employees) are considered to carry the most significant weight.
- 7.8 Mr Butt confirms that in 1981 the main focus of the company was importing Fendt tractors and the manufacture of associated attachments and accessories. It is questionable whether the manufacture of the attachments and accessories could be considered to be 'maintenance and repair' as permitted. Mr Jones confirms that at this time the company serviced mainly but not solely agricultural tractors.
- 7.9 In 1989 a Robotic Welding machine was purchased, which Bill Bennett confirms attracted sub-contract work from inside and outside of agriculture. Mr Butt confirms that the Robotic Welder was used to manufacture motorway barrier sockets. Due to increased growth, an additional manufacturing workshop was built in 1991.
- 7.10 In 1991 the main Fendt Tractor franchise was lost. Officers consider that this was the key event that led the Company to diversify into non-agricultural applications. This was still 3 years prior to the start of the 10 year period relevant to the current application.
- 7.11 The evidence of Bill Bennett, Mike Jones, Roger Tuck and Andrew Butt state that it was in 1992 that the Company began selling forklift trucks and manufacturing mounting brackets. Whilst the forklifts could have agricultural applications Bill Bennett confirms that they had a wide variety of non-agricultural applications. Mike Jones states that the Manitou Forklifts would be roughly 40% farming and 60% non-farming and the Nissan forklifts 100% non-

farming. Officers also note that the Kooi Aap forklifts are mounted on lorries and therefore less likely to be for agricultural use.

- 7.12 In terms of servicing alone, Mike Jones states that since 1992 a large proportion of the service department's work has been associated with forklifts with a steady decline in agricultural work and this statement is supported by the submitted invoices.
- 7.13 The evidence therefore indicates that by the start of the 10 year period i.e. April 1994 the Company was mainly involved in the sale, manufacture and servicing of predominantly non-agricultural machinery and parts, so much so that in 1996 a full time Area Sales Manager (Glyn Webb) for truck mounted forklifts alone was employed.
- 7.14 Further diversification appears to have taken place through the 10 year period e.g. with the commencement of manufacture of racking systems in 1994, snow ploughs and pick-up hitches for Kubota in 1995, petrol signs in 1996, brick grabs in 1998 and since 1993 the supply of hitches to JCB; as supported by the invoices submitted by Andrew Butt.
- 7.15 Officers have noted that for the 10-year period and the years immediately leading up to it, there is little mention of the authorised uses or for that matter specific agricultural applications. Bill Bennett confirms that in the 5 year period leading up to 2004 the decline in the Company's agricultural turnover has accelerated as a result of the foot and mouth crises and the decline of UK agriculture and this is confirmed by Mike Jones.
- 7.16 As regards the use of the 4 main buildings on the site, it is evident that the building located to the front of the site has constantly been used for sales and as a showroom with ancillary offices above for the entire 10-year period. The original workshop was intended for the servicing of tractors but the evidence suggests that almost from the outset of the first use in 1982, manufacturing of parts was carried out within the building. The later workshop also appears to have been used predominantly for manufacturing purposes. The 1989 permission however refers to the repositioning of an existing store and this is the 4<sup>th</sup> building.
- 7.17 Whilst this 4<sup>th</sup> building may have at onetime been used solely for storage purposes, Bill Bennett states that all the enterprises of the Company work together to form one, each having a link to another. Space in each building is utilised on a requirement basis for either manufacturing or servicing. It would appear therefore that over time as the Company expanded, that this 4<sup>th</sup> building has also been used for servicing and manufacturing purposes and there is no evidence to suggest otherwise.
- 7.18 Contrary Evidence  
Officers consider that there is little evidence to substantiate that the uses applied for have not been consistently carried out on the site for the relevant 10 year period. The letter from Mr & Mrs Tily confirm that it would be difficult to disprove the submitted affidavits. All of the letters indicate that heavy lorries travel to and from Bill Bennett Engineering. Mr Loye confirms that the original

use of the site has changed and that the main business now relates to the supply and service of truck mounted forklift trucks and that these are not agricultural.

- 7.19 Whilst the representations from the Parish Council and from the local residents suggest an intensification of the use of the site over the last 5 years of the 10-year period there is nothing to substantiate that the dominant use of the site prior to this period was for the authorised uses.

## **8. CONCLUSION**

- 8.1 Officers consider that the weight of evidence suggests that the use of the site significantly altered prior to the start of the relevant 10 year period i.e. April 1994 and the primary use became more related to the sale of fork-lift trucks for non-agricultural purposes and the associated manufacture of attachments; this has consistently remained the primary use of the site to the present day.
- 8.1 Having considered the evidence against, it is the officers considered view that on the balance of probability the applicant has provided the evidence to support his claim.

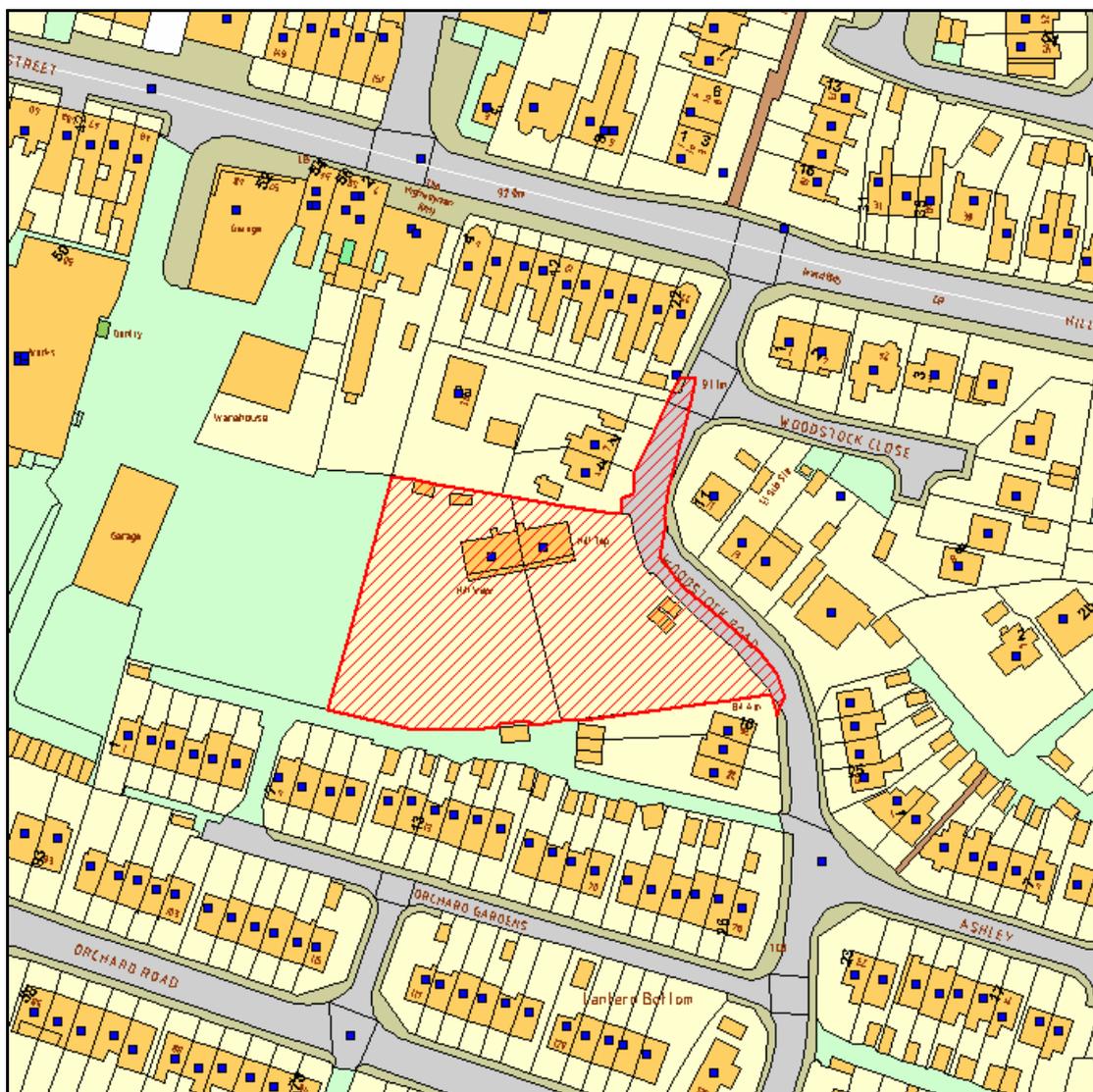
## **9. RECOMMENDATION**

- 9.1 That a Certificate of Existing Lawful Use be GRANTED for the continued use of the site for the sales, servicing and repair of forklift trucks and the design and manufacture of machines and attachments Class B2 as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

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

CIRCULATED SCHEDULE NO. 24/11 – 24 JUNE 2011

<b>App No.:</b>	PK11/0690/O	<b>Applicant:</b>	Mr P Taylor
<b>Site:</b>	Hill View And Hill Top Woodstock Road Kingswood Bristol South Gloucestershire	<b>Date Reg:</b>	30th March 2011
<b>Proposal:</b>	Demolition of existing dwellings to facilitate erection of 14no. dwellings (Outline) with access and layout to be determined. All other matters reserved. (Resubmission of PK10/2035/O).	<b>Parish:</b>	None
<b>Map Ref:</b>	365689 173659	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Major	<b>Target Date:</b>	28th June 2011



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 100023410, 2008. **N.T.S.** **PK11/0690/O**

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

This application has been referred to the circulated schedule due to the receipt of several letters of objection from local residents.

### **1. THE PROPOSAL**

- 1.1 This application seeks outline planning permission for the demolition of 2no. existing bungalows to facilitate the erection of 15 dwellings at Hill View and Hill Top, Woodstock Road, Kingswood. The only matters to be considered at this stage are the layout, means of access and the principle of the development. All other matters would be kept until the reserved matters stage.
- 1.2 The proposed development site comprises an area of approximately 0.33 hectares. The site is currently occupied by a pair of semi-detached bungalows and their associated gardens. The site slopes from north to south and contains a significant amount of vegetation. Residential properties lie to the north, east and south of the site with a car parking area and associated industrial garage to the west.
- 1.3 The application proposes the erection 14 dwellings, 9 three bed dwellings and 5 two bed dwellings with a total of 27 car parking spaces, a mixture of integral garages, garages and open parking spaces. The submitted plans and design and access statements indicate that the proposed dwellings would be a mix of two storey and three storey properties.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - PPS1 Delivering Sustainable Development
  - PPG3 Housing as revised June 9<sup>th</sup> 2010
  - PPG13 Transport
  - PPS9 Biodiversity and Geological Conservation
  - Ministerial Statement 9<sup>th</sup> June 2010
- 2.2 Development Plans
  - South Gloucestershire Local Plan (Adopted) January 2006
  - D1 Achieving Good Quality Design in New Development
  - H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
  - H2 Proposals for Residential Development within the Existing Urban Area
  - H6 Affordable Housing
  - L1 Landscape Protection and Enhancement
  - L5 Open areas within the existing urban area.
  - L9 Species Protection
  - L17 & L18 The Water Environment
  - EP1 Environmental Protection
  - T7 Cycle Parking
  - T8 Parking Standards
  - T12 Transportation Development Control
  - LC1 Provision for Leisure and Community Facilities
  - LC2 Provision for Education Facilities

## LC8 Open Spaces and Childrens Play

### South Gloucestershire Core Strategy, Pre-submission Draft December 2010

CS1 High Quality Design

CS16 Housing Density

CS17 Housing Diversity

CS18 Affordable Housing

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007  
Trees on Development Sites SPG

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

- 3.1 PK10/2035/O Demolition of existing dwellings to facilitate the erection of 15 dwellings with layout and access. (outline).  
Refused November 2010

### **4. CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
Site falls outside of any parish boundaries
- 4.2 Sustainable Transport  
No objections
- 4.3 Environmental Protection  
No objections subject to a condition limiting the hours of construction
- 4.4 Drainage  
No objections subject to the attachment of the standard SUDs condition
- 4.5 Ecology  
No objections subject to the attachment of conditions
- 4.6 Landscape Officer  
No objections subject to amendments
- 4.7 Urban Design Officer  
No objections
- 4.8 Community Services  
Seek a contribution towards open spaces of £36,997.13 and also seek a contribution of £2,646.00 towards the expanding of library services in the area to meet the needs of the new residents.
- 4.9 Affordable Housing  
No contribution required.

- 4.10 Children and Young People  
Seek a contribution for additional school provision totalling £42,988.
- 4.11 Coal Authority  
No objections
- 4.12 Wessex water  
No objections

### **Other Representations**

- 4.13 Local Residents  
Seven letters of objection has been received, two of which fro the same address, raising the following concerns:
- Entrance on a bend is very dangerous
  - Parked cars would mean the cars trying to exit the site would not be easily visible
  - Increase in traffic in the area is ludicrous
  - Wildlife on the site would be affected
  - Increased flood risk
  - Concerns regarding the sewerage system in Orchard Vale, more houses will increase frequency of blockages
  - Visual impact
  - Loss of privacy (no.16, 2a)
  - Overlooking
  - Loss of view
  - Subsidence
  - Maintenance of hedgerow
  - Already road rage on Woodstock road due to vehicles not giving way
  - Parking pictures on Woodstock road not a true reflection
  - A survey should be taken after 5.30 to show true parking situation
  - Coal mining shaft
  - Pathway on both sides of road would encourage parking on both sides, which would result in parking on the pavement.
  - Loss of part of No 16's front garden
  - Parked cars have been damaged in the past
  - Object to the 4 three storey houses, which will be 10.3m
  - Extra high houses built in front of bungalow, lower houses built next to two storey houses.
  - Not sited to respect adjoining properties to the north, as stated.
  - Noise and dust during demolition and construction
  - Internal arrangements could lead to further overlooking to the north.
  - Insufficient parking
  - No visitor parking
  - Design and access statement misrepresenting situation regarding the access.
  - Concern regarding who will purchase the properties

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposed new dwellings within the existing residential curtilage, providing that the design is acceptable, highway safety would not be compromised, adequate parking and amenity space is provided and that there is no unacceptable impact on residential and visual amenity.

PPS3 has recently been reissued on 9<sup>th</sup> June 2010, to reflect concerns regarding the redevelopment of neighbourhoods, loss of Green Space and the impact upon local character. The changes involve the exclusion of private residential gardens from the definition of previously land and the removal of the national indicative density target of 30 dwellings per hectare. The general thrust of PPS3 however has remained the same. The existing policies in the local plan such as policies H2, H4 and D1 already require that proposals are assessed for their impact upon the character of the area and that proposals make efficient use of land.

The South Gloucestershire Plan (Adopted) 2006 identifies the site as lying within the urban area. With the exception of design, Policy H2 of the adopted Local plan encompasses all the relevant issues of the above policies. Policy H2 allows for new residential development providing that the following criteria are complied with:-

### 5.2 **(a) Development would not have unacceptable environmental or transportation effects; and would not significantly prejudice residential amenity.**

In the interests of clarity these three issues will be discussed in turn.

#### Transportation Issues

The development proposes the demolition of two existing dwellings on site to facilitate a residential development of 14no. dwellings.

Vehicular access for this development is proposed from Woodstock Road. The new access road serving the development would be constructed to the Council's adoptable standards and this would be conditioned accordingly. The applicant proposes a new access road measuring 4.8m wide at its entrance with footway on both sides as it enters the site. Evidence has been submitted by way of an auto-track diagram to demonstrate that all vehicles turning into the site can do so satisfactorily. The design also allows sufficient turning area within the site to ensure that service vehicles can manoeuvre easily within the site boundary. It is also considered that the new junction with Woodstock Road would provide satisfactory visibility splays from the new access on to the public highway.

A new footway is proposed along the Woodstock Road frontage. The proposed footway on Woodstock Road would in part include works within the existing highway. For this reason, it is recommended that these works be secured under an appropriate legal agreement.

In respect of parking for the development – there would be a total of 27 car parking (including garages) associated with the new development. All the properties with the exception of one (two-bedroom) house would have two parking spaces each. There is also some scope for road side parking within the scheme. Given the site close proximity to Kingswood High Street, it is considered that this level of parking more than adequate.

Whilst it is accepted that the new development will increase the traffic generated from the site it is considered that the increase would be modest and its impact would not be significant. Furthermore, there are local bus services on the High Street which is within a two minute walk of the site. There is also a range of local facilities within Kingswood Town Centre which is within 800m walking distance of the site.

Consequently given the above, there are no transportation objections to the proposal subject to the agreement that prior to commencement of development on site, the applicant enters into a suitable legal agreement to secure the highway works including,

a) construction of the new footway on Woodstock Road together with all associated works and to connect the new footway to the existing footway network in the area plus

b) construction of the new junction on Woodstock Road together with all associated works (as shown indicatively) on submitted and approved.

In addition conditions would be attached to ensure the new access road is constructed to the Council's adoptable standard and to ensure that prior to occupation of any dwelling on site all parking spaces on site are constructed in accordance with the plans.

#### 5.4 Residential Amenity

There are two aspects of impact on residential amenity to be considered with this proposal. The impact of the proposed dwellings on those surrounding the site and the conditions that would be created for future residents, through the layout and positioning of the proposed dwellings.

The plans show that there would be sufficient land available to achieve adequate private and usable amenity space to serve each of the proposed dwellings. Furthermore it is considered that the proposed dwellings are located a sufficient distance from the existing residential properties to ensure that no overbearing impact would be experienced by either the existing or future residents.

Given the orientation of the proposed dwellings it is not considered that any unacceptable levels of overlooking or loss of privacy would be experienced by future residents. Any southern side elevation windows on plot 1 could potentially overlook and result in some degree of inter-visibility with No. 16 Woodstock Road, as such an informative would be attached to any permission, ensuring extra attention is given at reserved matters stage over the insertion of windows on this elevation, the internal design of this property would also need to be carefully designed to limit any impacts on neighbouring properties. Whilst concern has been raised from local residents, the indicative plans show

that the orientation and siting of all other dwellings are a sufficient distance away from existing neighbouring residential dwellings to not result in any significant overlooking or loss of privacy issues. A full assessment of the impact in terms of overlooking and loss of privacy would need to be made at the reserved matters stage, when the exact location of windows would be known.

It is accepted that the proposal would result in a change in the views from properties surrounding the site, it should be noted that there is no right to a view under planning legislation and as such this is not a material planning consideration. Furthermore it is considered that the proposed dwellings are situated a sufficient distance away from the neighbouring properties to not result in any significant loss in outlook.

Concern has been raised regarding plots 7-10 being three storey dwellings, it should be noted that whilst indicative plans show these properties to be three storeys, given the gradient of the land the rear of the properties would only be two storeys in height, as such given the distance that the dwellings are set away from the property to the north, the proposal is not considered to have any significant detrimental impacts on the surrounding properties.

#### 5.5 Environmental Issues

The Councils Environmental Protection Officer has been consulted on the application and whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction. There are therefore no objections on environmental grounds. Whilst concern has been raised regarding the risk of flooding to the surrounding area, in terms of drainage the Councils Drainage Engineer has raised no objection to the proposal. Based on the consultation response from Wessex Water, it is evident that a public surface water sewer is available within a reasonable distance of the application site and a connection may be acceptable. Without a detailed site survey it is not possible to confirm that a gravity sewer connection (without the need for a pumping station) to this surface water sewer would be achievable, however, the existence of this sewer provides an option for draining the site if the ground conditions are not conducive for SUDS drainage only. It is recommended that a SUDS condition is attached to any permission to ensure that the surface water drainage provision is acceptable to protect the development and surrounding dwellings against the threat of flooding.

#### 5.6 **(b) The maximum density compatible with the sites location, its accessibility and surroundings is achieved.**

Under new government guidance whilst there is no longer a national minimum density target, PPS3 seeks to ensure the most efficient use of land. Officers are satisfied that having regard to the sites constraints, the pattern and scale of existing development, access and impact on residential amenity, the proposed density would make an efficient use of the site.

#### 5.7 **(c) The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination.**

The site is surrounded to the north, east and south by a mixture of residential development and associated gardens. To the west lies a car parking area and associated commercial garages. It is not considered that the development will be subject to any level of disturbance over and above the levels expected at a residential property within the urban area.

**5.8 (d) Provision for education, leisure, recreation etc. in the vicinity is adequate to meet the needs arising from the proposal.**

**5.9 Community Services**

The community services department has been consulted regarding the proposed scheme and has stated that the expected population increase from the proposal would equate 29.40 people. Taking into consideration the intended residents and their likely use of community facilities it is considered that the proposed development would create a need for extra public space. The total contribution requested towards open spaces is £36,997.13 (that is £22,855.96 toward the enhancement of off site existing open spaces and £14,141.17 toward the future maintenance of these enhancements).

Community services also seek a contribution of £2,646.00 towards the expanding of library services in the area to meet the needs of the new residents. The sums of money outlined above have been discussed with and agreed by the applicant

**5.10 Children and Young People**

The Councils Education Department report that based on a projected surplus of places at secondary schools in the local area, no contribution is required for additional secondary school provision. However at primary level there is a projected deficit in places in the local area, therefore a contribution is required towards primary school education. It is predicted that the proposed development of 5 two bedroom houses and 9 three bedroom houses will generate four additional primary school pupils based on the pupil number calculator. Current DCSF cost calculators give a figure of £10,747 per additional primary pupil place, indexed at 'Financial Year 2008/9 Q4' prices. Therefore a total contribution of £42,988 is requested for additional primary school provision. This sum of money has been discussed with and agreed by the applicant

**5.11 Scale and Design**

The site comprises 2 semi-detached timber bungalows in large gardens. Woodstock road comprises a mix of dwelling styles, generally two-storey, (1960's-80's). Older dwellings, constructed of local pennant stone are also evident nearby. The southern boundary adjoins a lane serving garages. Land to the west comprises industrial uses.

The application includes a Design & Access Statement within which a layout is provided for the 14 dwellings served off a new access road. PPS1 supporting note on information requirements and validation, provides guidance on what information is required in a Design and Access Statement. Design and Access Statements are particularly important at Outline stage in order to set out principles and concepts used to inform the design, but also allow the local

authority to fix principles that reserved matters applications should subsequently adhere to. The guidance is clear that, the principles that inform reserved matters applications in respect of all matters should be set out. The Design and Access Statement undertakes to set principles for all these aspects.

The site is in an existing residential area, close to shops, a bus route and other amenities, and is currently occupied by 2 dwellings. It is therefore considered an appropriate location for new housing. With respect to the loss of the gardens, they are unusual due to their size being substantially larger than gardens in the immediate vicinity which is characterised by terraced and semi-detached properties with relatively small gardens. The gardens therefore do not contribute to a distinctive character that could be defined by a regularity of plot width, depth and building line (garden size). There are also open green areas (allotments, parks, playing fields etc) all within 1km of the site. It is therefore not considered that the site is required as a necessity for 'green relief' within the urban area. As such a new residential development is considered to be an appropriate use.

The layout responds well to the opportunities and constraints of the site. Specifically a row of dwellings is located east-west across the 'top' of the site to take advantage of the southerly aspect and views over the wider area. The properties have also been positioned so as to retain some existing trees on the Woodstock Road frontage. A further row is located to provide frontage to Woodstock Road. Space has also been made to provide replacement planting in the public realm at the centre of the southern half of the site. Further 'street trees' are also provided to break up parking areas and 'soften' the scheme. The density and form (terraced, semi detached and 2 detached dwellings) is also reflective of the urban grain in the immediate locality.

With regard to the scale of the dwellings, they are proposed to be 2-2.5 storey. This is considered entirely appropriate in the local context.

The applicant has provided indicative elevational drawings. The Design and Access statement also points to nearby dwellings of various ages, but particularly terraces of 19<sup>th</sup> century houses, characterised by terraces of narrow fronted dwellings, simple compositions, pennant stone, and bay windows to larger plots. These features have been interpreted into a modern architectural appearance, comprising narrow fronted dwellings with a vertical emphasis (through fenestration), uncomplicated elevations, pitched roofs and balconies on a number of plots (as opposed to bay windows). All units also have south facing roof pitches to take advantage of solar technology. This approach promotes some visual interest and variety by creating gable fronted dwellings. The Design and Access statement notes the likely materials and following officer advise have included the potential for the use of natural pennant stone, which responds to local distinctiveness.

With regard to sustainability, the inclusion of south facing roof pitches and orientation of 11 of the units to take advantage of southerly aspect is welcome, in addition the revised design and access statement, clearly commitments to Code for Sustainable Homes level 3.

Overall it is considered that the proposal responds well to the context, topography and aspect of the site. Design principles to inform reserved matters are also generally clear and appropriate. Therefore there are no objections to the design and scale of the proposal.

#### 5.12 Landscape Issues

The site comprises two chalet type dwellings and associated extensive garden area, which contains a variety of mature ornamental trees and shrubs. Mature, tightly clipped mixed hedges of Privet, Holly, Thorn and Laurel enclose the site and screen views into the site from Woodstock Road. The site slopes from north to south, affording extensive rural views of the wider landscape to the south, across to Lansdown and Freezing Hill to the far southeast.

The mature garden trees and shrubs present on the site, are of limited individual merit, there are no category A trees on site, with all the trees being classed as category B or C, however collectively they provide a significant green space within this densely built up area of Kingswood. As described in the Landscape Character Assessment, the Kingswood Character Area has; *'a dense urban fabric with a surrounding rural fringe. Distinct areas of local character are influenced by settlement age, pattern and materials used within a number of communities ; landmark architecture; historic remnants of early settlement and the industrial past; intermixed with a variety of open spaces'*.

It further adds that, *'A variety of open spaces punctuate the urban area, the character of which are diverse, often providing relief and contrast, contributing to local identity and the setting of built development'*.

The assessment also notes that, *'Green spaces currently provide valuable visual amenity and physical breaks within the urban fabric, as well as softening the urban form. Loss of such spaces may therefore reduce the openness within the area, increasing the density of the built environment'*.

In the assessment of the previous application it was considered that in the context of the character assessment the site is an open area that would appear to qualify for consideration under Policy L5 of the adopted local plan as it contributes to local identity and the setting of built development. It was acknowledged the predominant character of the immediate locality of the site comprises fairly dense, mostly residential development but considered that, that only serves to highlight the value of the site in providing relief and contrast.

Previous comments, continued to state, *'The site contains a significant amount of vegetation but it mostly comprises garden species of trees and shrubs with fruit trees. Whilst individual plants within this garden vegetation do not have any particular significance as landscape features, the vegetation does have collective value in consideration of the site under Policy L5. The boundary hedgerows are considered significant landscape features in their own right especially the frontage hedgerow as it follows the line of the previous lane in the former agricultural land use as witnessed by the 1881 OS.'*

Unlike the previous layout for 15 houses, the current application indicates a new, unbroken hedgerow defining the north-eastern boundary of the site along Woodstock Road to replace the existing and new hedgerows are shown along the access road into the site. Furthermore a condition would be attached to any permission to ensure that a detailed planting plan must be submitted to include a new ornamental hedge to the front of the frontage of plots 1-3. In addition to enhancing the visual amenity of the site, Policy CS6 of the emerging Core Strategy, seeks to ensure that landscape proposals should promote biodiversity and food cultivation. Therefore it is recommended that fruit trees are planted within the rear gardens of the properties to accord with this policy.

A survey has been submitted with the current application, indicating existing levels, which was another concern previously raised. The drawing has been checked with regard to the existing and proposed levels indicated on the Site Layout plan and the proposed levels are acceptable with regard to the trees to be retained.

With regard to policy L5, it is considered that providing new hedge planting can be achieved to the frontage along Woodstock Road (in part shown on the site layout plan) and in view of the level of new planting proposed, the development would comply with the policy criteria; *'Where a site contributes to local character and distinctiveness the Council will seek to negotiate measures to enhance and manage these open areas'*. Overall it is considered that the layout responds well to the topography and has been designed to take advantage of the site's orientation and southerly views. Although a number of the existing trees have been lost to facilitate development, the indicative landscape proposals show a good level of tree planting to compensate.

Consequently, it is considered that due to the improvements made to the layout, the proposals are acceptable and comply with Policy L1, L5 and D1 of the Adopted Local Plan, subject to the attachment of conditions to ensure the boundary treatments and surfacing and the planting on site.

#### 5.13 Ecology

The application site does not adjoin and is not covered by any statutory or non-statutory nature conservation designations. The previous application failed to address the potential impact the proposal could have on wildlife on the site.

The current application includes a report following an extended Phase 1 habitat assessment of the site by ENIMS dated September 2010.

The site predominantly consists of species-poor, mown grassland (lawn) of negligible ecological interest with flowerbeds and a number of non-native conifers. A species-poor hedgerow consisting of hawthorn, box and laurel forms the perimeter of the site. It should be noted that the hedges forming the boundary to, or lying within, the curtilage of domestic dwellings are not covered by the provisions of the Hedgerow Regulations 1997.

With regard to bats on the site, previous comments dated 23<sup>rd</sup> August 2010 regarding PK10/2035/O requested that the building (two semi-detached properties) be surveyed for the possible presence of bats. This has been

carried out and no signs of use by bats were recorded during an inspection of the roof void of the building. Additionally, no bats emerged from the building during the dusk emergence surveys in September 2010.

Several areas of habitat on site, specifically, log piles and compost heaps are deemed suitable for use by slow-worms. Slowworms are protected against intentional or reckless killing or injury under the Wildlife & Countryside Act 1981 (as amended) and CROW Act 2000. They are also included on the South Gloucestershire Biodiversity Action Plan (BAP) as a species for which the Council will require measures to be taken to conserve and enhance populations. The extended Phase 1 assessment did not include a survey for slowworms. As such a condition would be attached to planning permission requiring that a mitigation strategy be drawn up and agreed with the Council in writing. Areas of suitable habitat should be subject to a destructive search immediately prior to development commencing. Any slowworms present should be moved to a receptor site to be agreed with the Council.

Hedgehogs are widely associated with the gardens of domestic gardens and scrubby, overgrown habitat. Hedgehogs are a Priority Species nationally and are included on both the UK and South Gloucestershire Biodiversity Action Plan. Given the above, it is considered necessary that a condition should be attached to any planning permission requiring that areas of suitable habitat should be subject to a destructive search immediately prior to development commencing. Any hedgehogs present should be moved to a receptor site to be agreed with the Council.

With regard to badgers, no evidence of badger setts were recorded on site. Consequently given all of the above there are no objections to the proposal in terms of the ecological impact.

#### 5.14 Affordable Housing

This application for 14 units on a site measuring 0.33 hectares relates to land within the urban area, so therefore this application falls under the affordable housing threshold as set down under Policy H6 of the South Gloucestershire Local Plan (Adopted) January 2006 which is 15 units or 0.5 hectare.

This application is re-submission of PK10/2035/O that sought outline planning permission for the demolition of 2 dwellings and the erection of 15 dwellings. That scheme would have generated the need for affordable housing. That application was refused on a number of planning grounds. In order to address those objections in particular the landscape objection, this revised scheme has reduced the number of dwellings and in doing so has now brought the proposed scheme below the threshold requirement. The enabling department accepts the landscape constraints are a material planning consideration, and therefore accepts the reduced number of units which in turn negates the provision of affordable housing.

It should be noted that the affordable housing within the Core Strategy has a reduced threshold of 10 dwellings and 0.33 hectares in urban areas, and a requirement for 35% affordable housing.

5.15 Coal Mining

A coal mining report which demonstrates that there are no recorded coal mining features that pose a risk to land stability at the application site, was submitted as part of the application. As such, the coal mining authority raises no objections.

5.16 Other Issues

With regard to the concern raised regarding the potential loss of part of No. 16's front garden, a pavement would be continued along the corner of No. 16 but no works are proposed on the front garden of No. 16. However for the avoidance of doubt, two informatives would be attached to any decision notice to ensure that the applicant / agent is aware that planning permission does not grant rights to carry out works on land outside of the control of the applicant;

Concern has been raised regarding whom the properties would be purchased by, this is not a material planning consideration. With regard to concern over the maintenance of the hedgerow, a condition would be attached to any permission to ensure that a management company is enlisted to carry out such works.

5.17 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as Amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the highways requests, education and public open space contributions are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

**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 a) The scheme demonstrates a high quality of design, layout and density appropriate for, and informed by, its location. The application therefore satisfies the requirements of Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted)

b) Impact on levels of residential for both the existing neighbouring dwellings and for the future new residents (based upon the indicative elevations) has been assessed and is deemed to be acceptable. Full details will be considered at reserved matters stage. The application therefore complies with the requirements of Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted).

c) The proposed access to the site is considered safe and parking provision complies policy T8. The application therefore complies with the requirements of Policies D1, T8, T12 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006

d) Adequate provision is being made to ensure that the extra impact on the education service is being mitigated against in accordance with the requirements of Policy LC2 of the South Gloucestershire Local Plan (Adopted)

e) Adequate provision is being made to ensure that the extra impact on the library facilities is being mitigated against in accordance with the requirements of Policy LC1 of the South Gloucestershire Local Plan (Adopted)

f) Adequate provision is being made to ensure that the extra impact on the public open space is being mitigated against in accordance with the requirements of Policy LC1 of the South Gloucestershire Local Plan (Adopted)

g) In accordance with the requirements of Policies L1 and L9, and subject to the attachment of conditions, the development will not have any adverse impact upon protected species or the landscape.

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

i – The payment of £42,988 as a contribution towards additional primary education provision.

ii – The provision of £2,646.00 as a contribution towards the library service

iii – The provision of £36,997.13 toward the provision and maintenance of public open space and this can be broken down as follows:

- £22,855.96 for the enhancement of off site existing open spaces
- £14,141.17 for the future maintenance of these enhancements.

iv – Highway works

i – To mitigate against the impact of the development and in order to comply with the requirements of Policy LC2 of the South Gloucestershire Local Plan (Adopted) January 2006

- ii – To mitigate against the impact of the development and in order to comply with the requirements of Policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006
- iii – To mitigate against the impact on the development and in order to comply with the requirements of Policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006
- iv – To ensure safe and adequate construction of the footpath and road junction in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006
- 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: Kirstie Henshaw**  
**Tel. No. 01454 865207**

### **CONDITIONS**

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

Reason

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

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

Reason

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

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

Reason

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

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the

date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

5. Application for the approval of the reserved matters shall be in accordance with the parameters described in the design and access statement received by the council on 26th April 2011 and as shown on the plans 1287-Site 4 elevs received by the council on 7th March 2011

Reason

To ensure that the proposed development remains of an appropriate scale, in keeping with the character of the surrounding area, in accordance with the requirements of Policies D1 and H2 of the South Gloucestershior Local Plan (adopted) 2006.

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

Reason

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

7. Prior to occupation of any dwelling on site, the parking facilities shall be provided in accordance with the submitted and approved plans and subsequently maintained satisfactory thereafter

Reason

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

8. The new access road shall be constructed to the Council's adoptable standard.

Reason

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

9. The hours of working on site during the period of construction shall be restricted to Monday - Friday 07.30 - 18.00, Saturday 08.00 - 13.00 and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To minimise disturbance to occupiers of nearby buildings and to accord with Policies H2 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Prior to the commencement of development a mitigation strategy for slow-worms (including a destructive search of all suitable habitat) shall be submitted to the Council and agreed in writing. All works are to be carried out in accordance with the agreed details.

Reason

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

11. Prior to the commencement of development a mitigation strategy for hedgehogs shall be submitted to the Council and agreed in writing. All works are to be carried out in accordance with the agreed details.

Reason

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

12. Prior to the commencement of development a plan detailing the surfacing materials and indicating the positions, design, materials and type of boundary treatments to be erected, shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with Policies H2, L1 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. 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), indicating size, type and specification and including the planting of a new ornamental hedge to the front of the frontage of plots 1-3 as shown on plan 1287, 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 H2, L1 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. The residential units hereby approved shall not be occupied until a scheme for the management of the communal landscaped areas of the development, for the life of the development has been submitted and agreed in writing by the Local Planning Authority. The scheme should include management responsibilities and maintenance

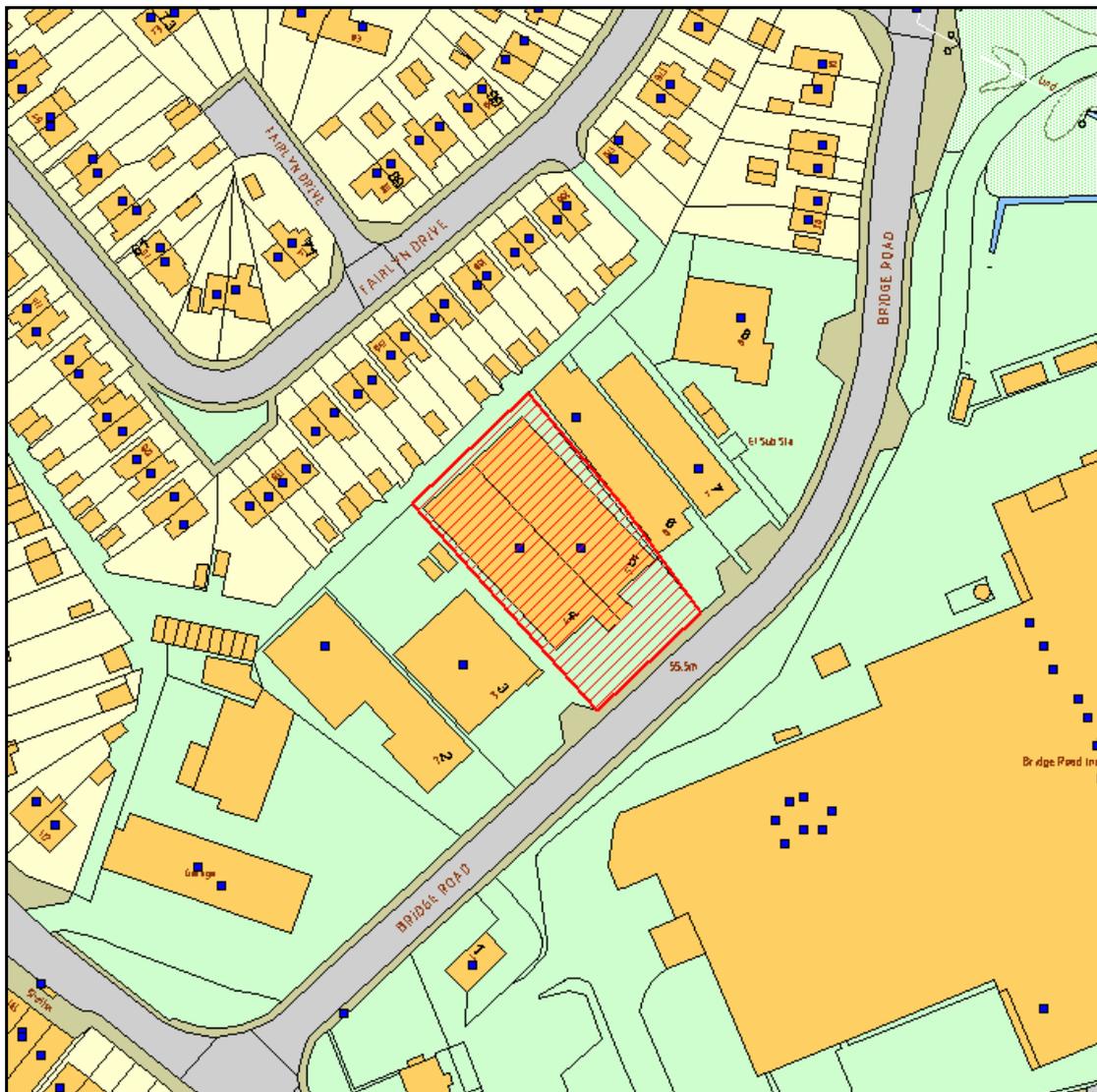
schedules and timing thereof. The development shall be carried out in accordance with the approved scheme.

**Reason**

To ensure a satisfactory standard of appearance and to accord with Policy D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 24/11 – 24 JUNE 2011**

<b>App No.:</b>	PK11/1440/TRE	<b>Applicant:</b>	Woodstock Timber Co. Ltd.
<b>Site:</b>	4 And 5 Bridge Road Kingswood Bristol South Gloucestershire BS15 4FW	<b>Date Reg:</b>	11th May 2011
<b>Proposal:</b>	Works to 11 no. Poplar Trees to reduce height to ridge height of unit 4 and 5 (ie 8 metres from ground level) all covered by South Gloucestershire Tree Preservation Order KTPO/11/89 dated 18th November 1991.	<b>Parish:</b>	None
<b>Map Ref:</b>	365991 175303	<b>Ward:</b>	Rodway
<b>Application Category:</b>		<b>Target Date:</b>	1st July 2011



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 100023410, 2008. **N.T.S.** **PK11/1440/TRE**

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

This application appears on the circulated schedule due to objections received from local residents.

### **1. THE PROPOSAL**

1.1 This application seeks permission to carry out the works to 11 poplar trees covered by Tree Preservation Order 11/89, situated at the rear of 2 commercial units in Kingswood. The application originally sought permission to reduce the height and volume of 11 Poplar trees by 50%, this has now been revised to the following:

- Reduce height of trees to ridge height of existing buildings i.e 8.0m from ground level.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1 Landscape Protection

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

3.1 PK03/3348/TRE Fell 2 polar trees and 1 Ash, reduce 4 Poplar trees by 50%

### **4. CONSULTATION RESPONSES**

4.1 Parish/Town Council  
Not covered

4.2 Other Responses  
Two letters have been received from local residents raising the following comments, which have been summarised by the Planning Officer as follows:

- Recognise works are required
- Require that trees screen existing buildings
- Trees have been taken out in the past
- Legal requirement should be put in place to ensure no damage to properties
- Permission will be required to use rear land for access purposes
- Nesting magpies
- Need to protect existing planting

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

5.1 Principle of Development

Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) January 2006 seek to conserve and enhance the quality and amenity of the landscape and distinctiveness of the locality and to protect the features that contribute to the character or appearance of the area.

- 5.2 The main issues when assessing works to trees covered by a Tree Preservation Order relate to the impact of the proposed works on the health and visual amenity of the tree.
- 5.3 The Council's Tree Officer has confirmed that the trees have been previously pollarded and therefore the proposed works should be viewed as ongoing management to retain the trees in a safe condition, and therefore no objection is raised. Although not material to this application as key issues relates to health and visual amenity of trees, the Planning Officer is of the view the trees in question will maintain suitable screening.

5.4 Other Issues

Access/Damage

Issues relating to permission for use of rear lane for access purposes, possible damage to properties and need for some form of legal requirement are considered civil matters and not issues that fall within the planning remit.

Nesting Birds

An informative will be imposed advising the applicant to have regard for nesting birds

**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 works are considered to be good arboricultural practice as and comply with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

## **CONDITIONS**

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

### Reason

In the interests of the long term health of the tree(s), and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

### Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 24/11 – 24 JUNE 2011**

<b>App No.:</b>	PK11/1450/F	<b>Applicant:</b>	Mr P Fussell
<b>Site:</b>	Dyers Cottage Mission Road Iron Acton Bristol South Gloucestershire	<b>Date Reg:</b>	10th May 2011
<b>Proposal:</b>	Alterations to rear roof to include the installation of a pitched roof. Erection of single storey side extension to provide additional living accommodation.	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	369528 183853	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Householder	<b>Target Date:</b>	30th June 2011



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 100023410, 2008. **N.T.S.** **PK11/1450/F**

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

The application has been referred to the Circulated Schedule due to the receipt of one letter of objection received from a local resident.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a pitched roof and single storey side extension at Dyers Cottage, Mission Road, Iron Acton. The proposed side extension would measure 4 metres wide by 4.3 metres in depth and would have an overall height to ridge of 4.2 metres. The installation of the pitched roof would raise the existing roof height from 2.9 metres to 4 metres.
- 1.2 The main cottage is a two storey detached dwelling, located in the open countryside. In 2008 an application to convert former outbuildings and an extension to link the cottage with the outbuildings was approved.
- 1.3 During the course of the application amended plans were received to address concerns raised by Officers. The initial plans included a first floor extension measuring 20.4 metres in width and raising the ridge height to 6 metres. This element of the proposal has now been omitted and instead a pitched roof to replace the existing flat roof is proposed.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
L1 Landscape Protection and Enhancement  
  
South Gloucestershire Core Strategy, submission Draft December 2010  
CS1 High Quality Design  
CS9 Environmental Resources and Built Heritage
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.

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

- 3.1 PK07/3439/CLE Certificate of lawfulness for an existing use of outbuilding for ancillary residential purposes and existing use of land as residential curtilage.  
Approved January 2008
- 3.2 PK08/0758/F Erection of single storey extension to existing

outbuilding and single storey link extension to form additional living accommodation. Erection of detached double garage.  
Approved April 2008

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

4.1 Iron Acton Parish Council  
None received

4.2 Tree Officer  
No objections, there are no significant trees that would be affected by the proposal.

#### **Other Representations**

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

- Disrupt signal strength to satellite dish
- Proposal would be 1 metre higher than the original wall agreed in application PK08/0758/F
- The proposal would result in loss of light to house opposite
- Great deal of light entering the property enters from windows overlooking mission road, the application would result in severely darkening day to day living space.

One letter of support has been received from the next door neighbour to the property.

#### **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.

5.2 Design / Visual Amenity  
The application includes the erection of a single storey side extension and the installation of a pitched roof over the existing single storey rear extension. The proposed side extension is quite large and whilst it has a higher eaves and ridge in comparison to the single storey element of the main house, the eaves height would match that of the rear extension. The proposed extension is located to the side of the main dwelling and given the orientation of the dwelling and the position of the proposal in combination with the existing boundary treatments in place, it is not considered that the proposal would be highly visible from the road. 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.

The proposed pitched roof would only be slightly higher than the existing boundary wall, furthermore given that the roof would slope away from the road, this aspect of the proposal is not considered to significantly effect the visual amenity of the site. Consequently, it is considered that the proposals are appropriate additions to the dwelling and street scene and accord with policies D1 and H4 of the South Gloucestershire Local Plan.

### 5.3 Residential Amenity

The proposed side extension is set away from the boundaries with any neighbouring dwellings, as such it is not considered that this aspect of the proposal would have any detrimental impacts on the residential amenity of neighbouring dwellings.

The proposed pitched roof would have a maximum height of 4 metres which is only 1 metre higher than the existing boundary wall. Given that the proposed pitched roof slopes away from the road and the property opposite, Ivy Cottage, it is not considered that this aspect of the proposal would result in any overshadowing or overbearing effect on the neighbouring dwellings.

Concerns have been raised by the opposite dwelling, Ivy cottage, that the proposal would effect the amount of light entering their property. The front elevation of this neighbouring dwelling is located approximately 12 metres away from the boundary of the application site. The proposal has been reduced in scale and now the increase in height is only 1 metre above the existing boundary wall. Given that the increase in height is very limited, combined with the fact that the ridge is a further 2.3 metres away from the existing boundary wall, it is not considered that the proposal would have any significant impact on this neighbouring dwelling over and above the existing situation. In addition, whilst signal to satellite dishes is not a material planning consideration, it is not considered that the small increase in height would effect signal to the neighbouring properties satellite dish.

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.

## 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 surrounding properties. Furthermore the extensions would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the

proposal accords with Policies D1 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 conditions outlined on the decision notice.

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

## **CONDITIONS**

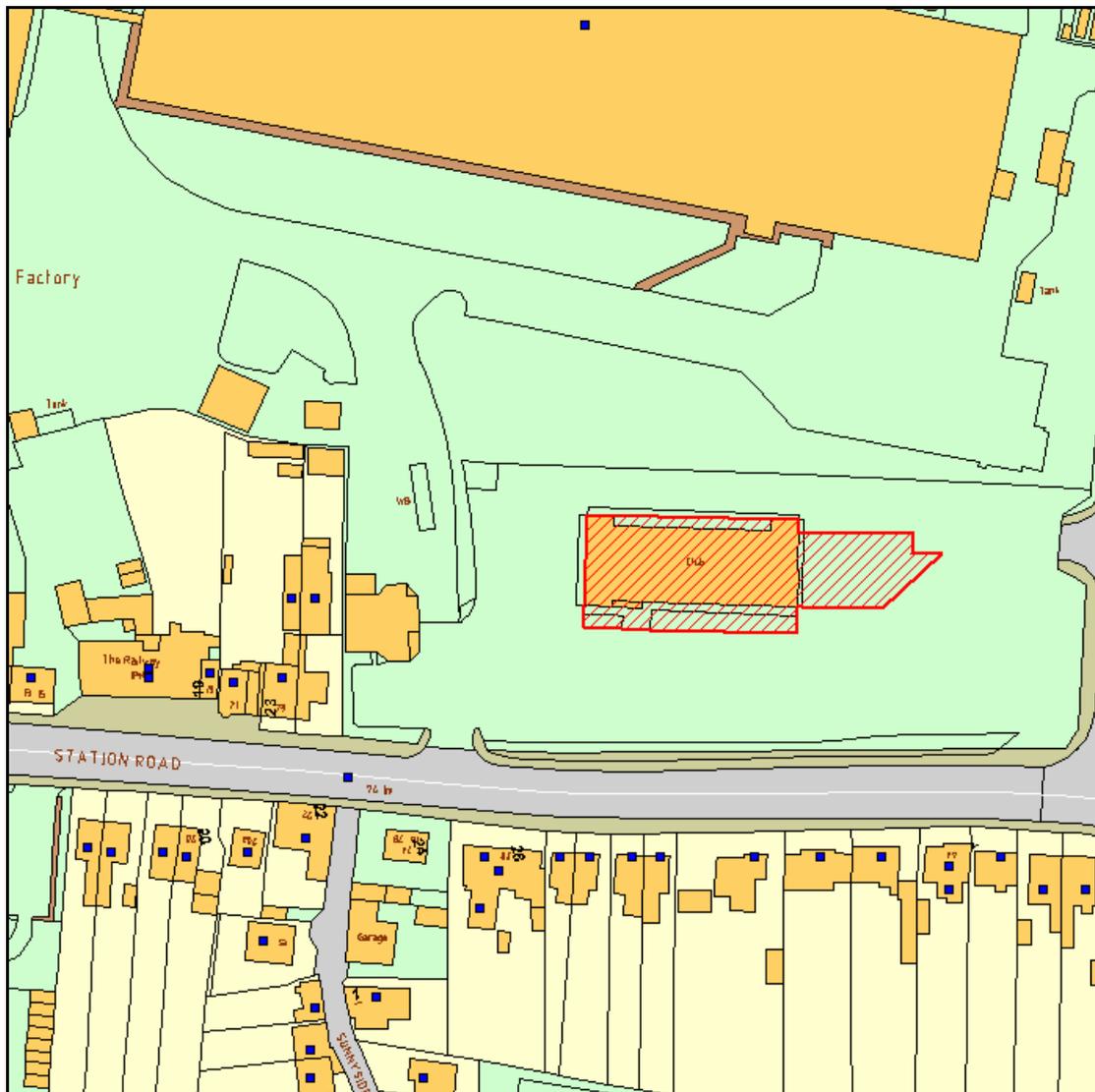
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 24/11 – 24 JUNE 2011**

<b>App No.:</b>	PK11/1474/RVC	<b>Applicant:</b>	Mr Lee Cumberland Indesit Co (UK)Ltd
<b>Site:</b>	Indesit Company UK Ltd Station Road Yate Bristol South Gloucestershire	<b>Date Reg:</b>	13th May 2011
<b>Proposal:</b>	Removal of condition 4 part of building subject to PK03/2214/F which states The use of the building hereby permitted shall remain an employees social club and shall remain ancillary to the primary use of the site and shall not become a seperate or dominate use at any time (Retrospective)	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370396 182678	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th July 2011



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 100023410, 2008. **N.T.S.** **PK11/1474/RVC**

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

This application appears on the circulated schedule due to the receipt of a letter of objection from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks consent to vary condition 4 attached to part of the building that was subject to application PK03/2214/F which was approved via the circulated schedule procedure on 5<sup>th</sup> September 2003. Condition 4 reads as follows:  
*'The use of the building hereby permitted shall remain an employees' social club and shall remain ancillary to the primary use of the site/premises and shall not become a separate or dominant use at any time.'*  
The reason for the condition read as follows:  
*'To prevent separate uses arising which may be inappropriate or over-intensive, and to accord with Policies LC3 and E2 of the South Gloucestershire Local Plan (Revised Deposit Draft).'*
- 1.2 This application seeks consent to vary this existing condition to allow part of the building approved under application PK03/2214/F to be used as a retail outlet ancillary to the production of goods at the site. The majority of the building will remain in use as a social club.
- 1.3 As initially submitted the red line was drawn around the whole of the building. During the course of the application the red line has been amended so this application now only seeks to vary the condition on a small part of the building – the remaining part of the building is to remain in use as a social club.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
T7	Cycle Parking
T8	Vehicle Parking
T12	Transportation Development Control
E3	Employment Development

South Gloucestershire Core-Strategy –Submission Draft December 2010

CS1	Design
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- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

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

- 3.1 PK03/2214/F Demolition of former factory canteen block and construction of extension to retained factory social club facilities.  
Approved September 2003

### **4. CONSULTATION RESPONSES**

4.1 Yate Town Council

The Town Council objected to the application as initially submitted due to the enormous parking problems.

Following the receipt of revised plans, the Town Council still object unless there is dedicated parking related to the retail outlet. The Town Council also request that there must be conditions of hours of use of the retail outlet given its location in a residential area. The Town Council also request a condition that the retail outlet must remain ancillary to the primary use so the only things sold are manufactured by Indesit.

4.2 Council Highway Officers

No Objection subject to the attachment of a condition

#### **Other Representations**

4.3 Local Residents

None Received.

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

- 5.1 The application effectively seeks consent to allow part of the existing building to be used as a factory outlet shop rather than as a social club. At the time of a second officer site visit on 20<sup>th</sup> June it was discovered that the shop has already opened and so this application is in fact retrospective. The reason for restricting the use of the building at the time of its initial approval in 2003 was to avoid an over intensification of the site – particularly with regards to polices LC3 relating to highway safety and impact on residential amenity. The two key issues will be discussed in turn.

5.2 Impact on Residential Amenity

At the time of the initial officer assessment in 2003, it was noted that the nearest residential properties to the building itself are on the opposite side of Longs Drive – some 50m from the building, and also the properties along Longs Drive. Due to the fact that the building was to be used as a social club, concern was raised about possible noise disturbance for these neighbours from music, people etc. In terms of potential noise disturbance, the use of the part of the building as a shop would have less potential to generate noise than the current extant use as a social club. The officer report in 2003 also made reference to the club being open until 11pm with opening until 11.30pm on occasions. By means of comparison, the shop would only be open during the day time (closing 6pm weekdays and 1pm on Saturday with no opening on Sundays or bank holidays). However, given that there are no hours of opening

restricting the use of the existing social club, it is considered that it would be unreasonable to restrict the hours of opening of the shop that would, in its own right, have a reduced impact upon existing levels of residential amenity. The impact on residential amenity from noise disturbance is therefore considered to be acceptable.

### 5.3 Transportation

The site currently occupies a one-way system with vehicles entering from Station Road and existing onto Longs Drive and this is to remain. Whilst of course it is accepted that the shop may generate some additional vehicle movements to and from the site, the shop is to be used as a factory outlet shop selling good produced on the site. The shop would be ancillary to the primary use of the site as a factory. Subject to the attachment of a condition to ensure this, your highway officers are satisfied that the additional level of traffic generated is unlikely to have a significant impact on highway safety in the vicinity of the site.

5.4 The plans also show the provision of a car park to be used in association with the shop unit. At the time of the officer site visit it was noted that this car park is already in existence and white paint clearly marks that the car park is for use of visitors to the shop only. This will be secured via the attachment of a condition.

## 6. CONCLUSION

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

6.2 Subject to the attachment of conditions, the proposed variation of condition is considered to be acceptable. The proposed variation will have no detrimental impact upon existing levels of residential amenity afforded to neighbouring occupiers and will have no significant detrimental impact upon existing levels of highway safety.

6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 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 found below.

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

## **CONDITIONS**

1. The part of the building within the red line as shown on plan SK3A (received by the Council on 9th June 2011) may be used as a factory outlet shop, ancillary to the primary use of the site and only used for the sale of goods produced at or in conjunction with the primary use of the site and shall not become a separate or dominant use at any time. The remainder of the building as shown outside of the red line on plan SK3A shall remain an employees' social club and shall remain ancillary to the primary use of the site/premises and shall not become a separate or dominant use at any time.

### Reason

Sub-division for any purpose other than those uses incidental to the existing primary use may impact upon existing levels of highway safety or residential amenity. Further planning permission would be required for any new or separate use to allow the council to consider the impact of any future development on highway safety and residential amenity in accordance with policies T12 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006

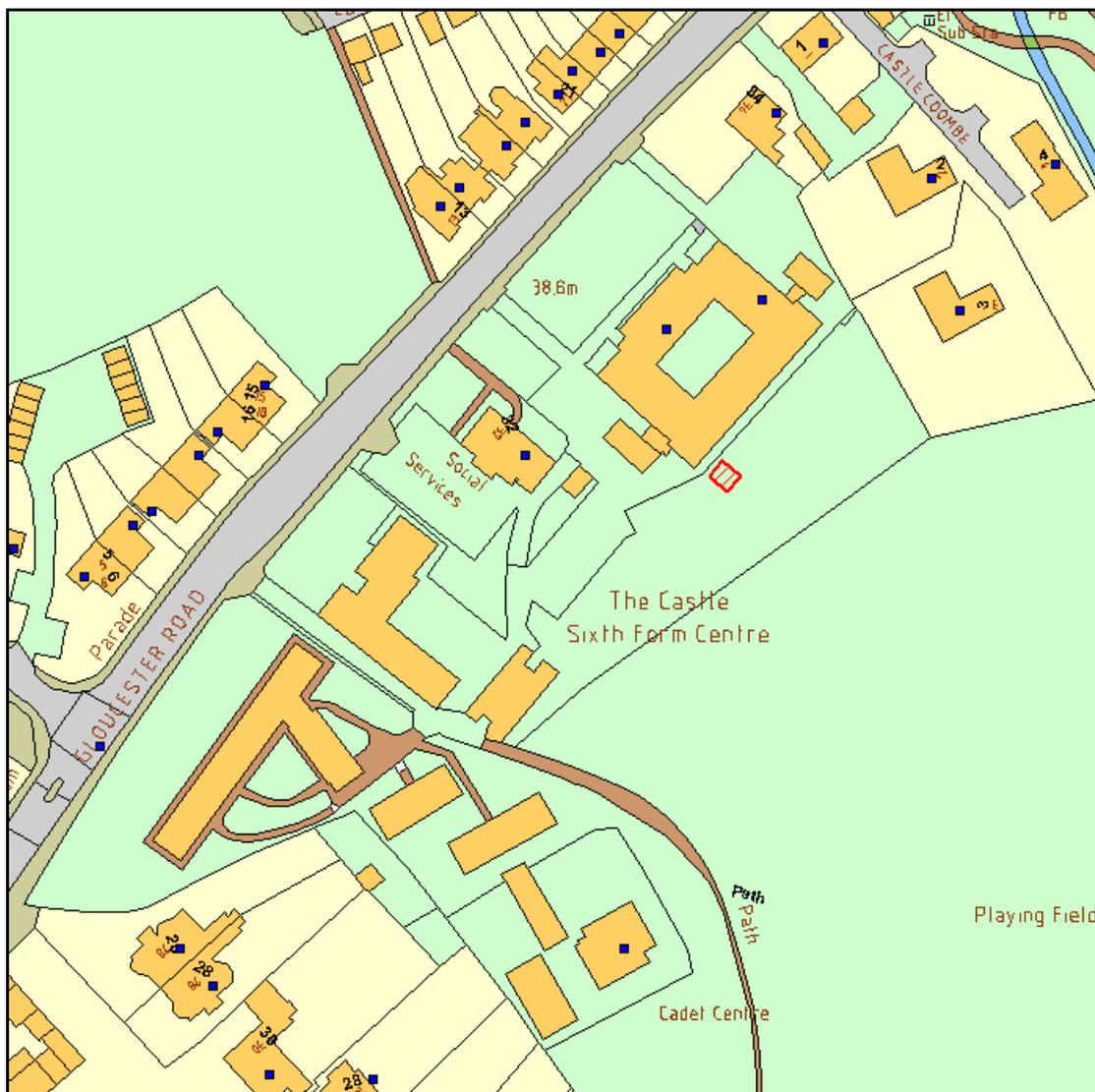
2. The parking area as shown hatched on the Site Plan, shall be provided and maintained at all times thereafter for use by visitors to the shop. The remainder of the car park and cycle parking facilities shall be retained in use on a communal basis for use by employees and visitors to the site.

### Reason

To ensure an adequate level of off street parking is available in the interests of highway safety and to comply with the requirements of Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 24/11 – 24 JUNE 2011**

<b>App No.:</b>	PT11/1197/R3F	<b>Applicant:</b>	Mr P Morland
<b>Site:</b>	Sixth Form Castle School Gloucester Road Thornbury South Gloucestershire	<b>Date Reg:</b>	23rd May 2011
<b>Proposal:</b>	Erection of Cycle Shed	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	363962 190435	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th July 2011



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 100023410, 2008. **N.T.S.** **PT11/1197/R3F**

## **INTRODUCTION**

This application appears on the Circulated Schedule because South Gloucestershire Council has made the application.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of one cycle shed measuring approximately 5.43m in width, 4.1m in depth and 2.2m in height. The shed will accommodate 20 cycles and is for the use of students, visitors and staff. It is to be located to the rear of the main school building and adjacent to the school playing field. The proposal is to replace the 2 cycle sheds granted planning permission under planning application PT10/0592/R3F.
- 1.2 The application site relates to the existing Sixth Form campus of Thornbury Castle School. The site is situated adjacent to Gloucester Road and has a large school playing field to the rear. The site lies within the settlement boundary of Thornbury.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
LC4 Proposals for Educational and Community Facilities within  
Defined Settlement Boundaries  
T7 Cycle Parking  
T12 Transportation Development Control Policy for New Development
- 2.3 South Gloucestershire Core Strategy (Proposed Changes Version) December 2010  
CS1 High Quality Design  
CS32 Thornbury
- 2.4 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) 2007

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

- 3.1 PT09/0811/F Installation of 4 no. cycle sheds.  
Approved 24 June 2009.
- 3.2 PT10/0592/R3F Erection of 2 no. cycle sheds.  
Approved 28 May 2010.

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

- 4.1 Thornbury Town Council  
No objection.
- 4.2 Sustainable Transport  
No objection.
- 4.3 Local Residents  
No response received.

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

- 5.1 Principle of Development  
As can be seen from the planning history, planning permission has previously been granted for cycle sheds but these have not been implemented. The current application proposes to relocate the previously approved sheds by incorporating student and staff cycle parking in one shed instead of two. The cycle shed will be secure and covered and have a powder coated finish in blue, representing one of the school colours. Use of 'alternative development' condition has been considered but is not considered necessary in this instance.
- 5.2 Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the improvement of educational facilities within the boundaries of settlements. On this basis it is considered that the principle of the development would be acceptable providing that the proposal would not harm the character of the area, residential amenity, or have unacceptable transportation effects.
- 5.3 Visual Amenity  
The proposed development relates to 1no. cycle shed, situated to the rear of the school but in close proximity to the car park and access. The shed is modest in scale and mass, and would adopt a fairly simple design. It is considered that the development is functional in its design and would respect the character and appearance of the site and the locality.
- 5.4 Residential Amenity  
The site is isolated and detached from any residential property. As such the proposal would not harm the amenities of nearby occupiers.
- 5.5 Transportation  
The proposed cycle sheds would promote sustainable travel and help to reduce car use. Moreover the proposal would not prejudice existing parking provision or be detrimental to highway safety.

#### **6. CONCLUSION**

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

- a) The proposed development by reason of its limited size, single storey nature and limited massing is acceptable in terms of its design and would respect the character and appearance of the existing building and the surrounding area. The proposed development would therefore accord to Policy LC4 and D1 of the South Gloucestershire Local Plan (adopted) January 2006.
- b) In view of the location of the proposed development no adverse impact to residential amenity will result. The proposed development would therefore accord to Policy LC4 and D1 of the South Gloucestershire Local Plan (adopted) January 2006.
- c) The proposed development would promote sustainable travel and help to reduce car use. The proposed development would therefore accord with Policy LC4, T7, T12, D1 of the South Gloucestershire Local Plan (Adopted) January 2006

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

## **7. RECOMMENDATION**

7.1 Planning permission to be granted subject to the following conditions:-

**Contact Officer: Vivian Butt**  
**Tel. No. 01454 863427**

### **CONDITIONS**

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

Reason

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

CIRCULATED SCHEDULE NO. 24/11 – 24 JUNE 2011

<b>App No.:</b>	PT11/1424/LB	<b>Applicant:</b>	Bristol Diocesan Board of Finance Ltd.
<b>Site:</b>	58 High Street Winterbourne Bristol South Gloucestershire BS36 1JQ	<b>Date Reg:</b>	10th May 2011
<b>Proposal:</b>	Alterations to boundary wall to facilitate the creation of new vehicular access.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364843 180997	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th July 2011



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

This application appears on the Circulated Schedule in view of the objection raised by the Parish Council.

### **1. THE PROPOSAL**

- 1.1 The application seeks listed building consent to facilitate alterations to a boundary wall to provide a new vehicular access.
- 1.2 The application relates to a front boundary wall situated on the west side of the High Street, Winterbourne. The application site forms part of the walled garden attached to the Grade II listed rectory on this side of the High Street.
- 1.3 A modified plan forms part of this application allowing a slight adjustment to the position of an existing tree adjoining the pavement.
- 1.4 The application comprises a renewal of PT08/2873/LB that would lapse later this year if not implemented.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development  
PPG13: Transport  
PPG15: Planning and the Historic Environment
- 2.2 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

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

- 3.1 N149: Alterations to existing store to form kitchen and additional bedrooms; extension at first floor level. Permitted: 11 July 1974
- 3.2 P84/1929: Alterations to existing vehicular and pedestrian access. Permitted: 8 August 1984
- 3.3 P84/1930: Erection of three dwellings; new vehicular and pedestrian access (outline). Permitted: 8 August 1984
- 3.4 P89/1690: Erection of three detached dwellings; construction of new pedestrian and vehicular access (outline): Permitted: 1 June 1989
- 3.5 P93/2538: Erection of three detached dwellings with garages; construction of new vehicular and pedestrian access (outline). Permitted: 12 January 1994
- 3.6 P96/2634: Erection of three detached dwellings with garages; construction of new pedestrian & vehicular access (renewal of outline permission). Permitted: 12 February 1997

- 3.7 P98/1549: New rectory & garage and associated car parking (reserved matters approval). Permitted: 22 May 1998
- 3.8 PT04/2694/F: Erection of new dwelling with detached garage. Permitted: 10 September 2004
- 3.9 PT07/0653/F: Erection of one detached dwelling and garage; construction of new vehicular access. Refused: 24 May 2007
- 3.10 PT08/2873/LB: Alterations to boundary wall; creation of new vehicular access. Permitted: 12 December 2008
- 3.11 PT08/2877/F: Erection of one detached dwelling and garage; construction of new pedestrian and vehicular access. Refused: 12 December 2008
- 3.12 PT09/6129/F: Erection of three dwellings with associated works; creation of new vehicular access. Permitted: 22 April 2010

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

##### 4.1 Winterbourne Parish Council

Objection: 'The Planning Committee wish to reiterate that this wall is listed. The Committee is not happy about the breach of the wall for access. The Committee is very concerned by the walls of Winterbourne High Street being blemished in this way.'

##### 4.2 Other Consultees

Historic Environment Records Officer: no comment  
Listed Building Officer: no objection  
Landscape Officer: no objection  
Highways DC: no objection

##### **Other Representations**

##### 4.3 Local Residents

No comments received

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

- 5.1 The application relates to the walled garden attached to the Grade II listed rectory on this west side of the High Street. The rectory sits apart from the garden and is not readily visible from public viewpoints along the High Street primarily in view of thick tree screening behind the walled garden. Planning permission has been granted for the erection of three detached dwellings within this walled garden (PT09/6129/F) with vehicular access through this wall.
- 5.2 This application forms a resubmission of application PT08/2873/LB that was approved in 2008. In so doing, the location and scope of the works proposed remains identical to the previous scheme which facilitated an access in this position and which was subject to extensive pre-application discussions at the time. As part of these discussions, alternative locations for this access were

investigated and it was considered that on balance, an entrance in this location would have a less harmful impact than an access coming off the lane to the south. In this regard, the condition of the wall along the front of the site was considered to be worse than that along the lane and it was concluded that it would be preferable to lose a shorter section of inferior quality wall than a longer piece of better quality walling even though it would have a greater visual impact.

- 5.3 In the light of the above, there is no objection to this application subject to the same conditions as were imposed on the previous consent. These concern safeguarding the appearance of the wall (through matching stonework, coursing and pointing) and requiring a scheme of repairs to the walls enclosing this garden to help ensure their long term survival.
- 5.4 Further, it is worth noting that at the time of the previous application, there was some concern regarding the design of the entrance with all other entrances benefiting from vertical openings allowing a shorter break in the wall. However, the sloped design is considered essential for highway safety (and also preferable to a recessed curvature in the wall to provide the necessary visibility splay).

## 6. CONCLUSION

- 6.1 The recommendation to grant listed building 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 Listed Building Consent is **GRANTED** subject to the following conditions:

**Contact Officer: Peter Burridge**  
**Tel. No. 01454 865262**

### 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. The facing stonework shall match the existing original stonework in respect of colour, texture, coursing, jointing and pointing.

Reason

To safeguard the special architectural and historic character of this curtilage listed walled garden thereby preserving the special architectural and historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at PPS5.

3. A sample panel of stonework in respect of any rebuilt sections of the wall, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To safeguard the special architectural and historic character of this curtilage listed walled garden thereby preserving the special architectural and historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at PPS5.

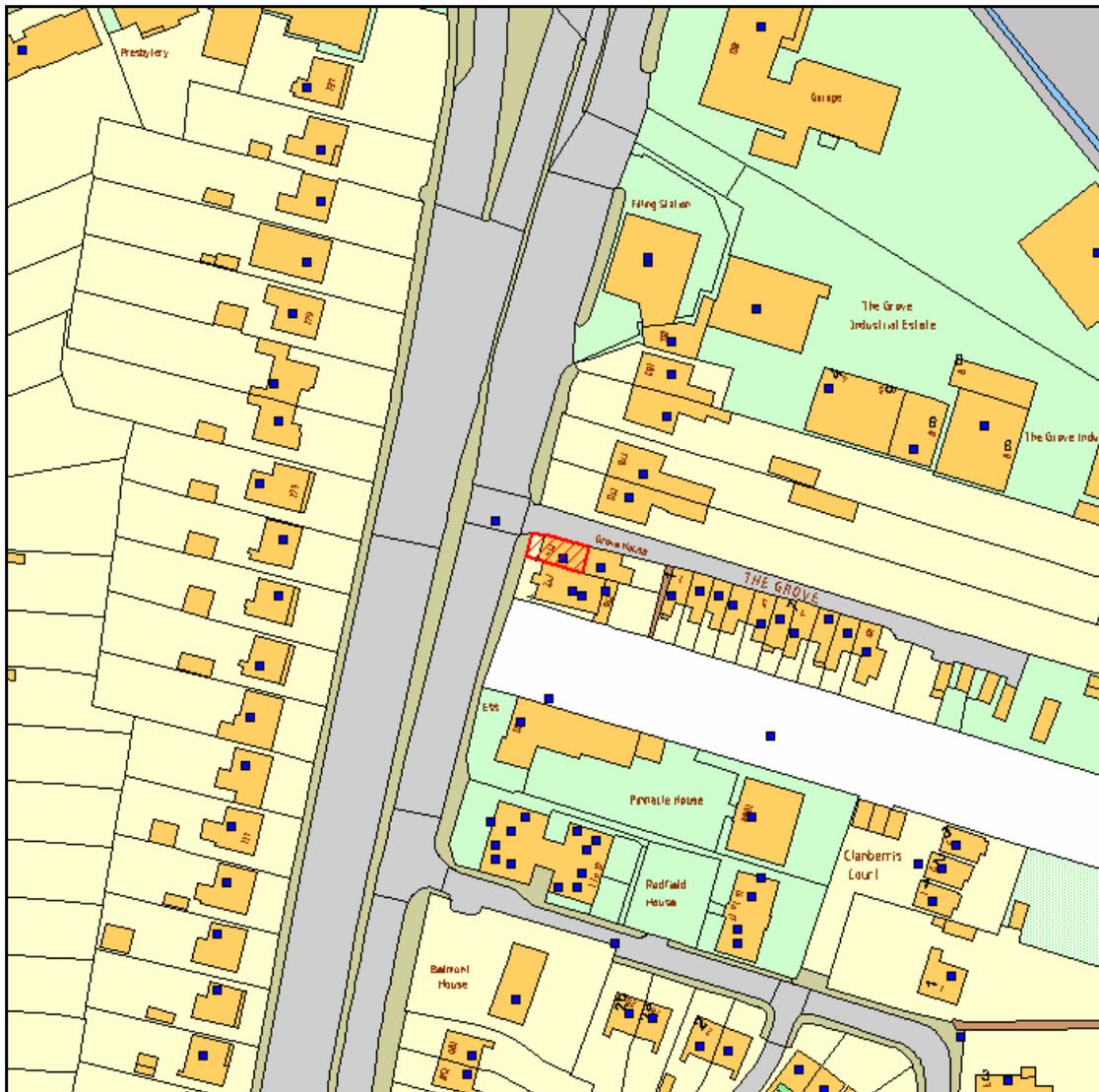
4. No development shall take place until a detailed specification and schedule of repair works in respect of all four walls enclosing this curtilage listed walled garden have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with a programme agreed in writing with the Local Planning Authority with development strictly in accordance with these agreed details.

Reason

To safeguard the special architectural and historic character of this curtilage listed walled garden thereby preserving the special architectural and historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at PPS5.

**CIRCULATED SCHEDULE NO. 24/11 – 24 JUNE 2011**

<b>App No.:</b>	PT11/1481/F	<b>Applicant:</b>	Mr Tom Cockerell
<b>Site:</b>	174 Gloucester Road Patchway Bristol South Gloucestershire BS34 5BG	<b>Date Reg:</b>	26th May 2011
<b>Proposal:</b>	Alteration to roofline to facilitate sub division of existing dwelling to form 2 no. separate flats and associated works (in accordance with amended plans received on 8 June 2011).	<b>Parish:</b>	Patchway Town Council
<b>Map Ref:</b>	360607 181466	<b>Ward:</b>	Patchway
<b>Application Category:</b>	Minor	<b>Target Date:</b>	20th July 2011



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 100023410, 2008. **N.T.S.** **PT11/1481/F**

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

This application has been referred to the Circulated Schedule due to a letter of objection received from a local resident, contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This full application relates to the alteration of roofline to facilitate the subdivision of dwelling to form 2 one bed flats at 174 Gloucester Road, Patchway.
- 1.2 The application site is an unusual property in that it only has a side and front elevation. It is attached to 172 Gloucester Road, a locally listed building (Patchway Gospel Hall) to the south, which has been converted into two flats. The front of the property faces onto Gloucester Road, a dual carriageway, with the northern (side) elevation directly adjacent to The Grove, a private road serving a small terrace of 10 properties. Grove House forms the rear of the property. There is no private amenity area. One off-street parking space and bin storage area is available immediately to the front of the site.
- 1.3 The property benefits from two separate ground floor accesses, one to the front and one to the side. The existing building is unattractive in appearance, largely due to its box-like shape caused by its flat roof to both the two storey and single storey elements of the building.
- 1.4 The proposal is to convert the existing property into 2 one-bed flats each with a kitchen, living room, one bedroom and a bathroom. The proposed roof is hipped in design to both the front and rear of the property. This is an amendment to the original scheme, which displayed a gable elevation to the front of the property.
- 1.5 The application site lies within the urban area of Patchway.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

#### **2.2 Development Plans**

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

D1	Design
L15	Locally Listed Buildings
H2	Proposals for Residential Development with Existing Urban Area and Defined Settlement Boundaries
H5	Residential Conversions and Re-use of Buildings for Residential Purposes
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

South Gloucestershire Core Strategy -Submission Draft (December 2010)

CS1	High Quality Design
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol Urban Area

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)  
Local Listed Buildings

**3. RELEVANT PLANNING HISTORY**

- 3.1 N3813 Change of use of ground floor of premises from betting shop to residential.  
Approved 15 September 1977.

**4. CONSULTATION RESPONSES**

- 4.1 Patchway Town Council  
No response received.
- 4.2 Other Consultees [including internal consultees of the Council]  
Conservation Officer  
No objection provided the roof design is altered from a gable to a hip to the front elevation.

**Other Representations**

- 4.3 Local Residents  
1 letter has been received raising concerns over parking issues.
- 4.4 Sustainable Transport  
No objection.

**5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
In considering applications for residential conversions, policy H5 of the adopted local plan is particularly relevant. This policy allows for the conversion of existing residential properties into smaller units of accommodation provided that the character of the area is maintained, the amenities of nearby occupiers is not prejudiced and adequate off-street parking and private amenity space is provided. This policy is in line with CS17 of the emerging Core Strategy.
- 5.2 Character of the Area  
The proposed development involves the erection of a hipped roof to replace the existing flat roof of the property. The flat roof over the projecting single storey element to the front is also to be replaced by a pitched roof. The only other elevational changes involve the removal/relocation of a first floor window to the side elevation. It is considered that these proposed changes will greatly enhance the appearance of the building, which currently is most unattractive. In addition, the property is attached to the converted building of the Patchway

Gospel Hall, a locally listed building. This building dates from the turn of the century and is constructed of red brick, with yellow brick window surround and quoin details. The roof is a very distinctive stepped parapet gable. In sharp contrast, the current building is rendered with a flat roof. The proposed raising of the roof to a hipped roof will be far more in character with the street scene, especially as many of the surrounding buildings have hipped roofs. The front hip will respect the stepped gable of the adjacent locally listed building as a dominant feature within the street scene and as such the proposal is considered acceptable in this regard.

### 5.3 Residential Amenity

The proposed development will have no adverse impact upon surrounding residential amenity. The property is/has been in use as a dwelling and the proposal will not result in any loss of privacy/overlooking/overbearing impact. The site is located within a predominantly residential area and an additional unit of residential accommodation will not impinge upon any neighbouring amenity.

### 5.4 Parking

No objection is raised to the proposal from the Council's Transportation Engineer. A single house is comparable to 2 flats of the size proposed in terms of traffic generation and parking demand. As such the single parking space within the curtilage is considered sufficient. In addition, Patchway is considered to be a relatively sustainable location as it has a range of facilities including shops and other services and the availability of public transport. The site is also located on a main bus route.

### 5.5 Private Amenity Space

The site has no private amenity space. However, the existing dwelling does not benefit from any garden area. It is considered that adequate areas of recreational space are available within close proximity to the site and on balance the proposal is considered acceptable 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 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 proposed alteration to the roofline improves the overall appearance of the building and the proposal would therefore accord with Planning Policies D1 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposal is acceptable in highway safety terms. As such the proposal is considered to be compliant with Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The proposed subdivision of the building would not adversely affect the character of the area or prejudice the residential amenities of the locality. As such the proposal accords with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

- 7.1 Planning permission be granted subject to conditions attached to the decision notice.

**Contact Officer: Vivian Butt**  
**Tel. No. 01454 863427**

## **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 offstreet parking and bin storage area shall be provided prior to the occupation of the development hereby permitted and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking and waste facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies H5, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

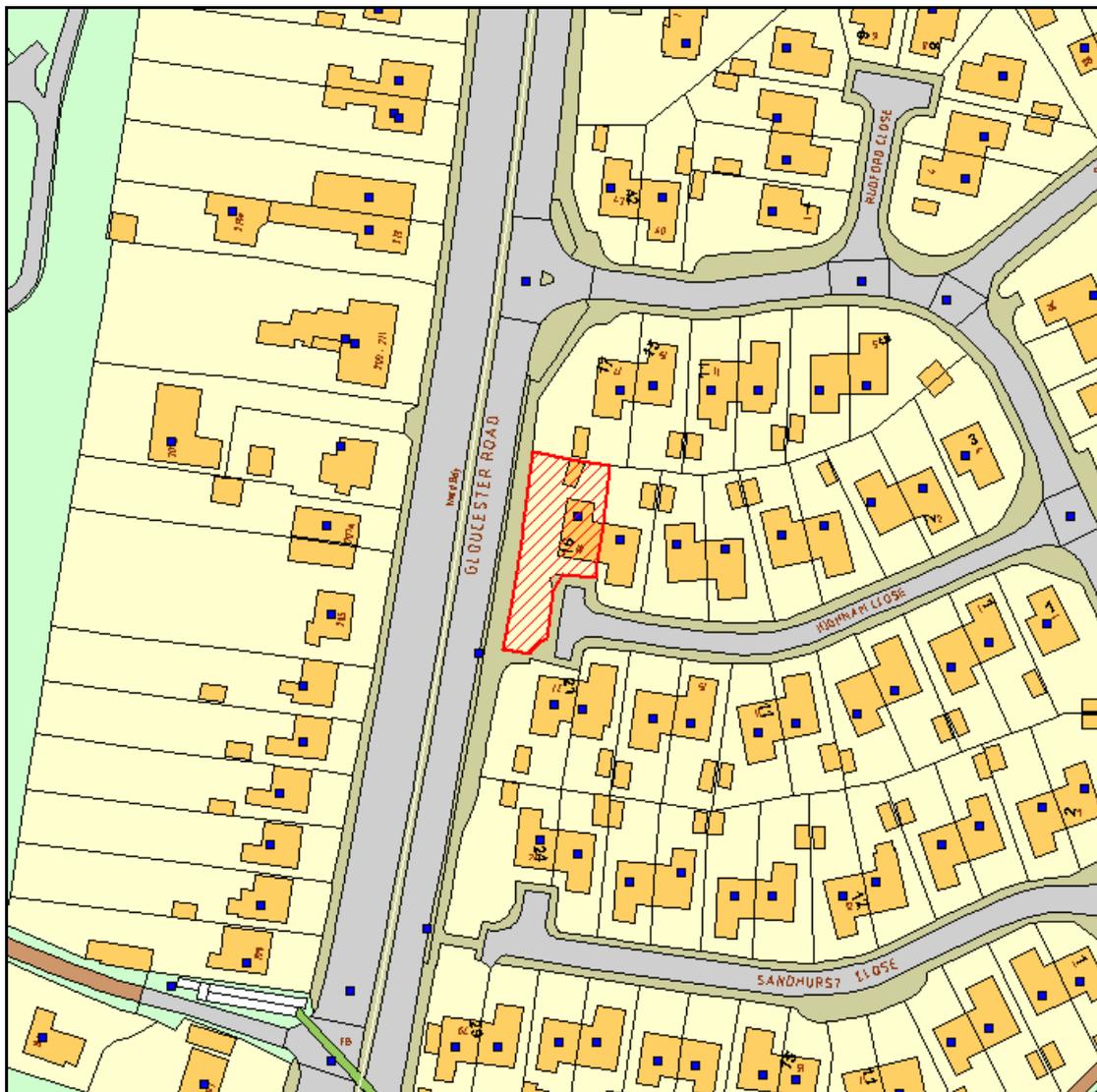
Reason

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



**CIRCULATED SCHEDULE NO. 24/11 – 24 JUNE 2011**

<b>App No.:</b>	PT11/1505/F	<b>Applicant:</b>	Mr D Cavill
<b>Site:</b>	16 Highnam Close Patchway Bristol South Gloucestershire BS34 6AB	<b>Date Reg:</b>	16th May 2011
<b>Proposal:</b>	Conversion of garage to create ancillary residential annexe (retrospective).	<b>Parish:</b>	Patchway Town Council
<b>Map Ref:</b>	360814 182234	<b>Ward:</b>	Bradley Stoke Central And Stoke Lodge
<b>Application Category:</b>	Householder	<b>Target Date:</b>	6th July 2011



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 100023410, 2008. **N.T.S.** **PT11/1505/F**

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

This application has been referred to the Circulated Schedule in view of the letters of objection received from the Parish Council and neighbours.

### **1. THE PROPOSAL**

- 1.1 The application seeks retrospective permission for the conversion of a detached garage to provide ancillary living accommodation.
- 1.2 The application relates to a single-storey semi-detached dwelling on the north side of Highnam Close cul-de-sac, Patchway.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development  
PPG13: Transport

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

H4: Development within Existing Residential Curtilages

T8: Parking Standards

T12: Transportation Development Control Policy for New Development

L18: The Water Environment

South Gloucestershire Core Strategy -Submission Draft (December 2010)

CS1: High Quality Design

CS17: Housing Diversity

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

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

- 3.1 PT07/0350/F: Erection of one dwelling with integral garage; erection of detached double garage. Refused: 13 March 2007
- 3.2 PT07/1489/F: Erection of one dwelling with associated works. Refused: 26 June 2007
- 3.3 PT08/0362/F: Erection of single-storey side extension to provide additional living accommodation. Permitted: 18 March 2008
- 3.4 PT08/1675/F: Proposed detached garage. Permitted: 5 August 2008

## 4. CONSULTATION RESPONSES

### 4.1 Patchway Town Council

Objection: over development and out of keeping with the area

### 4.2 Other Consultees

Highways DC: no objection

Drainage: no objection in principle

## Other Representations

### 4.3 Summary of Local Residents comments

Seven letters received expressing the following concerns:

- No letters received from neighbours so extension of time is requested;
- The original plans that included this type of residence were rejected;
- If this a loophole in the system, it should be dealt with and permission refused;
- The narrow streets cannot cope with more cars parked on the road;
- It will exacerbate existing drainage problems in the area;
- It is suspected that the garage has already been converted;
- The proposal flouts the reasons of the refusal given in 2007;
- The original dwelling is rented out by room;
- The garage was built to a high standard as a dwelling.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Planning policy H4 is permissive of house extensions and development within residential curtilages where acceptable having regard to issues of design, residential amenity and highway safety. Further, it is advised that where extensions are potentially capable of separate accommodation but lack an acceptable level of separate parking or private amenity space, the Council will impose a condition on the permission to ensure that the build should only be used as ancillary accommodation to the main dwelling.

### 5.2 Background

Two applications have been previously considered for a dwelling on this site; these applications are identified above. The first sought permission for a four-bedroom chalet style dwelling that was refused for the following reasons:

1. *The proposal would result in a four-bed property with only access to one useable parking space within ownership, and limited access to the parking area of the existing dwelling off a turning head. As a consequence there will be an increase in on-street congestion compromising the use of the turning head and resulting in vehicles being required to reverse unacceptable distances along a sub-standard width highway. This is considered to be contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.*

2. *The proposal represents an over-development of the site, which would be cramped in appearance and would detract from the visual amenities of the area. The proposal is therefore contrary Policy D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.*
  3. *The proposed development does not provide adequate amenity space to support a four-bedroom dwelling. The proposed garden space does not provide privacy from users of the street is subjected to noise from the A38 and is considered inadequate in size for the development it is to support. The proposal is therefore considered contrary to Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.*
- 5.3 The second application sought approval for a smaller single-storey two-bedroom dwelling that would have been devoid of a garage building. This was refused for the following reasons:
1. *The proposal represents an over-development of the site, which would be cramped in appearance and would detract from the visual amenities of the area. The proposal is therefore considered contrary to Policy D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.*
  2. *The proposed development does not provide adequate amenity space to support a two-bedroom dwelling. The proposed garden space does not provide privacy from users of the street is subjected to noise from the A38 and is considered inadequate in size for the development it is to support. The proposal is therefore considered contrary to Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.*
- 5.4 Design/ Visual Amenity  
The application relates to a detached garage building that was the subject of application PT08/1675/F and seeks retrospective permission for its change of use to provide ancillary accommodation. The proposed floor plan shows a kitchen and shower room to the rear with a day room to the front. The works would appear to have been undertaken with a window contained within the prominent east elevation of the building (facing the cul-de-sac) and with a bathroom window facing the west boundary. The garage door has been reduced in size (when compared to the approved garage plans) with a pedestrian door also added.
- 5.5 The proposal does not provide any further alterations to the building with it the same size as originally approved. Accordingly, it is considered that there can be no sustainable objection to the altered external appearance of the building with the revised openings considered to be acceptable.
- 5.6 Notwithstanding the above, concern has been raised regarding the level of accommodation proposed given that the annexe could be occupied independently from the dwelling; this is perceived as way of gaining that approval for a dwelling despite refusal of the two previous applications.

5.7 In response, it is considered that the previous applications have ruled out the principle of a separate new dwelling thus despite the reduction in size of the existing building, (that would help to address the refusal reasons in respect of over-development), the conversion of this building to a dwelling would still be unacceptable given the lack of amenity space and parking. Nonetheless, planning policy H4 advises that in such circumstances, the Council might impose a condition to ensure the accommodation remains ancillary to the host dwelling. Subject to this condition, it is considered that there can be no sustainable objection to this current application.

5.8 In support of the above, a previous appeal decision is noted where the Inspector referred to the case of Uttlesford DC v SSE and White (1992) where the Inspector concluded:

*'...In the end it amounts to no more than the fact that the elderly relative to be accommodated would have her own bedroom, bathroom and, I assume, lavatory, small kitchen, somewhere to sit and her own front door. To that extent, she will be independent from the rest of the family. I find no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling...'*

5.9 Residential Amenity

The building sits apart from the neighbouring dwelling to the south, in respect of which, by virtue of the original permission, the relationship between the host building and this neighbouring property was considered to be acceptable. Further, with the proposal to remain ancillary and with no windows facing this neighbouring dwelling, it is not considered that any significant adverse impact in residential amenity would be caused.

5.10 All other neighbouring dwellings are positioned at an appreciable distance from the proposal. On this basis, it is not considered that any significant adverse impact in residential amenity would be caused

5.11 Highway Safety

Comments from the Councils Highway Officer advise that sufficient parking remains within the curtilage whilst it is not anticipated that the annexe would give rise to any significant increase in traffic generation. On this basis, there is no transportation objection whilst these comments are considered to help address those concerns that have been raised.

5.12 Outstanding Issues

Drainage concerns have been expressed. Accordingly, the Councils drainage engineer has considered the application and raised no objection in principle although it is considered that in the event that permission is granted; a drainage condition should be attached. Given that this is a retrospective application, a time limit for these details should be imposed.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- 6.3 The recommendation to grant permission is for the following reasons:
1. The design of the converted building is considered to be acceptable and compliant with the requirements of planning policies D1 (Achieving Good Quality Design in New Development) and H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.
  2. The proposed annexe accommodation is considered to be acceptable in residential amenity terms and would accord with Planning Policy H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.
  3. The proposal is considered to be acceptable in highway safety terms with sufficient parking space retained. The proposal is therefore considered to be compliant with Planning Policies D1 (Achieving Good Quality Design in New Development) and H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.

## 7. RECOMMENDATION

- 7.1 Planning Permission is **GRANTED** subject to the following conditions:

**Contact Officer: Peter Burridge**  
**Tel. No. 01454 865262**

### CONDITIONS

1. The annexe accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 16 Highnam Close.

Reason

In view of the restricted size of the site and in the interests of highway safety to accord with Planning Policies D1, H4, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. Within three months of the date of this decision, drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall accord with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with planning policy L8 of the South Gloucestershire Local Plan (Adopted) January 2006.