

**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY
THE DIRECTOR OF ENVIRONMENT AND COMMUNITY SERVICES**

CIRCULATED SCHEDULE NO. 35/14

Date to Members: 29/08/14

Member's Deadline: 04/09/14 (5pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

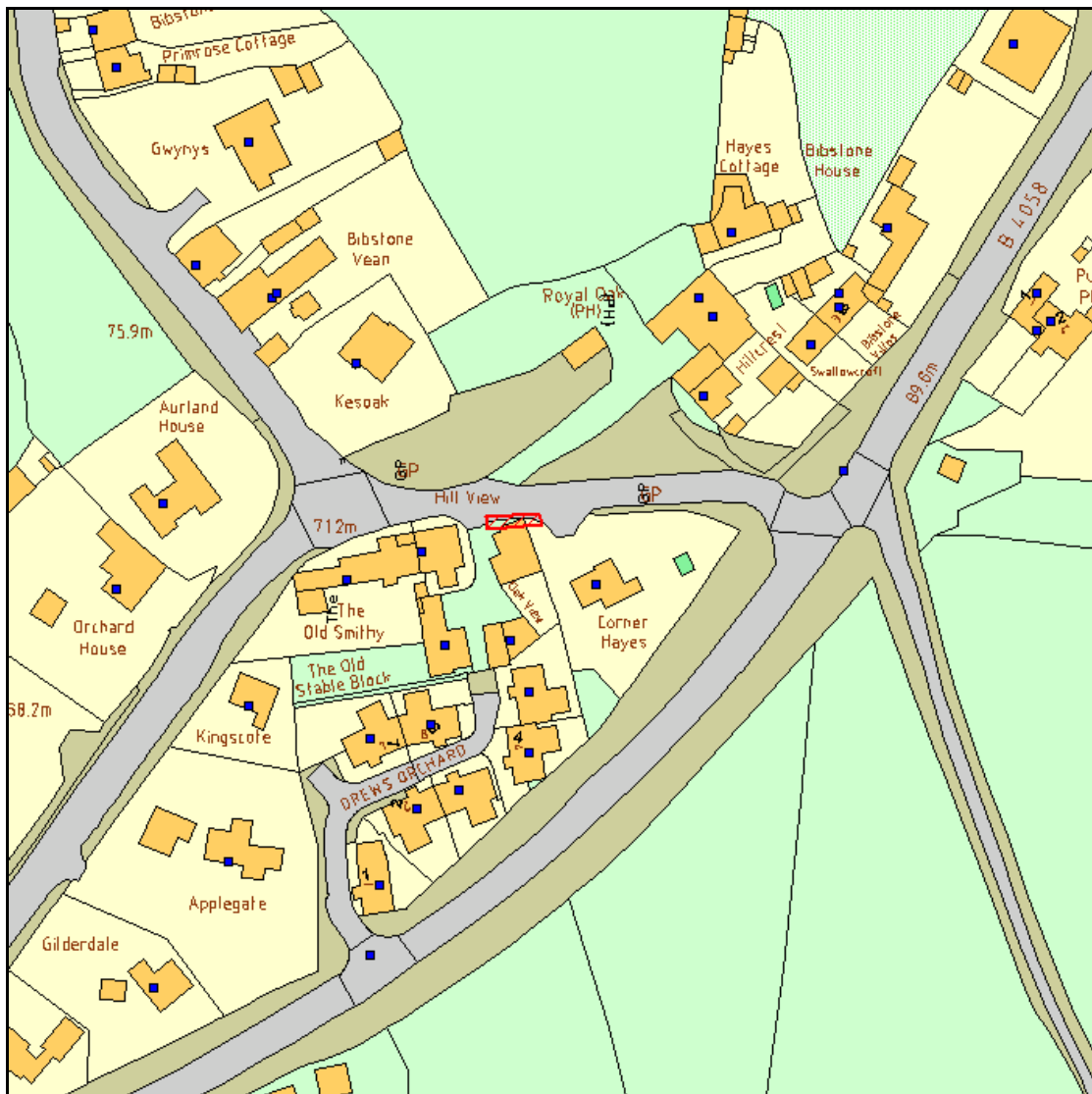
CIRCULATED SCHEDULE – 29 AUGUST 2014

| ITEM NO. | APPLICATION NO | RECOMMENDATION | LOCATION | WARD | PARISH |
|----------|----------------|----------------------------|---|-----------------------|--|
| 1 | MODT14/0002 | Approved Subject to | Land To The NW Of Corner Hayes Bibstone Tortworth Road Cromhall Wotton Under Edge South Gloucestershire GL12 8AE | Charfield | Cromhall Parish Council |
| 2 | PK14/0752/F | Approve with Conditions | Land Adj. To 50 Stanley Road Warmley South Gloucestershire BS15 4NX | Siston | Siston Parish Council |
| 3 | PK14/1041/F | Approve with Conditions | 21 Badminton Road Downend South Gloucestershire BS16 6BB | Downend | Downend And Bromley Heath Parish Council |
| 4 | PK14/1645/RV | Approve with Conditions | 13 Regent Street Kingswood South Gloucestershire | Kings Chase | None |
| 5 | PK14/2262/F | Approve with Conditions | 56 Riding Barn Hill Wick South Gloucestershire BS30 5PA | Boyd Valley | Wick And Abson Parish Council |
| 6 | PK14/2314/F | Approve with Conditions | Majorlift Hydraulic Engineering Ltd Arnoldsfield Trading Estate The Downs Wickwar South Gloucestershire GL12 8JD | Ladden Brook | Wickwar Parish Council |
| 7 | PK14/2432/F | Approve with Conditions | West Field Byre Nibley Lane Iron Acton South Gloucestershire BS37 9UR | Frampton Cotterell | Iron Acton Parish Council |
| 8 | PK14/2557/CLP | Approve with Conditions | 10 Jubilee Crescent Mangotsfield South Gloucestershire BS16 9BA | Rodway | Mangotsfield Rural Parish Council |
| 9 | PK14/2565/F | Approve | 136 Memorial Road Hanham South Gloucestershire | Hanham | Hanham Abbots Parish Council |
| 10 | PK14/2577/CLP | Refusal | 5 Brayne Court Longwell Green South Gloucestershire BS30 7DS | Longwell Green | Oldland Parish Council |
| 11 | PK14/2623/LB | Approve with Conditions | Wendover House 170 Downend Road Downend South Gloucestershire BS16 5EB | Downend | Downend And Bromley Heath Parish Council |
| 12 | PK14/2642/CLP | Approve with Conditions | 12 Bishop Road Emersons Green South Gloucestershire BS16 7ET | Emersons | Mangotsfield Rural Parish Council |
| 13 | PK14/2773/CLP | Approve with Conditions | 2 Lytchet Drive Downend South Gloucestershire BS16 6SA | Emersons | Mangotsfield Rural Parish Council |
| 14 | PT14/1586/F | Approve with Conditions | Damson House 139 Down Road Winterbourne Down South Gloucestershire BS36 1DF | Winterbourne | Winterbourne Parish Council |

ITEM 1

CIRCULATED SCHEDULE NO. 35/14 – 29 AUGUST 2014

| | | | |
|----------------------------------|--|-------------------------|----------------------------|
| App No.: | MODT14/0002 | Applicant: | Mr Daren Jeffery |
| Site: | Land To The NW of Corner Hayes Bibstone Tortworth Road Cromhall Wotton Under Edge South Gloucestershire | Date Reg: | 7th July 2014 |
| Proposal: | Modification of S106 agreement dated 21 April 1999 as parking space for Kesoak no longer required. | Parish: | Cromhall Parish Council |
| Map Ref: | 369813 191114 | Ward: | Charfield |
| Application Category: | | Target Date: | 15th August 2014 |



© South Gloucestershire Council 2007. all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008. N.T.S. MODT14/0002

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application appears on the circulated schedule as it seeks agreement to amend an existing S106 legal agreement.

1. INTRODUCTION AND BACKGROUND

- 1.1 Outline planning permission was first granted for the erection of a detached three bedroomed property on the site in 1991 under application number P91/2572. Due to the topography of the site, no off street parking was provided on site at that time. Instead, parking was secured off site on an area of land known as 'between Hill View and Corner Hayes'. This was subject to a condition – condition 5.
- 1.2 By the time the reserved matters application (P92/1836) was considered, an easement for vehicles had been secured through the Royal Oak pub car park that abuts the site. This would give vehicular access directly to the site and allow for the satisfactory parking of cars within the curtilage of the dwelling. However, the easement was granted subject to a clause that the right of way could be extinguished at any time, by any party, with only six months notice.
- 1.3 In 1996 (under application P96/1870) an application was submitted to remove condition 5 attached to P91/2572. Because of the 6 month 'get out' clause attached to the easement across the pub car park, on 19th Dec 1996 the DC West committee resolved to grant consent subject to the signing of a S106 legal agreement. After a long delay, a S106 agreement was signed on 21/4/99 to ensure that an alternative parking space is provided if the right of access through the public house car park is withdrawn. The parking space agreed was on land at Corner Hayes.

2. PROPOSED AMENDMENTS TO THE S106

- 2.1 This application seeks to secure a deed of variation to remove the need to provide any parking within the grounds of Corner Hayes as the application dwelling is now self sufficient in terms of off street parking provision.
- 2.2 This is because in 2011, under application PT11/1976/F consent was granted for the provision of off street parking space within the residential curtilage of the dwelling (known as Kesoak). The off street parking approved took the form of a lay-by that was cut into the curtilage of Kesoak. The off street parking provision was, at that time, assessed by the highway engineers and deemed to be acceptable to serve the dwelling.
- 2.3 This off street parking was subsequently implemented and is available. As a result of this, the dwelling is no longer reliant in any way on the agreed easement across the car park of The Royal Oak pub. Due to changes in ownership of the public house, your officer is not even certain if the easement still exists. If the easement does not exist, satisfactory off street parking provision can still be provided within the curtilage negating the need to have any further off street parking space within the grounds of Corner Hayes. The S106 agreement signed in 1999 has therefore become un-necessary

3. CONCLUSION

- 3.1 In conclusion, the proposed modifications sought are considered to represent a reasonable response to the change in circumstances that have occurred since the S106 legal agreement was signed in 1999.

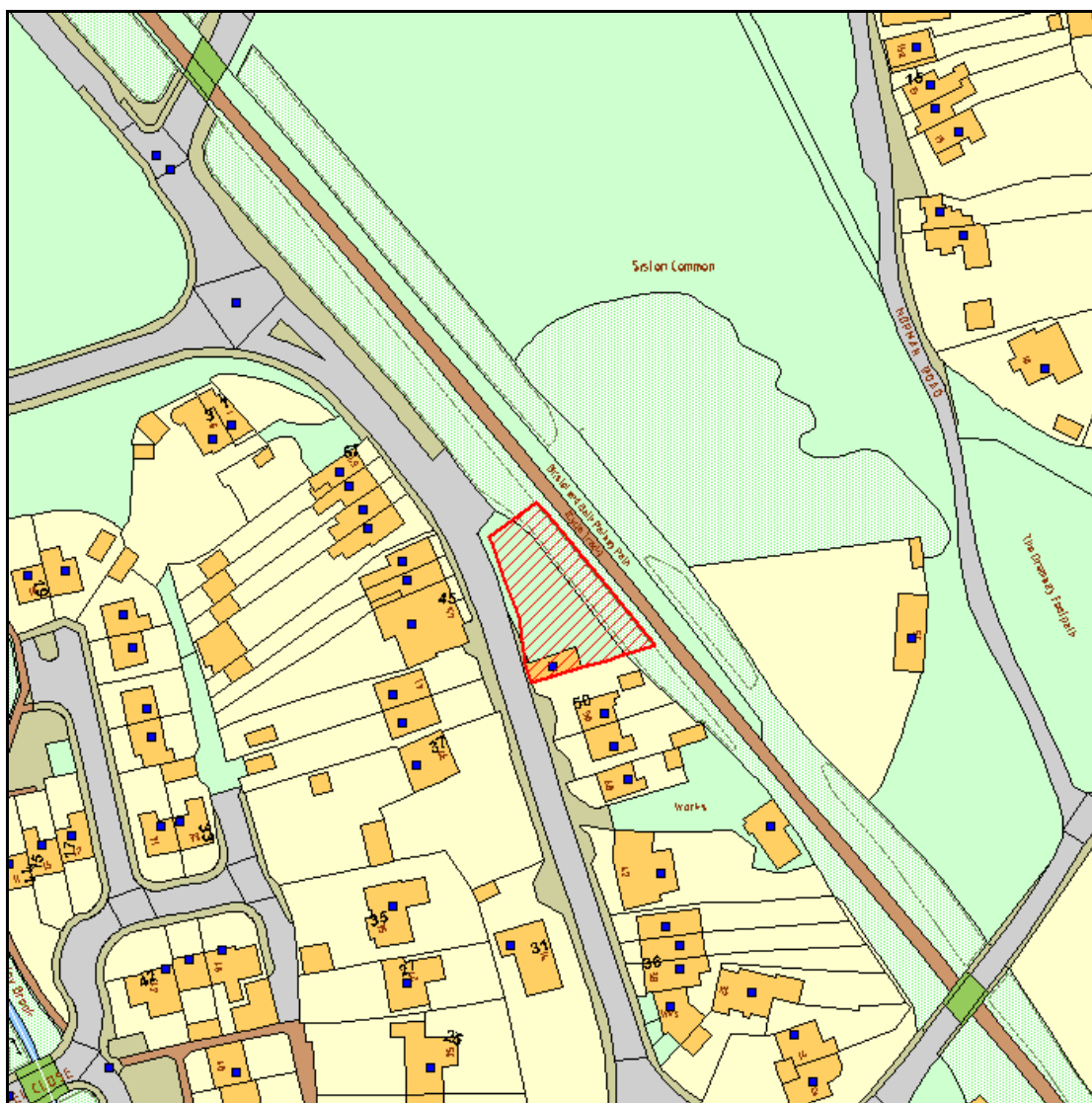
4. RECOMMENDATION

- 4.1 That the Director of Environment and Community Services be authorised to instruct Legal Services to agree a Deed of Variation under section 106 of the Town and Country Planning Act 1990 (as amended) to remove the requirement for any off street parking to be provided outside of the residential curtilage of the dwelling known as Kesoak, Cromhall at any time.
- 4.2 That the Head of Legal & Democratic Services be authorised to prepare and seal the agreement.

Contact Officer: M Bath
Tel No. 01454 864769

CIRCULATED SCHEDULE NO. 35/14 – 29 AUGUST 2014

| | | | |
|----------------------------------|---|-------------------------|---------------------------------------|
| App No.: | PK14/0752/F | Applicant: | The Findlay Estate Company Limited |
| Site: | Land Adj. To 50 Stanley Road Warmley Bristol South Gloucestershire BS15 4NX | Date Reg: | 11th March 2014 |
| Proposal: | Demolition of single storey garage to facilitate the erection of 2no. detached dwellings with attached garage, access and associated works. (Resubmission of PK13/3669/F). | Parish: | Siston Parish Council |
| Map Ref: | 366864 173850 | Ward: | Siston |
| Application Category: | Minor | Target Date: | 1st May 2014 |



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK14/0752/F**

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as there is public comment received in relation to this planning application which is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The site contains a building alongside the southerly boundary of the site which has vehicular access onto Stanley Road. The site is enclosed along its easterly elevation by the former railway embankment now designated as a formal recreational route (Bristol and Bath Railway Path) and is used as a cycle track and walkway.
- 1.2 The application proposes the construction of 2 detached dwellings with associated garages and off street parking together with access onto Stanley Road.
- 1.3 This application is a resubmission of a previously refused planning application (PK13/3669/F). The application was refused for the following reasons;
 - i) *The proposed development would require the significant alteration and encroachment of the embankment associated with the Bristol to Bath Cycle Track in order to create adequate garden space, garaging and to allow the useful positioning of the 3 proposed dwellings within the site. This would result in a significant and detrimental change in the character of the embankment and the visual amenity of the site; and would result in a cramped form of development. This would in turn, create a detrimental impact upon the character and amenity of the Bristol to Bath Cycle Route as a recreational route. The proposed development is therefore contrary to Policy D1, L1, H2, H3, H4 and LC12 of the South Gloucestershire Local Plan (adopted) January 2006.*
 - ii) *Part of the site is formed by the southern part of the embankment associated with the Bath to Bristol Railway Path. This part of the site is located within the Bristol/Bath Green Belt. The development, in the form of significant engineering work associated with the creation of proposed garden space to the level of the embankment, the positioning of the proposed dwellings and construction of garaging would encroach into the embankment. It is considered that this form of development would create a harmful impact in respect of the visual amenity and openness of the Green Belt and the purpose of including the land within it. The applicant has not demonstrated that very special circumstances apply such that the normal presumption against development within the Green Belt should be overridden. The proposal is therefore contrary to the provisions of Policy GB1 of the South Gloucestershire Local Plan (Adopted) 2006 and the South Gloucestershire Development in the Green Belt SPD (Adopted) 2007.*
- 1.4 The site is located within the Bristol East Fringe, with the boundary of the urban area forming the easterly boundary of the site. The Bristol Green Belt abuts the urban boundary. There is some ambiguity regarding the position of the site and the relationship of it with the urban boundary and the Green Belt. In this

instance, officers have formed the view that the site is entirely within the urban area but abutting the rural area and Green Belt. This is discussed in more detail below.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
T12 Transportation Development Control Policy for New Development.

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design.
CS5 Location of Development.
CS16 Housing Density
CS17 Housing Diversity
CS34 Rural Areas.

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire Supplementary Planning Document: Green Belt (Adopted) 2007
South Gloucestershire SPD: Residential Parking Standards (due for adoption) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/3669/F Demolition of single storey garage to facilitate the erection of 3no. dwellings and 1no. detached garage with access and associated works.

Refused 28th November 2013

- 3.2 PK12/4201/F Demolition of single storey garage to facilitate the erection of 4no. semi-detached dwellings with integral garages and associated works.

Withdrawn

- 3.3 PK05/0201/RVC Variation of condition 2 attached to previously approved planning permission PK99/0210/O dated 25th February 2000 to extend the period of submission of reserved matters the erection of one dwelling (outline).
Withdrawn

- 3.4 PK99/0210/O Residential development for one dwelling (Outline).

Approved 25th February 2000

- 3.5 K3783/1 Erection of 1no. Dwelling and garage (outline)
Approved 11th December 1995

3.6 K2614/15 Retention of linear path as route for cyclists and walkers, and use of land for public open space.

Approved 28th November 1994

3.7 K3783 One house

Withdrawn 5th November 1981

4. CONSULTATION RESPONSES

4.1 Siston Parish Council

The Parish Council do not object to the proposed layout based upon the revised submission. The Parish Council notes that the development could be considered cramped in nature and request that the development is carried out in such a way to allow vehicles to access and egress the site in a forward gear. The Parish Council also suggests that construction vehicles should not be allowed to stand in the highway outside the site unnecessarily.

4.2 Highway Authority

No objection subject to the imposition of planning conditions to secure the provision of the footway proposed to be along the front of the site; and the provision of on-site parking spaces.

4.3 Drainage Engineer

The engineer has initially raised objection to the proposed development as further information relating to a surface water drainage plan is required. However, further discussion between the agent and the Drainage Engineer has clarified the matter and a suitably worded condition relating to the provision of Sustainable Drainage Measures (SuDS) is considered appropriate to address this issue. Any culvert present on site would likely need to be modified under separate Land Drainage Legislation.

4.4 Landscape Architect

No Objection in principle subject to condition(s) relating to replacement hedging and boundary treatment.

4.5 Environmental Health Officer

No objection in principal subject to condition(s) relating to contaminated land investigation/remediation.

4.6 Coal Authority

The Coal Authority initially objected to the proposed development on the basis that further investigations were required regarding potential mining anomalies associated with the site and surrounding area.

However, the applicant submitted a ground investigation report, dated 2nd May 2014 (following comprehensive on site investigation). The Coal Authority have considered the evidence submitted with the report and state that 'the content and conclusions of the ground investigations report from GRM (dated 2 May 2014) are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development'.

On this basis, The Coal Authority have **withdrawn** the objection. No conditions to any consent relating to the proposed development are requested.

Other Representations

4.7 Local Residents

12 sets of comments have been received, all of which are made in objection to the proposed development. The comments are summarised as follows;

The proposed development of two houses is too much for the site and would result in a cramped form of development.

The proposed development would have a harmful impact on the visual character of the locality

One house on this site is enough

The proposed development is located on a busy road and would result in a detrimental impact on highway safety due to additional vehicular movements in and out of the site.

There is not sufficient parking on the site or in the immediate local area.

The development would result in the loss of parking spaces available to local residents and loss of access to existing dwellings as a result of additional parked vehicles on the highway.

The proposed development is too close to existing dwellings on the opposite side of the road to the site and as such there would be a loss of privacy for existing residents as a result of overlooking and overbearing development.

Concern is raised regarding the provision of balconies as part of the development.

An alternative alignment of the proposed dwellings is suggested to address the overlooking issues.

The land owner has removed vegetation from the railway embankment.

The mature hedge on the front of the site should be retained.

There are known mining issues on the site and a drainage culvert.

The development would cause flooding in the locality

There is a public right of way across the land to access the cycle track

Reference is made to a previous consent for one dwelling on the site where it was required that the culvert should be retained as a feature of the development.

Construction traffic should not be allowed to park on the highway.

5. ANALYSIS OF PROPOSAL

5.1 The proposed development consists of the erection of two detached dwellings with associated garages and access onto Stanley Road.

5.2 Principle of Development

It is noted that the site is at the very edge of the urban area and that the Bristol and Bath Railway Path abuts the easterly boundary of the site. It is considered that the Bristol Bath Railway Path is within the open countryside and the Green Belt. However, there is ambiguity regarding the exact line of the boundary of the urban area and the extent of the embankment associated with the railway path. In this instance, the applicant has surveyed the toe of the embankment. Officers are satisfied that it is most likely that the embankment lies within the urban area and that the boundary of the open countryside and green belt is aligned with the top of the embankment. On this basis, officers considered that the whole of the application site lies within the Bristol East Fringe Urban Area.

5.3 Accordingly, the relevant policies for the consideration of this application are Policies CS1 and CS5 of the adopted South Gloucestershire Local Plan Core Strategy. The policies indicated that the proposed development is acceptable in principle subject to the following considerations.

5.4 Green Belt

Although the site is not located within the Green Belt, the site is adjacent to it and as such consideration should be given to the impact of the development on the openness of the Green Belt. The previous planning application was refused in part because it was considered that the development would have been conspicuous as a result of the effective levelling of the embankment relating to the railway path. However, this application details a reduction in the number of dwellings on the site from three to two. This has allowed the dwellings to be positioned within the site without the need to level out the railway embankment to create garden space. No work is proposed to the railway embankment as part of this proposal and there is improved separation from the boundary of the urban area and the Green Belt beyond. It is considered that the built development would take place entirely within the urban area and as such no encroachment into the Green Belt would occur and that the development would not have a material impact on the openness of the Green Belt itself. On this basis, there is no objection to the proposed development on Green Belt grounds.

5.5 Design and Impact on Local Character and Visual Amenity

The general locality is characterised by a variety of building styles, scale and periods. Immediately opposite the proposal site are late Victorian or Edwardian houses whilst to the immediate south of the site are located hipped roof dwellings typical of the mid 20th Century. A mixture of stone and render materials are present.

5.6 The proposed dwellings are modest in scale and positioned at the front of the site aligned with Stanley Road. The proposed development includes the provision of a new footway within the site which allows for the dwellings to be set back from the back edge of the existing highway. Front porches would effectively push the main front elevations of the dwellings further back from the

- highway. The design and detailing of the proposed dwellings is contemporary in nature. However, reference is made to the character of the locality in terms of the proposed materials, scale and proportions of the dwellings proposed. In this instance officers consider that the design of the dwellings is consistent with the surrounding locality and is acceptable.
- 5.7 Notwithstanding the above, there are objections to the proposed development which raise concern over the layout of the development and that it would be a cramped form of development. This application is effectively a reduction in the number of units from three to two compared to the previous planning application (PK13/3669/F). It is considered that there is sufficient room for two dwellings on this site and that it would not appear cramped. The proposed positioning at the front of the site would be consistent with the general locality which has dwellings located close to the highway and also further back within the relative plots. The applicant has provided a street scene drawing which officers are satisfied presents a reasonable assessment of the appearance of the development alongside existing dwellings to the south of the site. On this basis, officers consider that the design and layout of the development is acceptable and would not harm the character and visual amenity of the locality.
- 5.8 Landscaping
There are concerns raised regarding the loss of vegetation on this site. Officers acknowledge that vegetation has been removed from the site and this includes the area of railway embankment within the site itself. The vegetation on the site was cleared by the applicant. There is no protection afforded to the vegetation and no Tree Preservation Orders have been breached as a result of the site clearance. The fact that the site has been cleared of vegetation is not a planning consideration as the owner of the site is entitled to carry out this work without any planning consent.
- 5.9 Notwithstanding the above, the proposed development does include provision for the improvement of the hedgerow along the boundary of the site with the adjacent railway path. It is considered that this is of benefit to the setting of the railway path as a community and historical asset. This can be secured by way of condition in the event that the application is approved. The boundary of the site with Stanley Road would be open along the frontage of the proposed dwellings whilst a wall (1.8 metres high) would be constructed to enclose the garden area to Unit 1 (in the northern half of the site). There is no specific solution proposed to the northern boundary of the site in landscaping terms. However, it is considered that a suitable solution (such as a new hedgerow) can be found by way of condition in the event that this application is approved. In general terms, it is not considered that the site has any particular visual merit in its current form and that the proposed development with suitable landscaping would act to improve the visual amenity of the locality and in particular the amenity of the railway path. On this basis, it is considered that the proposed development is acceptable in landscaping terms.
- 5.10 Residential Amenity
Objections are raised as to the impact of the development on the residential amenity of the occupants of nearby dwellings. In particular, the concern relates to the proximity of the front windows of the dwellings with the same relating to the houses opposite the site. This issue has been addressed by the applicant through the design and internal layout of the dwellings. Further negotiation with

- the developer has secured further changes to address concerns raised by local residents.
- 5.11 It is considered that there is potential for overlooking in relation to unit one. However, it is considered that there is sufficient distance separating the dwellings from Unit 2 to avoid direct and unreasonable overlooking relationship with the properties due west of the site. Essentially, the widows rooms positioned at the front of the proposed unit 1 at first floor level would relate to bathroom and en-suite accommodation, whilst the bedroom window is to be positioned on the side elevation of unit 1 (facing in a northerly direction. A false window reveal would be provided in the front elevation of unit 1 to provide a balanced elevation. This approach is considered acceptable from a design point of view. Suitably worded conditions would prevent any additional windows from being inserted in the front elevation should the development be approved. Subject to this condition it is considered that the proposed development is acceptable from an 'over-looking' perspective.
- 5.12 The proposed dwellings themselves are separated from the existing residential development to the west by Stanley Road. It is considered that the relationship of the proposed dwellings with the dwellings opposite is not unusual in an urban area and would not result in an unacceptable impact upon the residential amenity of the occupants of nearby dwellings.
- 5.13 Drainage Issues
Local residents have drawn attention to the presence of a culvert drain associated with the site and the railway embankment. The Local Authority Drainage Engineer has investigated the presence of a drainage culvert in discussion with the planning officer. Whilst there is clear evidence of a culvert in place under the railway embankment (this is visible from within the site and appears as a small brick archway) and that there is a further culvert present under Stanley Road, it is not clear whether or not this culvert continues through the site itself.
- 5.14 In this instance, officers are satisfied that in the event that a culvert is present within the site that this could be realigned or specific measures applied to account for the development proposed by this planning application. Any specific alterations to a culvert which may be found to be present would be dealt with under Land Drainage Legislation and authority to divert or alter the culvert is cannot be considered through planning legislation. However, given the nature of the development it is appropriate to apply a planning condition (in the event of approval) requiring specific details relating to the provision of Sustainable Drainage Measures (SuDS). An informative can also be applied notifying the developer of obligations placed upon him to seek the appropriate Land Drainage Consent should a culvert be required to be modified.
- 5.15 Subject to the imposition of the above condition, it is considered that the development is acceptable in drainage terms.
- 5.16 Land Stability and Contamination Issues.
There are known coal mining activities in the locality surrounding this site, and these matters have been raised specifically by local residents. The applicant has provided a comprehensive Coal Mining Investigation report relating specifically to this site. The Coal Authority have given this document due

- consideration and as a result of the findings of the document have withdrawn the initial objection lodged by them. Indeed, the Coal Authority has confirmed to the LPA that there are no specific issues that would preclude the development of this site and have not expressed any requirement for conditions (relating to land stability) in the event that the application is approved. On this basis, officers are satisfied that the proposed development is acceptable in relation to historical coal mining activities on and around the site and that there is very limited risk to the development in that regard.
- 5.17 The Environmental Health officer has also acknowledged the historical coal mining and industrial activities associated with the area surrounding the site and as such requires that any planning consent is conditioned such that land contamination is investigated and remediated in if necessary. Standard conditions would apply and can be added to any consent as requested.
- 5.18 Highway Safety
Local residents have raised concern over the impact of the development on highway safety as a result of additional vehicular movements, lack of off street parking (for the proposed development) the loss of existing off street parking on land to the north of the site. In particular it is noted that local residents regard Stanley Road as a dangerous stretch of highway due to the bend and perceived speed of vehicles.
- 5.19 Notwithstanding the comments received, the Highway Authority has considered the application carefully in respect of highway safety. It is considered that the proposed development will provide sufficient off street parking to serve the development and the development is one that can be accessed safely from Staley Road. Whilst it is noted that comments from local residents imply that drivers of vehicles do not abide by the speed limit, a speed limit of 30 mph is in force along this part of Stanley Road. Furthermore, given the nature of the highway in this location, the actual speeds of vehicles passing the site is unlikely to be excessive. The occasional speeding motorist is not a reason to refuse to grant planning permission. It is considered that, given the speed limit and nature of the highway that there is sufficient visibility available to allow safe access and egress. The development would include the provision of a new pavement along the frontage of the development which would provide improvements to the pedestrian facilities in the area whilst allowing improved visibility from the site along Stanley Road in both directions. This can be secured by way of appropriately worded condition in the event that the application is approved. It is also appropriate to condition any approval such that the proposed garages are retained for the parking of private vehicles. Subject to the imposition of these conditions the proposed development is considered acceptable in highway safety terms.
- 5.20 It is noted that the submitted drawings imply that there would be three parking spaces retained on the area of land immediately to the north of the application site. This area of land is beyond the application site area and not part of this planning application. The marked parking spaces do not necessarily reflect the activities taking place on that area of land and it is not the case that the proposed development would alter the existing arrangement; and therefore would not necessarily alter the amount of room available for the parking of vehicles. Furthermore this is not public land and future parking on this land would be at the discretion of the land owner.

5.21 Comments have been received in relation to construction traffic and the potential to obstruct the highway during the construction of the development. It is inevitable that some disruption will occur during the construction phase of any development where it would be accessed from the public highway. This would be a temporary issue and is not a reason by which development proposals should be refused. In the event that dangerous obstruction does occur this is a matter for the Police Authority.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That Planning Permission is GRANTED subject to the following conditions.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

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

Reason

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

2. Prior to the first occupation of the development hereby approved, the footway to be provided within the application site as shown on drawing number SCA/1215b/002 shall be implemented in accordance with the South Gloucestershire Council adoptable highway standards and thereafter shall be retained as such.

Reason

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

3. Prior to the first occupation of the development hereby approved the individual garage buildings hereby approved shall be retained for the purpose of providing one off street parking space and ancillary domestic storage and for no other purpose.

Reason

In order to ensure that adequate off street parking is retained on site in the interests of highway safety and amenity and to accord with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006; and the Adopted South Gloucestershire Residential Parking Standards (Supplementary Planning Document).

4. A) Previous historic uses(s) of the site and surrounding land may have given rise to contamination within the development site. Prior to commencement of the development hereby approved, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.

B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

- (i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- (ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- (iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- (iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.

- (v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policies CS1 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013

5. Prior to the commencement of the development hereby approved, details shall be provided demonstrating the exact position of any culvert (or culverts) present of the site and any necessary alteration or realignment of the culvert (or culverts) shall be submitted to the Local Planning Authority for agreement in writing. Thereafter the development shall proceed in accordance with the agreed details and shall be retained as such.

Reason

To ensure that adequate measures have been taken to mitigate against the obstruction of the free flow of storm water or watercourses through the site and to accord with Policies CS1 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013

6. Sustainable Drainage Requirement

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 CS1 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013

7. Within 3 months of the date of this planning permission, details of the boundary treatment to be applied to the northern boundary of the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the agreed details and retained as such.

Reason

In the interest of the character and visual amenity of the site and the surrounding locality and to accord policy CS1 with of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013

8. Notwithstanding the submitted details and within three months of the date of this planning permission, full details of the method and species of plants to be used to improve the existing hedgerow to the western side of the Bristol and Bath Railway Path (as shown on the drawing numbered SCA/1215b/002) shall be submitted to and agreed in writing and thereafter retained as such.

Reason

In the interest of the character and visual amenity of the site and the surrounding locality and to accord policy CS1 with of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013

9. The hours of working on site during the period of construction shall be restricted to 07:30 until 18:00 Monday to Friday inclusive and 08:00 to 13:00 on Saturday; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

In the interest of the residential amenity of the surrounding locality and to accord policy CS1 with of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013

10. The development shall be implemented strictly in accordance with the following plans;
- The Site Location Plan (as received by the Local Planning Authority on 28th February 2014)
Drawing Number SCA/1215b/001 (as received by the Local Planning Authority on 28th February 2014)
Drawing Number SCA/1215b/002 (as received by the Local Planning Authority on 28th February 2014)
Drawing Number SCA/1215b/003 Rev 1 (as received by the Local Planning Authority on 1st April 2014)
Drawing Number SCA/1215b/004 (as received by the Local Planning Authority on 28th February 2014)
Drawing Number SCA/1215b/005 Rev 1 (as received by the Local Planning Authority on 1st April 2014)
Drawing Number SCA/1215b/006 (as received by the Local Planning Authority on 28th February 2014)
Drawing Number SCA/1215b/007 (as received by the Local Planning Authority on 28th February 2014)

To ensure that the development proceeds in accordance with the agreed details in accordance with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013.

CIRCULATED SCHEDULE NO. 35/14 – 29 AUGUST 2014

App No.: PK14/1041/F **Applicant:** Mr Tezcan Otman
Site: 21 Badminton Road Downend Bristol South Gloucestershire BS16 6BB **Date Reg:** 28th March 2014

Proposal: Change of use of land from Class A2 (office) to hand car wash (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Erection of metal container to provide storage and staff wc facilities. **Parish:** Downend and Bromley Heath Parish Council

Map Ref: 365137 176785 **Ward:** Downend
Application Category: Minor **Target Date:** 20th May 2014



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK14/1041/F**

1. REASON FOR REFERRAL TO CIRCULATED SCHEDULE

PROPOSAL

- 1.1 This application seeks planning permission for the change of use of the land from Class A2 (Financial and Professional Services) to hand car wash (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) and erection of metal cabin to provide storage and staff WC facilities.
- 1.2 The application site is situated within the urban area as defined in the adopted Local Plan. The application site is situated within a car park behind the main commercial centre of Downend on the west side of Badminton Road. The site is bounded by residential dwellings to the north on Cleeve Hill Extension.
- 1.3 There previously existed a large single storey building, which was used as a telephone exchange and more recently ancillary storage connected to commercial premises on Badminton Road. The building was subject to significant fire damage, fell into disrepair and was structurally unsafe. Planning application PK12/3713/F granted permission for the demolition of existing building to facilitate erection of two storey office building with associated works (Resubmission of PK11/4063/F) in January 2013.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS8 Improving Accessibility

CS9 Environmental Resources and Built Heritage

CS13 Non Safeguard Economic Development Sites

CS29 Communities of the East Fringe

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

E3 Employment Development within Settlement Boundaries

T12 Transportation for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist Adopted (August 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 P92/4782 Demolish existing building and rebuild warehouse (B8) with ancillary trade counter (Previous ID: K7361) Refused 20.04.1993
- 3.2 PK11/4063/F Demolition of existing building to facilitate erection of two storey office building with associated works

Withdrawn

- 3.3 PK12/3713/F Demolition of existing building to facilitate erection of two storey office building with associated works (Resubmission of PK11/4063/F)
Approved 07.01.13

4. **CONSULTATION RESPONSES**

- 4.1 Downend & Bromley Heath Parish Council
No objection

- 4.2 Drainage
No objection.

- 4.3 Environmental Protection
Prior to commenting, the Environmental Protection team required further information in the form of an acoustic report in accordance with BS4142, detailing how noise from the proposed car wash may affect the neighbouring, domestic properties.

Having considered the Noise Survey produced by Peak Acoustics dated 22nd April 2014, submitted with the application, if the proposed car wash operates at a noise level 5 dB below background and a noise attenuation barrier should be installed, no objections to the application.

- 4.4 Transportation
No objection

- 4.5 Tree Officer
Providing suitable drainage is implemented, the tree roots should remain unaffected by the detergents.

- 4.5 Wessex Water
1. Into the foul is acceptable and not the Surface Water
 2. Must go via minimum 2-stage petrol interceptor
 3. Consultation is required from the developer with our Trade Effluent team to obtain a Trade Effluent Notice, please see attached. From speaking to them this is applicable for both mechanical/automatic and manual (hand) wash down facilities for road vehicles. (Note: this is just a notice not the licence of consents for trade discharge)
 4. Developer must repair their private drain and free it of obstructions before they can connect into our system with new flows as per their CCTV survey they have had commissioned. The risk is with the developer - it may flood their site with the additional flows.

Other Representations

- 4.6 Local Residents
A total of five local residents have objected to the proposal:
- Concerned about installation of staff toilet, no mains facilities on site
 - High pressure washers could cause disturbance to homes in close proximity
 - Nature of change of use would mean increase in vehicle movements

- Concerned parking spaces for disabled customers would be affected
- Potential difficulties in terms of manoeuvring cars and additional traffic
- Location unsuitable
- Level of noise generated will disturb local residents
- Drainage needs to be checked by Wessex Water due to previous issues with local shared pipe
- Proposed route empties into garden of No. 6
- Acoustic report carried out at No. 7 which is further than nearest residential properties

One neutral comment from a local resident:

- Overall, feel this will be a good use for the site
- Would like reassurance from tree officer that the work would not cause any damage to the tree roots; if none, there will be no objection

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Saved policy E3 of the Local Plan advises that proposals for employment uses within the existing urban areas and the boundaries of settlements will be permitted subject to considerations of its environmental and visual impact, its effect on residential amenity and highway safety concerns. Saved policy T12 relates to highway safety. CS1 of the Core Strategy ensures development will only be permitted where the highest possible standards of design and site planning are achieved.

5.2 Given that the proposal would form part of an existing employment generating use, the proposal is considered to accord, in principle, with the provisions of this policy.

5.3 Design/Visual Amenity

The application seeks planning permission for the change of use from Class A2) to hand car wash (Sui Generis), erection of metal cabin to provide storage and staff WC facilities and canopy. The application site is located at the rear of 21 Badminton Road and sits adjacent to the Cooperative supermarket, a number of residential properties on Cleeve Hill Extension and a local shopping district. Vehicular access is from Cleeve Hill Extension and through the Cooperative supermarket car park.

5.4 The proposed site previously housed an office space (Use Class B1) and was associated with 21 Badminton Road. The site has now been cleared and consists of a concrete slab and breeze block boundary walls. The proposal does not seek any form of operational development works.

5.5 The proposal essentially remains within commercial use, but does not require any physical alterations, other than the siting of a metal cabin (for staff WC and storage) and canopy. The use would be located within the car park area and would only be visible from views within the car park, which has public access throughout. Although the site is not readily in the public realm, it does have some visual prominence from within the car park and the nearest neighbouring residential property (namely No. 6 Cleeve Hill Extension).

- 5.6 The proposed business use would make use of an otherwise derelict parcel of land within the car park which backs on to the rear of commercial and residential premises on Badminton Road. Whilst the use would involve the erection of a metal cabin and a canopy, these additions would unlikely create any visual harm to the character and amenity of the surrounding area. It is considered that the location is suitable for the proposed use and would not cause any additional visual harm.
- 5.7 There are three large trees located close to the north boundary of the site. It is intended that these trees will remain in situ and there would be no impact on landscape features. The proposed metal cabin and canopy will be located along the northern boundary wall, but it is considered that they will not significantly protrude above the wall. As such, it is considered that the design of the proposal accords with CS1 of the Core Strategy.
- 5.8 Residential Amenity
The application site is a small parcel of land which would be situated adjacent to the side boundary and garden of No. 6 Cleeve Hill Extension, a traditional end terraced dwelling. The canopy and metal cabin would be situated adjacent to the rear garden of No. 6 and would be approximately 10 metres from the dwelling itself. The proposed canopy is required to cover the operations area and will include lighting and CCTV. The canopy will take the form of metal posts and a canvas roofing sheet and the metal cabin will be finished in grey, with doors and a window. The hand car wash has a proposed capacity of 6no. vehicles, with 2no. vehicles fitting under the canopy.
- 5.9 The existing blockwork wall measures 1.6 at its lowest point to 2.3 metres. The canopy would protrude approximately 0.8 metres above the wall and the metal cabin 1.2 metres, due to the drop in the boundary wall. This is considerably less intrusive than the approved office building in a similar location. Therefore, considering the distance to the adjacent dwelling and the modest nature of the proposed canopy and metal cabin, the proposed use would not prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing development.
- 5.10 Concern has been raised by local residents about the level of noise as a result of the jet washer and general car wash operations. The Environmental Protection Officer recommended that an acoustic report be carried out and submitted for further assessment. A noise survey has been produced and readings taken from near No. 6 Cleeve Hill Extension (the report refers to No. 7, but this was an error by the Acoustic Consultant and the report has been amended to state the correct address, No. 6). The report advises that the proposed car wash should operate at a noise level of 5dB below background would be of marginal significance, taking into account the existing background noise from traffic and so on. Although this is a hand car wash facility, the operators would use some small equipment like a jet washer. Whilst this would generate some noise, it would intermittent rather than constant. It has been recommended by the Environmental Protection Officer that a noise attenuation barrier (such as a Perspex screen) is installed to buffer some of the noise and spray along the northern boundary with No. 6 Cleeve Hill Extension (this will be attached as a condition). Overall, the use of the site is not considered to be harmful to amenity, nor the siting of the structures. Furthermore, the

development is of a small scale and subject to a condition restricting the hours of operation the use would not prejudice the amenity of neighbouring occupiers.

5.11 Transport and Parking

Vehicular access to the site is via the existing infrastructure via Cleeve Hill Extension and through the Cooperative supermarket car park. The existing access would remain the same. The site is laid to hardsanding and is located within an existing car park which serves the local shopping centre and supermarket. It is more likely that customers using the supermarket/shopping centre car park will use the car wash facility.

5.12 It is also important to bear in mind that the extant planning permission (Ref. PK12/3713/F) for an office building on the same site would produce similar traffic movements, as well as the need for parking by the new office location. The proposed car wash use is not materially different from the above approved planning permission in terms of vehicle movements and parking.

5.13 Based on information provided, the car wash facilities would be contained on the same footprint as the former office building (which has no been demolished) and as such, it would not affect land outside the applicant's ownership. The Transportation Officer is satisfied that there would remain adequate access to other properties and it is unlikely that additional vehicle movements from the use would be significant due to the small size of the car wash facility. Existing car parking spaces should not be affected. The submitted plans indicate that the site can accommodate 6no. vehicles, whilst additional parking would be available in the existing car park. The proposed use should not result in obstructing current parking arrangements. It is considered overall that the proposal will not therefore give rise to unacceptable vehicular traffic or be detrimental to highway safety. Therefore the proposed development is considered acceptable in transportation terms.

5.14 Environment

Development will not be permitted if it has unacceptable environmental impacts. The use of the site is as a hand car wash operation which is open to the general public. The proposed drainage would connect with existing foul sewer and our Drainage Officer has confirmed that this is acceptable. Wessex Water has confirmed that discharge into foul drainage is acceptable and the developer is advised to repair their private drain and free it of obstructions before they can connect into the system. The operator is also advised to contact Wessex Waters Trade Effluent Team directly to obtain the necessary consents. Overall, it is considered that the processes undertaken on site will not have an unacceptable impact on the environment.

5.15 Concerns have been raised about the health of the existing trees along the north boundary of the site. There are existing trees to the south west and north of the car wash operation. The trees to the north are sited behind the proposed metal cabin. The Tree Officer has confirmed that subject to suitable drainage measures, the roots of the trees should not be affected by the detergents.

5.16 Other Matters

It should be noted that the proposal would bring with it an economically productive use for the site, as well as creating jobs for 2no. full-time and 4no. part-time employees. In addition, the site operators propose to install security

lighting and CCTV to enhance the sites safety and security. The proposal is therefore considered to accord with one of the core principles, which underpins the NPPF and a fundamental aim of the Council's Development Plans.

- 5.17 Wessex Water have advised that the applicant must repair their private drain and free it of obstructions before they can connect into their system with new flows as per their CCTV survey commissioned by the applicant. This would ensure that the site drains properly and does not cause any flooding within the site. In addition, concern was raised about the staff WC; this is to be connected to the foul sewer. As advised above, the applicant/operator needs to contact Wessex Water directly to obtain the necessary consents prior to the commencement of the use.

6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **approve** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

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

Contact Officer: Katie Warrington
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

2. The proposed hours of operation would be limited to 8:30 to 18:00 on Monday to Saturday and 10:00 to 16:00 on Sundays and Bank Holidays.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

3. Prior to the commencement of development, details of the noise attenuation barrier proposed to be installed on the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. For clarification, the noise attenuation barrier should measure at least 2 metres in height and should be located along the north boundary of the site, adjacent to No. 6 Cleeve Hill Extension. Development shall be carried out in accordance with the approved details.

Reason

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

4. The level of noise emitted from the site shall not exceed 5 dB below background between 08:30 and 18:00 Monday to Saturday and 10:00 and 16:00 Sundays and Bank Holidays, as measured on the northern boundary of the site at adjacent to No. 6 Cleeve Hill Extension.

Reason

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

CIRCULATED SCHEDULE NO. 35/14 – 29 AUGUST 2014

| | | | |
|------------------------------|---|---------------------|----------------|
| App No.: | PK14/1645/RVC | Applicant: | Mr Jawit Jawit |
| Site: | 13 Regent Street Kingswood Bristol South Gloucestershire BS15 8JX | Date Reg: | 9th May 2014 |
| Proposal: | Variation of condition 3 attached to planning permission PK13/2597/F to extend the opening hours to 3am Friday and Saturday. | Parish: | None |
| Map Ref: | 364616 173908 | Ward: | Kings Chase |
| Application Category: | Minor | Target Date: | 1st July 2014 |



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PK14/1645/RVC

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of local residents' objection, which would be contrary to officers' recommendation.

1. THE PROPOSAL

- 1.1 This application seeks to vary condition 3 of planning permission ref. No. PK13/2597F, which states:

'The use hereby permitted shall not be open to customers outside the following times 1100 to 2300 from Monday to Saturday and 1100 to 2200 on Sundays and Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.'

- 1.2 The applicant proposed to extend the opening hours on Friday and Saturday to 2am or 3am. The opening hours for Monday to Thursday i.e. 11.00 to 23.00 and Sundays and Bank Holidays 11.00 to 22.00 remain unchanged. It is suggested that the proposed opening hours would have benefit to the applicant's business from people leaving the pubs, the night club and the other late night entertainment places.
- 1.3 Planning permission was granted for the change of use of a unit last used as a shop to a hot foot takeaway (Class A5). The premises is centrally located within a terrace of retail units in a designated Primary Frontage on Regent Street, Kingswood.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

| | |
|------|--|
| CS4A | Presumption in Favour of Sustainable Development |
| CS9 | Managing the Environment and Heritage |
| CS14 | Town Centres and Retail |
| CS29 | Communities of the East Fringe of Bristol Urban Area |

South Gloucestershire Local Plan (Adopted) January 2006

| | |
|-----|-------------------|
| T8 | Parking Standards |
| T12 | Highway Safety |

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/3133/F Change of use of ground floor from retail (A1) to restaurant/takeaway (A3/A5) Refused in November 2010 for highway safety reason and was subsequently allowed in June 2011 by the Planning Inspectorate subject to a number of planning conditions including the restriction of the opening hours.
- 3.2 PK13/2597/F Change of use from restaurant (Class A3) to Hot food Takeaway (Class A5). Approved 06.09.13
- 3.3 It should be noted that an appeal decision was made for a variation of a similar condition at No. 19 Regent Street on 25 April 2014. The appeal was allowed for the following condition.

The use hereby permitted shall not be open to customers outside the hours:
Mondays to Thursdays, 08.00 to 23.30
Fridays to Saturdays, 09.00 to 00.30 (the following day)
Sundays and Public Holidays, 09.00 to 22.30

4. CONSULTATION RESPONSES

- 4.1 Parish Council
Unparished area
- 4.2 Other Consultees

Environmental Protection

Officer objected the proposed changes to the opening hours to 0300 hours on Friday and Saturday due to the location of the premises (mixture of commercial premises with residential properties including flats in the variation. The proposed variation would allow exposure of nearby residents to potential noise nuisance.

However, officer considers that the opening hours can be extended to 00.30hours on Friday and Saturday as the potential nuisance would not be unacceptable.

Avon and Somerset Police

Police licensing have reservations as to the 0300 hours opening times on Friday and Saturday. A premises nearby at 19 Regent Street had its applied for hours reduced to 0030. These premises are located in the quieter part of Regent Street which suffers less from anti-social behaviour than the area where the night clubs, pubs and late night refreshment houses are situated. A premises opening until 0300 will undoubtedly lead to increased footfall potentially causing increased noise and anti-social behaviour in this area plus more vehicles parking outside potentially causing an obstruction. These premises are in the cumulative impact zone. The police would accept a 0030 closure as with 19 Regent Street.

Anti Social Behaviour Case officer

There are no directly issues reported regarding ASB at this premises. Kingswood High Street is currently patrolled by taxi marshals on Friday and Saturday nights and they report ASB and crime issues on the high street, the risk of the later open hours at this premise could pull some of the ASB and crime down to that location.

Technical Services

No comment

Other Representations

4.3 Local Residents

3 letters of objection were received, citing the following concerns:

- Noise in the early hours
- Litter: already a problem, longer opening hours will make it worse
- Car parking – already a problem with cars pulling onto the pavement
- There is a precedent set by the appeal on 19 Regent Street.
- A planning application for extending opening hours to 3am on Friday and Saturday was refused on 19 Regent Street.
- The applicant already opens the premises till 1.30am on Friday and Saturdays.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policy listed above, in the light of all material considerations. The issue is considered to be the impact of the later opening on residential amenity, in terms of noise and disturbance.

5.2 Impact on Residential Amenity

Regent Street along this stretch is considered to be largely a residential area above ground floor level, but commercial (mostly retail – supporting the daytime economy) at street level. It is therefore considered that an extension to the current permitted hours from 23.00hrs to 0200 or 03.00am on Friday and Saturdays would have significant impact upon the amenity of the area.

Officers noted that an appeal decision was recently made on the variation of condition at 19 Regent Street to allow opening of the premises from 08.00 to 03.00 Fridays and Saturdays. Planning Inspector allowed the principle of the variation of condition 3 with a substituting condition, which states

‘The use hereby permitted shall not be open to customers outside the hours:
Mondays to Thursdays, 08.00 to 23.30;
Fridays and Saturdays, 09.00 to 00.30 (the following day);
Sundays and Public Holidays, 09.00 to 22.30.’

Planning Inspector has made the following comments on the appeal decision. *‘There are various takeaways, pubs and a club along the considerable length of the centre which all suggest an existing night-time economy in Kingswood as a whole, albeit the busiest area is likely to be at the opposite (eastern) to no. 19. ... No evidence has been produced to suggest that this has result in noise and*

disturbance at unsocial hours for residential occupiers on upper floors in the appeal site vicinity. It is however important to note that there appears to be more residential accommodation in close proximity to No. 19 than at those premises operating until 3.00 hours.

Taking a balanced view of all these matters, and although I noted the appellants' point about the need for longer hours to attract customers, maintain income and keep the business viable, I am concerned that the weekend opening hours he seeks would have serious adverse impacts for neighbouring residential occupiers. However, given that Friday and Saturdays are widely acceptable to be the business nights for socialising and going out, and thus the times when the town centre is most likely to be busy with people until the early hours, I find it reasonable to impose a different and slightly later closing time for these two nights. Extending the opening hours on Fridays and Saturdays until 00.30 hours the following day would be a reasonable compromise.'

Limiting the opening hours is a method of minimising the effects of noise /odour/ light from the premises. The original condition broadly coincides with the time when the average working adult would commence an 8hr sleep period (WHO – World Health Organisation guidelines) and this already does not allow for a wind down period prior to sleep. Any increase is considered likely to reduce this quiet period unreasonably. It is considered that the applicant's proposed opening hours, i.e. 3am Friday and Saturday, for the above reasons, is not considered to accord with adopted Core Strategy. Nevertheless, officers have taken consideration the appeal decision, and it is considered that it would be reasonable to extend the opening hours for Friday and Saturdays to 00.30 hours the following day.

During the course of the application, officers have advised the applicant that the proposed extended opening hours i.e. 3 am on Friday and Saturday would not be acceptable due to the impact upon the nearby residents.

5.3 Transportation

Whilst the proposed extension to the opening hours may result in some additional vehicular movements to and from this site, the increased traffic is not considered to be significant, being limited to that generated in the additional hours of opening. As such it is not considered justifiable to refuse the current application on highway and transportation grounds.

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 vary the condition 3 of PK13/2597 to extend the opening hours to 00.30 (the following day) on Friday and Saturday 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 condition is amended as indicated below

'The use hereby permitted shall not be open to customers outside the following times 1100 to 2300 from Monday to Thurs, 11.00 to 00.30 (the following day) on Friday and Saturday and 1100 to 2200 on Sundays and Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies CS9 and CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

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 ventilation and odour filtration system shown on the approved plans shall be implemented and thereafter maintained in accordance with the notation on the approved plans.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

3. The use hereby permitted shall not be open to customers outside the following times 1100 to 2300 from Monday to Thursday, 11.00 to 0.30 (the following day) on Friday and Saturday and 1100 to 2200 on Sundays and Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

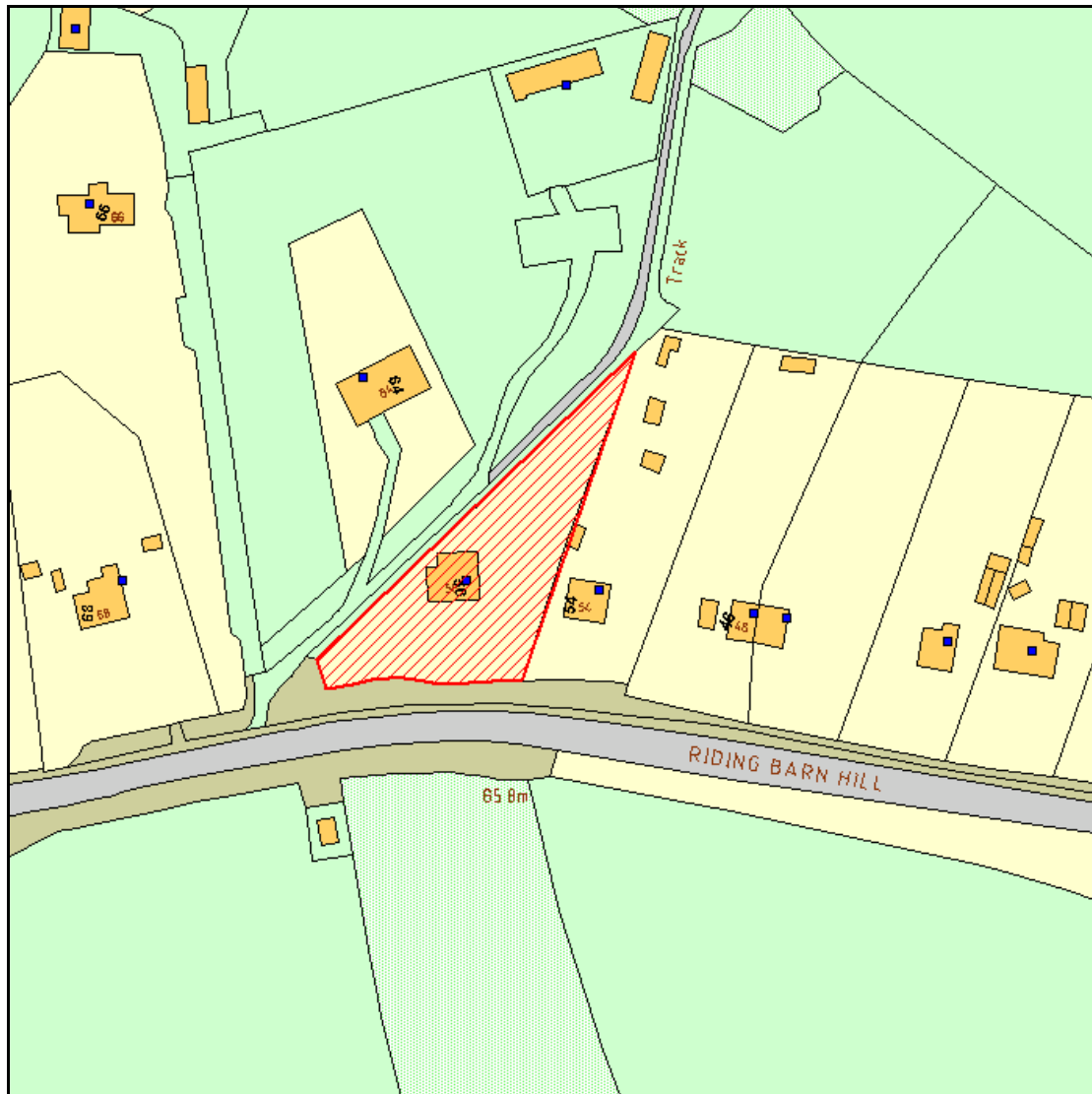
CIRCULATED SCHEDULE NO. 35/14 – 29 AUGUST 2014

App No.: PK14/2262/F
Site: 56 Riding Barn Hill Wick Bristol
 South Gloucestershire BS30 5PA

Applicant: Mr Daniel Stiff
Date Reg: 20th June 2014

Proposal: Demolition of existing outbuildings and
 erection of detached garage/workshop.
Map Ref: 369157 172780
Application Category: Householder

Parish: Wick And Abson
 Parish Council
Ward: Boyd Valley
Target Date: 8th August 2014



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK14/2262/F**

1. REASON FOR REFERRAL TO CIRCULATED SCHEDULE

THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of existing outbuildings and erection of a detached garage/workshop.
- 1.2 The application site consists of a detached dormer bungalow situated in the open countryside, within the adopted Bristol and Bath Green Belt. The site is situated on land that rises steeply from south to north. The proposal would be located in the garden in a similarly elevated position to the main dwellinghouse, on a parcel of land to the south west of the host dwelling.
- 1.3 During the course of this application, amended plans were submitted to reduce the size of the proposed outbuilding which originally resulted in a 65% volume increase above the original volume. The design of the replacement building has also been amended to retain its ancillary purpose, with a reduction in the roof height and pitch. Consultees were re-consulted as a result of the amended plans.
- 1.4 The bungalow has recently obtained planning permission in 2013 (Ref. PK13/1601/F) for the erection of a single storey front and side/rear extensions and extension to front dormer. The officer dealing with this application calculated a 42% increase in the volume of the original dwelling. In respect of this application, the proposal is for a replacement outbuilding and revisions have been successfully sought to reduce the volume of the building to a more acceptable and appropriate size, within Green Belt policy.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS34 Rural Areas

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

H4 Development within Existing Residential Curtilages
T12 Transportation

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) 2007
Development in the Green Belt SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/1601/F Erection of single storey front and side/rear extensions and extension to front dormer, to provide additional living accommodation.
Approved 05.07.13

4. CONSULTATION RESPONSES

- 4.1 Drainage
No comment
- 4.2 Wick and Abson Parish Council
No objection
- 4.3 Transportation DC
No objection, however it is recommended that any approval is made conditional for use by the occupiers of the adjoining property.

Other Representations

- 4.3 Local Residents
One objection received from a neighbour:
- Planning application PK13/1601/F report states that the property was extended by 42% in the Green Belt;
 - Structure could benefit from replacement, but no justification for 50% volume increase, along with doubling in height and creating a house-like structure as depicted in the drawings;
 - Replacement should be limited, with a single storey outbuilding occupying the same footprint with conditions imposed that structure is not occupied.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application seeks planning permission for the demolition of existing outbuildings and erection of a replacement detached garage/workshop building, within the adopted Green Belt boundary. Development within the Green Belt SPD states that replacement buildings will only be allowed if there is no greater impact on the openness of the Green Belt than that of the original building. Any replacement must be of a similar size and scale to the original building. Saved policy H4 of the Local Plan permits limited extensions to existing residential dwellings in the Green Belt. Consideration is also given to design, residential amenity and highway safety.
- 5.2 Green Belt
The application site is situated outside of the defined settlement boundary within the adopted Green Belt boundary. Consideration is therefore given to cumulative increases from the original dwellinghouse. Further information has been submitted in the form of a plan demonstrating volume calculations for the original outbuildings and proposed replacement outbuilding. The volume increase has been calculated a total 37% increase from the original outbuildings. This figure falls above the 30% guide stated within the Council's

Green Belt SPD and as such, careful consideration is given with regard to ensure that the proposal remains disproportionate.

5.3 Although large, the proposal is for a replacement building of a similar footprint. The building will be tucked away, to the west, and is considered to remain visually subservient to the host dwelling house. The proposed design of the building has been amended and reduced in size, including the height of the pitched roof. The building now takes the form of an ancillary garage/workshop building. The building would not be highly visible within the wider landscape, due to its discreet location and cover from existing established trees around the boundary. As such, it is considered that the building does not prejudice the visual amenity or openness of the Green Belt. Therefore, the proposal is considered acceptable in terms of Green Belt policy and saved policy H4.

5.4 Design

The application relates to a single storey garage/workshop building which replaces a small garage and workshop buildings, which are dilapidated and in a poor state of repair. The property is served by extensive gardens surrounding the property. The outbuildings are situated to the south west of the house, at a similarly elevated level to the main house. It is proposed to erect a long outbuilding with a low pitched roof and rooflights into workshop/garage. The materials would consist of a brick built plinth with horizontal timber boarding forming the main external wall finish. The roof will match the existing bungalow. The proposed design is considered appropriate in terms of remaining subservient and proportionate to the existing dwelling. The design of the revised outbuilding is considered improved and acceptable overall.

5.5 Residential Amenity

The proposal relates to a detached ancillary building situated within a parcel of land to the west of the main dwelling house, with existing mature tree boundary treatments. The closest neighbouring dwellings to the east (No. 54) and west (No. 64) are located approximately 40 metres from the proposed building. Taking this into consideration, the proposal would not prejudice residential amenity and raises no concerns in terms of overlooking.

5.6 Highway Safety

The proposal would not result in an increase in bedrooms and do not affect the existing off-street parking facilities. The Transportation Officer has commented that a condition should be attached to the building to ensure it remains ancillary to the main dwellinghouse. Accordingly, the proposal raises no concerns in terms of highway safety issues.

6. CONCLUSION

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

6.2 The recommendation to **approve** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies) and the South Gloucestershire Local Plan Core

Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Katie Warrington
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

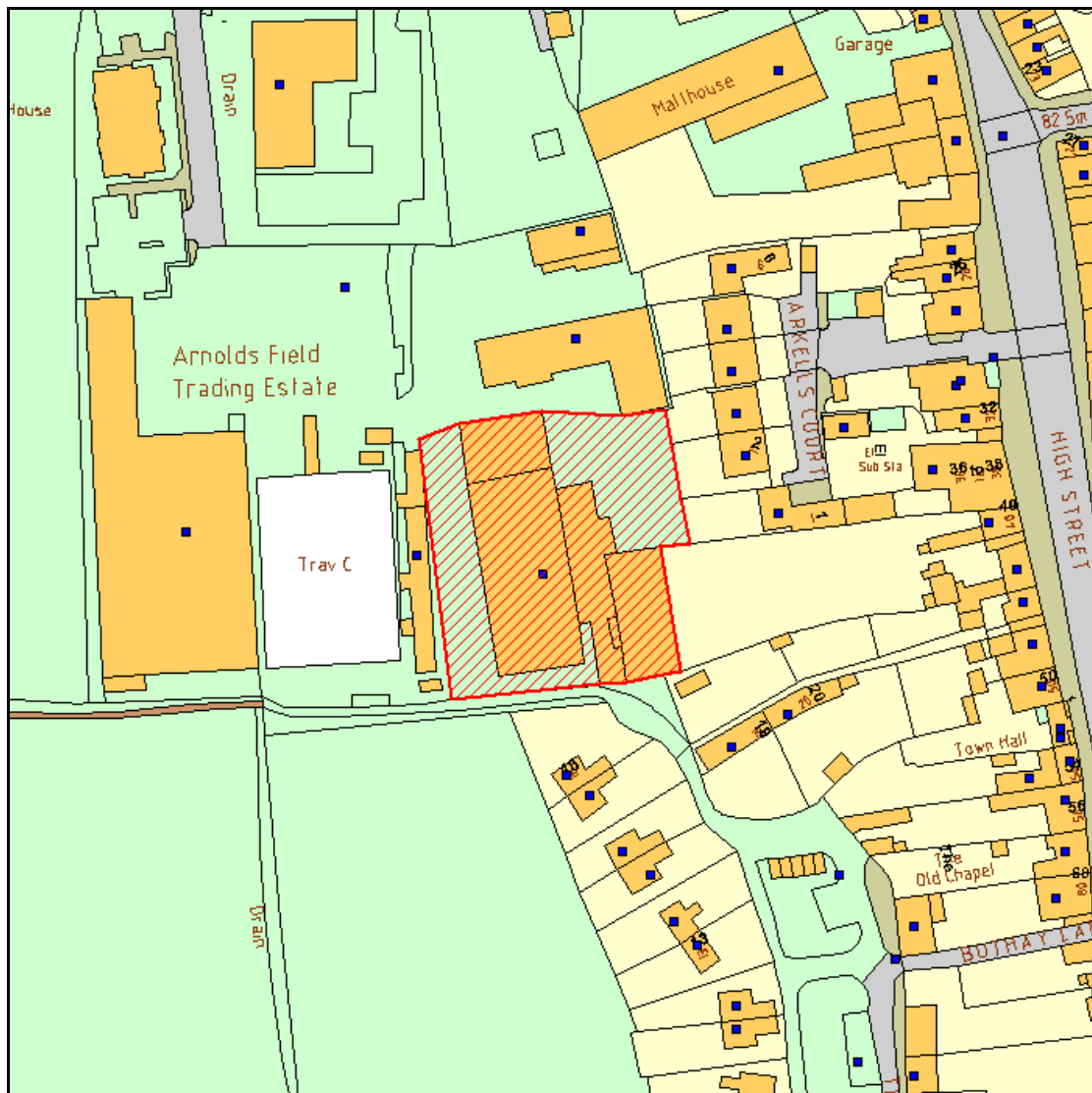
2. The garage/workshop hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 56 Riding Barn Hill, and shall at no time become a separate or independent planning unit.

Reason

In the interests of residential amenity and highway safety, and to accord with Policy H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies).

CIRCULATED SCHEDULE NO. 35/14 – 29 AUGUST 2014

| | | | |
|------------------------------|---|---------------------|---------------------------|
| App No.: | PK14/2314/F | Applicant: | Mr Tristram Southgate |
| Site: | Majorlift Hydraulic Engineering Ltd Arnoldsfield Trading Estate The Downs Wickwar South Gloucestershire GL12 8JD | Date Reg: | 23rd June 2014 |
| Proposal: | Erection of extension to existing factory | Parish: | Wickwar Parish Council |
| Map Ref: | 372296 188469 | Ward: | Ladden Brook |
| Application Category: | Minor | Target Date: | 11th August 2014 |



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PK14/2314/F

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

1. THE PROPOSAL

- 1.1 The site is located within the Arnolds Fields Trading Estate in Wickwar and is position in the very South-eastern part of the site.
- 1.2 The development proposed by this application is effectively a small extension to the existing factory. In terms of the size of the extension, this would fall within the floor area permitted under the General Permitted Development Order. However, planning permission is required because the development is too close to the boundary of the site. The extension would enclose an area of open yard which is currently situated between two existing buildings on the application site. This would allow additional internal floor space and the introduction of additional machinery associated with the business carried on by the occupier of the site.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan: Core Strategy (adopted)

- CS1 High Quality Design
- CS5 Location of Development
- CS9 Managing the Environment and Heritage
- CS11 Distribution of Economic Development Land
- CS12 Safeguarded Areas for Economic Development (Area 39 Arnolds Fields Trading Estate, Wickwar)
- CS34 Rural Area

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

- E3 Criteria for Assessing Proposals for Employment Development within the Urban Area, Defined Settlement Boundaries and/or Permitted by Policies E4/E6/E7 (E4 is no longer saved)
- T12 Transportation Development Control Policy
- L15 Buildings and structures which make a significant contribution to the character and distinctiveness of the locality.

3. RELEVANT PLANNING HISTORY

- 3.1 P98/1701 Erection of Entrance Lobby, New Wall Cladding and Replacement Roof Sheeting

Approved
- 3.2 P89/3275 Erection of Factory Building

Approved

4. CONSULTATION RESPONSES

- 4.1 Wickwar Parish Council
No Comments has been received
- 4.2 Highway Authority
No Objection. The site is within an established employment area and it is not considered that the proposed change of use would result in any adverse impact in transportation terms. The proposed access to the site and level of parking is considered acceptable.
- 4.3 Drainage Engineer
No Objection in principle
- 4.4 Highway Structures
No Objection
- 4.5 Environmental Health Officer
No Objection in principle. However, the Environmental Health Officer has requested an acoustic survey to support the application.
- 4.6 Conservation Officer
No Objection in principle
- 4.7 Archaeology Officer
No Objection
- 4.8 Public Rights of Way Officer
No Objection

Other Representations

- 4.9 Local Residents
One comment is received which raises the potential for smells and additional noise from the development, but does not object in principle.

5. ANALYSIS OF PROPOSAL

- 5.1 The whole application site under Use Class B2 (General Industry). It is currently occupied by 'Majorlift Hydraulic Engineering Ltd'. The proposed extension would take place within the industrial unit curtilage and is within a safeguarded Economic Development Area. The extension would provide additional accommodation (albeit relatively modest in size) to accommodate additional manufacturing machinery and floor space to cope with additional demand for products manufactured at the premises.
- 5.2 Principle of Development
Saved Policy E3 of the South Gloucestershire Local Plan is relevant to this planning application. The policy sets the criteria for the assessment of employment uses in the urban area, settlement boundaries and specifically protected employment areas. Policy CS12 of the South Gloucestershire Local Plan Core Strategy provides specific locations that are safeguarded for economic (employment/business) uses.

5.3 The site is located within the Arnolds Fields Trading Estate Area (Area 39 as identified in Policy CS12; Table 1). This is an established Industrial Area and the subject premises is well established as a B2 employment use. The proposed development is consistent with the purpose of safeguarding the site for economic development. Officers consider that the development would act as a positive development supporting local jobs and the economy and this carries weight in the determination of this application. Officers consider that the proposed development is acceptable in principle subject to the following considerations.

5.4 Visual Amenity

The proposed development would effectively cover over an existing open yard area situated between two existing buildings on the site. It would be constructed as a 'lean-to' structure off the existing part stone building located in the East of the site and link the adjacent modern structure to the West of that building. The stone building is locally listed and provides reference to the industrial heritage of the locality. Given the position of the proposed structure, it would be relatively modest in scale and would have limited external walling to its southern elevation. The roof of the building would be constructed using tiles to match the roof on the stone building to the east of the proposal. There are very limited views for the site from the adjacent public realm to the south, which includes a public right of way. A high stone wall encloses this part of the site. The Conservation Officer does not object to the proposed development and requests that materials are made to match the adjacent locally listed building. Given the limited views of the site and the proposed building and the design of the proposed extension it is considered that the proposed development is acceptable from a visual amenity and design point of view.

5.5 Residential Amenity

The site is located within an established business park. There are existing houses located approximately 20 metres to the South of the application site. One comment has been received from a local resident questioning the use of an existing chimney and the implications for additional noise. In this instance, there are no additional chimneys proposed as part of this application. In respect of noise issues, the Environmental Health Officer has requested an acoustic survey for consideration of noise issues. Notwithstanding this request, officers are mindful that the area of yard subject to this application is currently used for activities directly associated with the business on the site. This includes the movement of materials from one building to another using fork-lift trucks. This will create a level of noise and is possible without any further intervention using planning legislation. The proposed development would enclose this space with a solid structure, whilst it is not likely that any materially greater levels of activity would occur within this building. Officers have considered the imposition of restrictions to working hours. However, there are not currently such restrictions on the existing development and to apply this now would not be reasonable. On this basis, officers consider that there is not likely to be any material increased noise levels and that the production of an acoustic survey and report is disproportionate and not necessary in this instance.

5.6 It is acknowledged that there are residential dwellings close to the site. However, this is a well established industrial area and one which will generate existing levels of noise. Given the scale and scope of the development

proposed it is not considered that there would be any materially greater impact over the existing situation. In the event that a noise nuisance complaint is made, then this can be appropriately dealt with through Environmental Health Legislation and on this basis, officers consider that there is sufficient protection for local residents out side of the planning legislation.

5.7 Having regards to the above, it is considered that the proposed development is acceptable in respect of residential amenity.

5.8 Transportation and Highway Safety

The application relates to industrial development on an existing industrial site. The proposed development is easily accessed by road and benefits from being within a business park with road infrastructure being capable of accommodating large vehicles. There is sufficient parking available on site and as such this development is considered acceptable from a transportation perspective.

5.9 Having regards to the above, it is considered that the proposed development would not have a detrimental impact upon highway safety and amenity and is acceptable in transportation terms.

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.

7. RECOMMENDATION

7.1 That Planning Permission is granted subject to the following conditions

Contact Officer: Simon Penketh
Tel. No. 01454 863433

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 tiles to be used in the development hereby permitted shall match those of the existing building to the east in type, colour, texture and profile.

Reason

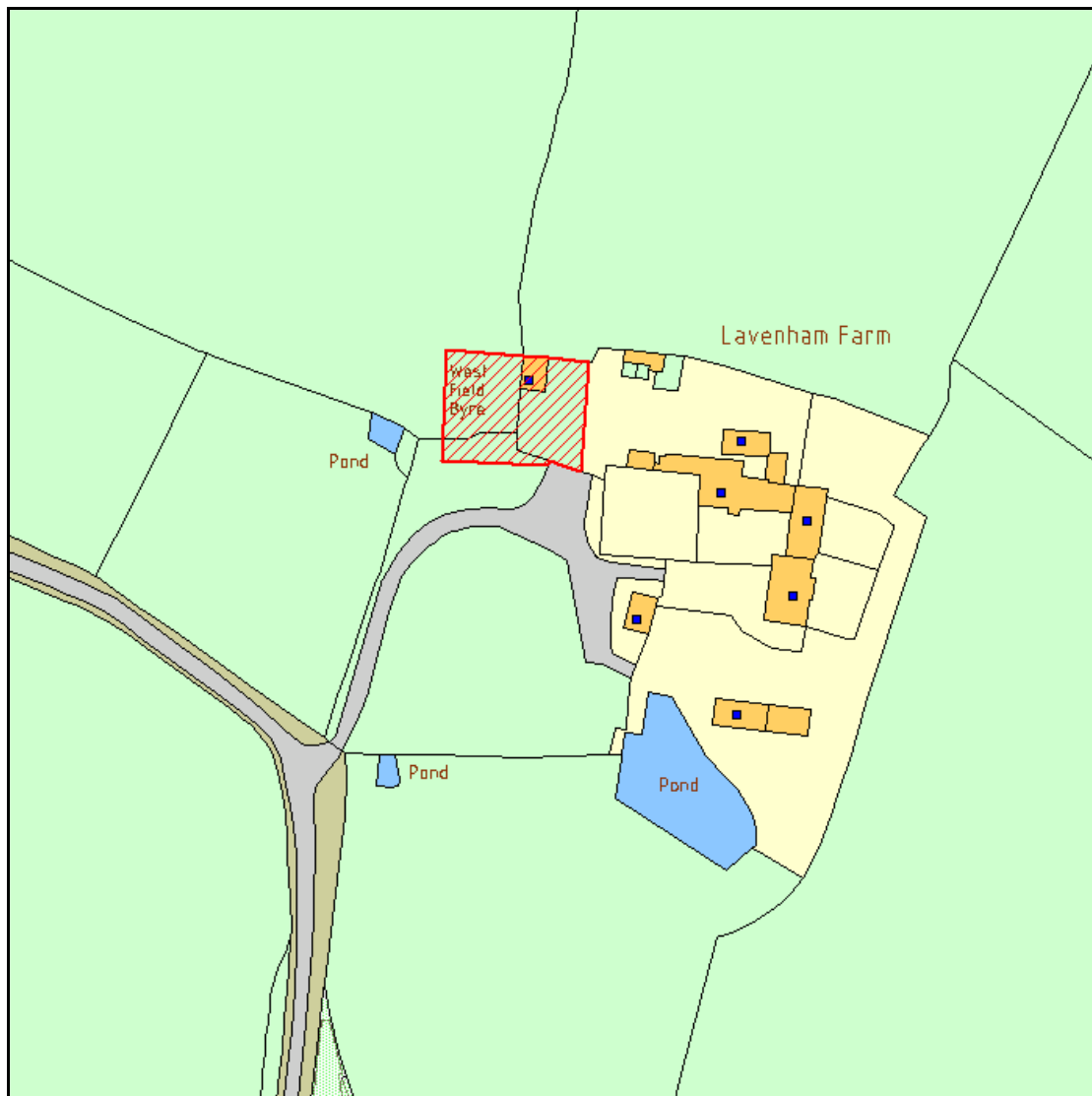
In the interest of the visual amenity of the area and the setting of the locally listed building and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013 and saved policy L15 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 35/14 – 29 AUGUST 2014

| | | | |
|-----------------|--|-------------------|----------------|
| App No.: | PK14/2432/F | Applicant: | Mr Andrew New |
| Site: | West Field Byre Nibley Lane Iron Acton South Gloucestershire BS37 9UR | Date Reg: | 11th July 2014 |

| | | | |
|------------------|---|----------------|---------------------------|
| Proposal: | Demolition of existing single storey side extension and erection of two storey side and rear extension to form additional living accommodation. | Parish: | Iron Acton Parish Council |
|------------------|---|----------------|---------------------------|

| | | | |
|------------------------------|---------------|---------------------|--------------------|
| Map Ref: | 368714 183124 | Ward: | Frampton Cotterell |
| Application Category: | Householder | Target Date: | 29th August 2014 |



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PK14/2432/F

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule for determination to take into account the comments received from a local neighbour and the requests of the Parish Council for additional passing places.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey side extension at a barn conversion in Iron Acton. The barn is located within a cluster of buildings at Lavenham Farm which may have been part of a former priory. To facilitate the conversion of the barn, the existing side extension will be removed.
- 1.2 The site lies outside of the settlement boundary for Iron Acton and is therefore in the open countryside. This part of the district falls within the Bristol and Bath Green Belt. The site is not located within a conservation area and although the buildings are of heritage value, they are not listed.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

- L1 Landscape
T12 Transportation
H4 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance
(a) Development in the Green Belt (Adopted) June 2006
(b) Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/2318/F Withdrawn 17/09/2007
Conversion of barn to form 1 no. dwelling with associated works.
- 3.2 PK06/0769/F Approve with Conditions 14/07/2006
Conversion of 4no. barns to 4no. dwellings, conversion of outbuilding to ancillary office. Conversion of outbuilding to 2 bedroomed annexe with erection of glazed walkway plus associated works.

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
No objection. Request additional passing places along Nibley Lane.
- 4.2 Archaeology Officer
No objection
- 4.3 Drainage
No comment
- 4.4 Public Rights of Way
Unlikely to affect the nearest public right of way

Other Representations

- 4.5 Local Residents
One letter has been received which raises the following points:
- Wish noise to be kept to a minimum
 - Traffic may be detrimental to the condition of the driveway
 - Clarification is required over the proposed materials

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of an extension to an existing barn outside Iron Acton.
- 5.2 Principle of Development
Policy H4 of the Local Plan is generally supportive of extensions and alterations to existing dwellings subject to an assessment of design, amenity and transport. In addition to this, the design is important as the property is a barn that was converted under policy H10. The site is also located within the green belt and therefore the provisions of the NPPF must apply to any extension. The proposal should therefore be determined against the analysis set out below.
- 5.3 Green Belt
The application site is situated within a cluster of buildings at Lavenham Farm between Iron Acton and Nibley. Guidance in the NPPF allows for extensions and alterations to buildings provided that it does not result in disproportionate additions over and above the size of the original building.
- 5.4 The Development in the Green Belt SPD sets specific guidance on what is considered by the LPA to be disproportionate. This is assessed partly through the disproportionate test which uses the cumulative volume percentage increase of the property.
- 5.5 The proposed extension would result in a circa 36% increase to the volume of the property over and above the original volume of the barn. The design of the building is in keeping with the general scale of the existing barn. The site is not highly visible from the public realm being set a fair way from the highway and behind a dry stone wall. Therefore the proposal would have little impact on the perceived openness of the green belt.

- 5.6 A 36% volume increase is acceptable as the development would not have a materially harmful impact on the openness of the green belt and is therefore considered acceptable in this regard.
- 5.7 Design
The proposed extension consists of the addition of a wing to the property to the side and rear. It will replace the existing extension that was added when the property was converted. The appearance of the extension has been designed to respect the character of the existing barn as it proposes a gable roof with consistent eaves heights. Externally, the extension will be finished in a pennant stone to match the existing property. Windows in the front elevation have been indicated to be oak; in the rear elevation it is indicated to be a sliding folding window. No details regarding this window have been indicated on the application form. These details will be requested by condition.
- 5.8 In terms of the layout, the proposed extension retains much of the front elevation and has a good relationship to the garden. Overall, the design is considered to be acceptable and that it respects the character of the existing barn conversion.
- 5.9 Amenity
Development should not prejudice residential amenity. The application site is located within a small cluster of buildings; however, the barn itself is in one corner of the site. The proposed extension would not enable overlooking or private areas or lead to an overbearing impact on other properties.
- 5.10 Concern has been raised about noise. The site is already in a residential use and the proposed extension would not alter this. Although the extension would provide additional bedrooms, it is not considered that the addition of further bedrooms would result in a material increase in noise over and above that which can be expected and which is reasonable within a residential setting. Concerns about specific incidences of noise are not managed through planning legislation.
- 5.11 The proposed extension would not prejudice the level of amenity offered to the host dwelling as adequate private amenity space is retained. Overall, in terms of the impact on amenity, the development is acceptable.
- 5.12 Transport and Parking
When a residential property is extended, the primary transportation concern is the provision of adequate off-street parking to meet the requirements of the Residential Parking Standard SPD. The development would result in a five bedroom dwelling; this would require three off-street parking spaces.
- 5.13 The front of the dwelling is set to a driveway. On the case officer's visit, two vehicles were parked on the driveway and the area could comfortably accommodate further vehicles. It is considered that sufficient space is available within the curtilage of the property to provide adequate off-street parking and that the proposal would not prejudice parking provision on the wider site.
- 5.14 During the consultation period, the Parish Council has requested that additional passing places be provided along Nibley Lane. Nibley Lane itself does not

form part of the application site. This is an application for a householder extension and therefore it is considered unreasonable for the LPA to secure additional passing places as it is inconsistent with the scale of development or the application type.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development has been assessed against the policies listed above. The development is not considered to have a harmful impact on the openness of the green belt, residential amenity or parking provision. It is considered to be meet an acceptable standard of design.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 It is recommended that planning permission be GRANTED subject to the conditions listed below.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. Notwithstanding the submitted plans, prior to the commencement of development details of the materials and appearance of the window in the rear elevation of the extension hereby permitted shall be submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

CIRCULATED SCHEDULE NO. 35/14 – 29 AUGUST 2014

| | | | |
|------------------------------|--|---------------------|-----------------------------------|
| App No.: | PK14/2557/CLP | Applicant: | Mr B Hermer |
| Site: | 10 Jubilee Crescent Mangotsfield Bristol South Gloucestershire BS16 9BA | Date Reg: | 24th July 2014 |
| Proposal: | Demolition of existing rear pantry/porch to facilitate the erection of a single storey rear extension to provide additional living accommodation | Parish: | Mangotsfield Rural Parish Council |
| Map Ref: | 366426 177049 | Ward: | Rodway |
| Application Category: | Minor | Target Date: | 8th September 2014 |



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PK14/2557/CLP

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed demolition of an existing rear pantry/porch to facilitate the erection of a single storey rear extension at 10 Jubilee Crescent, Mangotsfield would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order (As Amended) 1995.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (As Amended) 1990 section 192
Town and Country Planning (General Procedures) Order 1995 Article 24 Town and Country Planning (General Permitted Development) Order (GPDO) (As Amended) 1995

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history for the site.

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No objection.
- 4.2 Other Consultees
Highway Drainage
No objection subject to drainage informative (which is not necessary on this type of application).

Other Representations

- 4.3 Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Plan; Existing Floor Plans and Elevations – 1025/10A; Proposed Scheme for Floor Plans and Elevations – 1025/14B; Site and Location Plans – 1025/15; all received 14th July 2014.

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

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

6.3 The proposed development consists of a rear extension. This development would fall under the criteria of *Schedule 2, Part 1, Class A*, of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995. This allows for the enlargement, improvement or other alteration of a dwellinghouse, subject to the following:

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

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

(b) **The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**
The maximum height of the proposal would not exceed the maximum height of the existing dwellinghouse.

(c) **The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**
The height of the eaves of the proposal would not exceed the eaves of the existing dwellinghouse.

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

The proposal does not extend beyond a wall which fronts a highway, nor does it extend beyond the principal elevation or the side elevation of the original dwellinghouse. The proposal therefore meets this criterion.

- (e) **The enlarged part of the dwellinghouse would have a single storey and—**
- (i) **extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
 - (ii) **exceed 4 metres in height;**
The proposal has a single storey and extends beyond the rear wall of the dwellinghouse by 3 metres exactly, and is 3.5 metres in height at the highest point. The proposal therefore meets this criterion.
- (f) **The enlarged part of the dwellinghouse would have more than one storey:**
The proposal is single storey.
- (g) **The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres:**
The proposal would be located within two metres of a boundary but have a height to the eaves of 2.5 metres and therefore meets this criterion.
- (h) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would:**
- (i) **exceed 4 metres in height**
 - (ii) **have more than one storey, or**
 - (iii) **have a width greater than half the width of the original dwellinghouse; or**
The proposed extension would not extend beyond a side wall of the original dwellinghouse.
- (i) **It would consist of or include—**
- (i) **The construction or provision of a veranda, balcony or raised platform,**
 - (ii) **The installation, alteration or replacement of a microwave antenna,**
 - (iii) **The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
 - (iv) **An alteration to any part of the roof of the dwellinghouse.**
The proposal does not include any of the above.

A2 In the case of a dwellinghouse on article 1(5) land, development is not permitted if:

- (a) **It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles :**
- (b) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- (c) **The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.**
The site is not located on article 1(5) land.

CONDITIONS

A3 Development is permitted by Class A subject to the following conditions:

- (a) The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

The plans indicate that externally the materials are to match those used in the existing dwellinghouse. The proposal therefore meets this criterion.

- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—**

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

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

- (c) Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

The proposal is single storey.

7. RECOMMENDATION

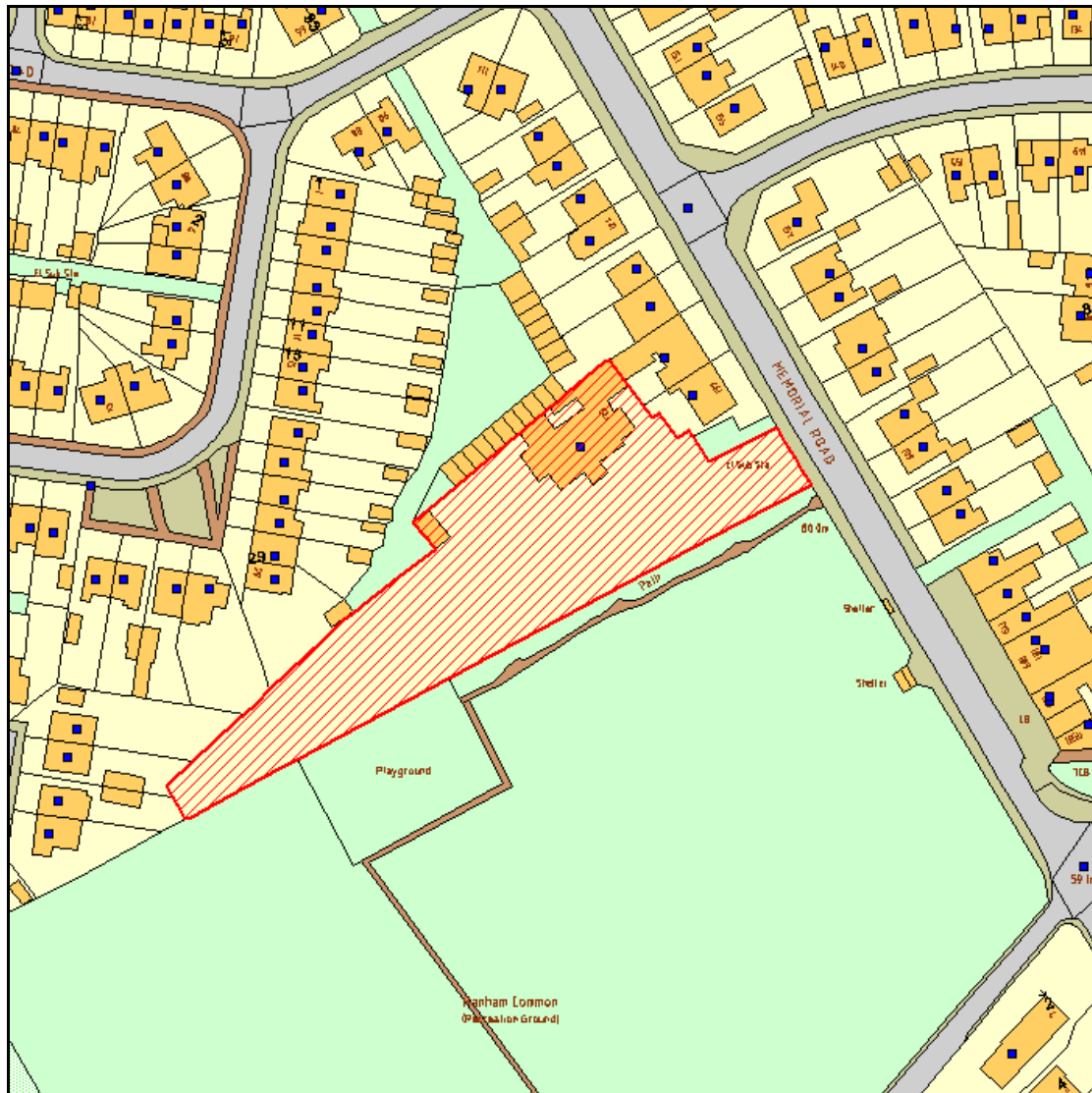
7.1 That a Certificate of Lawfulness for Proposed Development is **granted** for the following reason;

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CIRCULATED SCHEDULE NO. 35/14 – 29 AUGUST 2014

| | | | |
|------------------------------|--|---------------------|--------------------------------|
| App No.: | PK14/2565/F | Applicant: | Abbeyfield Bristol Society Ltd |
| Site: | 136 Memorial Road Hanham Bristol South Gloucestershire BS15 3LQ | Date Reg: | 24th July 2014 |
| Proposal: | Erection of replacement gate in southern boundary wall. (Retrospective). | Parish: | Hanham Abbots Parish Council |
| Map Ref: | 363889 171405 | Ward: | Hanham |
| Application Category: | Minor | Target Date: | 10th September 2014 |



© South Gloucestershire Council 2007. all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK14/2565/F**

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following an objection received from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks retrospective planning permission for the erection of a replacement gate in the southern boundary wall. The application relates to a recently redeveloped site for supported living accommodation with ancillary facilities. The site is a modern building comprising two 2-storey blocks linked by a single storey flat roof element and glazed corridor and two further single storey blocks.
- 1.2 The site is located within a residential area in Hanham adjacent to the Common and close to a parade of local shops to the east of the site.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

| | |
|------|--|
| CS1 | High Quality Design |
| CS5 | Location of Development |
| CS8 | Improving Accessibility |
| CS9 | Environmental Resources and Built Heritage |
| CS15 | Distribution of Housing |
| CS16 | Housing Density |
| CS17 | Housing Diversity |
| CS18 | Affordable Housing |
| CS23 | Community Infrastructure and Cultural Activity |
| CS24 | Open Space Standards |

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

LC4 Proposals for Education and Community Facilities within the Existing Urban Area and Defined Settlement Boundaries.

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/2832/TRE Works to fell 1no. Indian Bean tree covered by

| | | |
|-----|---------------|--|
| | | Tree Preservation Order SGTPO 03/09 dated 19 August 2009. 30.7.13 |
| | Approved | |
| 3.2 | PK13/0045/RVC | Demolition of existing dwelling to facilitate erection of 19 no. elderly persons supported living accommodations (Class C2) with ancillary facilities and associated works. Alterations to existing access. (See D.O.C. PK12/2985/F) |
| | Approved | 4.1.13 |
| 3.3 | PK12/2985/F | Demolition of existing dwelling to facilitate erection of 18no. elderly persons supported living accommodations (Class C2) with ancillary facilities and associated works. Alterations to existing access |
| | Approved | 24.10.13 |
| 3.4 | PK11/3072/F | Demolition of existing dwelling and erection of 24 elderly persons units supported living accommodation with ancillary facilities (Class C2) landscaping, works to trees, parking, new access and associated works. (Resubmission of PK11/0812/F). |
| | Refused | 9.1.12 |

4. **CONSULTATION RESPONSES**

4.1 Hanham Abbots Parish Council

Objections. We object to this application due to the fact that we are the land owners on the site to which this new access leads and have never been consulted over this gateway which has simply appeared without our prior knowledge. The description of the application states 'replacement gate', which is totally incorrect; based on local knowledge and parish records there has never been an access point at this location.

There have been instances of anti-social behaviour at the precise location of this access gate where youngsters congregate and we are concerned that unauthorised entry to the site could be made which would disturb the elderly residents living at the site.

4.2 Other Consultees

Listed Building Officer

No objection

Tree Officer

No objection to this retrospective application

Sustainable Transport

No objection

Highway Structures

No comment

Other Representations

4.3 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies. Of particular relevance is the overall design of the gates (CS1) the impact on residential amenity (LC4) and the benefit or improvement of the facilities at the supported living accommodation (LC4). The impact on highway safety (T12) would also be considered.

- 5.2 Policy LC4 deals with proposals for community facilities within the existing urban area and defined settlement boundaries and Policy CS23 encourages the enhancement of community infrastructure. Although it is recognised that the application for the gates does not sit entirely within these policies the effect of residents being able to use the gate and having direct access into the Common, would be of benefit to them.

It is considered that the erection of a gateway accords with the principle of development and this is discussed in more detail below.

5.3 Design and Visual Amenity

The gateway has already been installed in the southern boundary wall to No. 136 Memorial Road. It has been stated by the applicant that this is a replacement gate, however, the Parish Council declare that based on their local knowledge there has never been an access at this point and furthermore, as owners of the Common they have not been consulted regarding its installation. It is acknowledged that the original plans did not show a gateway, but they do indicate a break in the wall which may have been in-filled by fencing. Nevertheless, the application is to be assessed with regard to the present situation and using relevant planning policy. With regard to the access from the site, the applicant would need to contact the Parish to ask for permission to use the gateway as an access from the site.

- 5.4 The wall into which the gateway has been inserted is approximately 1.5 metres high with a series of blunt topped railings on top taking the total height of the boundary wall to approximately 2.1 metres. The gateway opening measures approximately 1 metre wide and the black gate itself 0.8 metres wide with a height to match the top of the wall railings. Good quality materials have been used for the gate and the boundary wall has been repaired/replaced as part of the approved application PK12/2985/F in materials to match the original wall.

5.5 In terms of its overall design, scale and massing the gates are considered to be appropriate to the application site and the area in general and are therefore acceptable.

5.6 Residential Amenity

The gateway opens out onto Hanham Common and as such there are no direct neighbours. It is approximately 75 metres from the highway, Memorial Road which lies to the east. Concern has been expressed by the Parish regarding *instances of anti-social behaviour at the precise location of the gate where youngsters congregate*. It does not follow that the installation of a gate within the wall allowing direct access for the elderly residents would in any way exacerbate such an existing situation. With regard to security within the grounds of No. 136 Memorial Road, this would be a matter for the owners and residents to secure their property; and the application details the lock on the gate would be compatible with the residents' room keys. It is therefore considered there would be no adverse impact on the residential amenities and in this respect the application is recommended for approval.

5.7 Transportation and Environmental Impact

The application is for a pedestrian access into an area of public open space, Hanham Common. As such there would be no impact on the highway and no resulting negative environmental issues to consider.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 That the application be **APPROVED**

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

CIRCULATED SCHEDULE NO. 35/14 – 29 AUGUST 2014

| | | | |
|----------------------------------|---|-------------------------|---------------------------|
| App No.: | PK14/2577/CLP | Applicant: | Mr Lynton Hoskins |
| Site: | 5 Brayne Court Longwell Green Bristol South Gloucestershire BS30 7DS | Date Reg: | 24th July 2014 |
| Proposal: | Application for certificate of lawfulness for the proposed erection of a single storey rear extension, front porch and an open sided canopy. | Parish: | Oldland Parish Council |
| Map Ref: | 365649 171357 | Ward: | Longwell Green |
| Application Category: | | Target Date: | 5th September 2014 |



© South Gloucestershire Council 2007. all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PK14/2577/CLP

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application site is 5 Brayne Court, Longwell Green.
- 1.2 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension; a front porch and an open sided canopy would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order 1995. (As Amended)
- 1.3 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, it is an evidential test of whether the development proposed is lawful on the balance of probability.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (As Amended) 1990 section 192
Town and Country Planning (Development Management Procedure) (England) Order 2010
Town and Country Planning (General Permitted Development) Order (GPDO) (As Amended) 1995
Planning Practice Guidance – Lawful Development Certificates

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/1169/F Approve with Conditions 24/04/2014
Erection of single storey side extension to form garage, following conversion of existing garage to living accommodation.
- 3.2 PK05/2544/F Approve with Conditions 20/10/2005
Erection of single storey rear extension to extend existing carport.
- 3.3 P98/4484 Approval Full Planning 14/08/1998
Erection of garage extension and provision of car port.
- 3.4 K1124/10AP9 Approval 03/03/1981
Erection of 330 dwellinghouses and 5 flats with associated garages and parking spaces. Construction of roads and footpaths and open space.
- 3.5 K1124/35 Approval 27/04/1981
Comprehensive development of approx. 318 acres of land for residential and educational purposes, public open space and local centre (outline).

Cond. K – *Notwithstanding the provisions of the Town and Country Planning General Development Order, 1973, as amended, no gate, fence, wall or other means of enclosure shall be erected, constructed or*

places in front of the front wall of any dwelling, or the flank wall of a dwelling at the junction of two roads, without the prior express planning permission of the local planning authority.

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No objection

Other Representations

- 4.3 Local Residents
No comments received
- 4.4 Hanham Abbots Parish council
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Application Form, Location Plan (1446-101); Existing Elevations Plans (1446-02); Proposed Elevations Plan (1446-12); Existing Ground Floor Plans (1426-01); Proposed Floor Plans (1446-11); Block Plan (1446-102).

6. ANALYSIS OF PROPOSAL

- 6.1 Principle of Development
The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.
- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 (Development within the curtilage of a dwellinghouse), Class A and Class D of the GPDO (As Amended) 1995.
- 6.3 Application ref. K1124/35 brings into effect Condition K mentioned above. This condition does not refer to householder extensions or alterations, but rather effects Part 2 of the GPDO (As Amended) 1995 in terms of the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. This condition therefore has no impact on the proposed development under this application.
- 6.4 The proposed development consists of a rear extension; an open sided canopy (side and front extension) and a front porch.
- 6.5 The rear extension and open sided canopy would fall under the criteria of *Schedule 2, Part 1, Class A*, of the Town and Country Planning (General

Permitted Development) Order (As Amended) 1995. This allows for the enlargement, improvement or other alteration of a dwellinghouse).

6.6 Whereas the front porch falls under *Schedule 2, Part 1, Class D*, of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995. This allows for the erection or construction of a porch outside any external door of a dwellinghouse.

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

- (a) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**
The proposed extensions would not exceed 50% of the total area of the curtilage.
- (b) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**
The maximum height of the proposals would not exceed the maximum height of the existing dwellinghouse.
- (c) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**
The height of the eaves of the proposals would not exceed the eaves of the existing dwellinghouse.
- (d) The enlarged part of the dwellinghouse would extend beyond a wall which—**

 - (i) fronts a highway, and**
 - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;**

The principle elevation of the host property is considered to be the front elevation of the original dwellinghouse (facing north-east) and garage (on the northern side of the curtilage known as 'garage no. 2' in Ground Floor Existing and Proposed plans). Although garage no. 2 has been extended under ref. P98/4484, it has not affected the principal elevation of the original garage.

Rear Extension

The proposal extends from the rear of the house and also from the side of the existing garage on the north elevation. Although the extension could be argued to front a footpath, which is included in the definition of a highway, the distance is considered to be substantial, and therefore the rear extension satisfies criterion d.

Open Sided Canopy (side and front extension)

As elaborated on above, the garage at the northern elevation, garage no. 2, forms part of the principle elevation fronting the highway, which is the only access route for vehicles for the host property and no. 6 Brayne Court. The proposed canopy extends from this garage by 5.4 metres,

therefore fronting a highway and forming the principal elevation. Consequently, the proposed canopy does not meet this criterion.

- (e) **The enlarged part of the dwellinghouse would have a single storey and—**
- (i) **extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
 - (ii) **exceed 4 metres in height;**

Rear Extension

The rear extension would have a single storey and extends from the rear wall of the original dwellinghouse by 3.6 metres and has a maximum height of 3.8 metres. Therefore, not exceeding 4 metres and satisfying this criterion.

Open Sided Canopy (side and front extension)

The canopy extends from the side of the original dwellinghouse, not the rear, and is 3.5 metres in height, satisfying the criterion A1.(e).

- (f) **The enlarged part of the dwellinghouse would have more than one storey:**
The proposals are both single storey.
- (g) **The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres:**

Rear Extension

The rear extension would not be within 2 metres of the boundary of the curtilage of the dwellinghouse and the height of eaves 2.8 metres from ground level.

Open Sided Canopy (side and front extension)

The canopy would be within 2 metres of the boundary of the curtilage, and the height of the eaves would be 2.8 metres from the ground.

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

Rear Extension

The rear extension extends from the side of the garage (no. 2) which forms a side elevation, as part of the original dwellinghouse. The rear extension is single storey and has a maximum height of 3.8 metres and overall width of 3.6 metres. These measurements are within the thresholds of this criterion and therefore satisfy it.

Open Sided Canopy (side and front extension)

The canopy would extend from the front of the original garage (no. 2) and from the side of the original house. The canopy is single storey and

has a maximum height of 3.5 metres and overall width of 3.5 metres. These measurements are within the thresholds of this criterion and therefore satisfy it.

- (i) **It would consist of or include—**
- (i) **The construction or provision of a veranda, balcony or raised platform,**
 - (ii) **The installation, alteration or replacement of a microwave antenna,**
 - (iii) **The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
 - (iv) **An alteration to any part of the roof of the dwellinghouse.**
- The proposal does not include any of the above.

A2 In the case of a dwellinghouse on article 1(5) land, development is not permitted if:

- (a) **It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles :**
 - (b) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
 - (c) **The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.**
- The site is not located on article 1(5) land.

CONDITIONS

A3 Development is permitted by Class A subject to the following conditions:

- (a) **The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

Rear Extension

The existing dwellinghouse is constructed in facing brickwork with white PVCu glazed windows; the proposed rear elevation will match materials accordingly.

Open Sided Canopy (side and front extension)

The side canopy will have white PVCu fascias, with profiled plastic coated cladding framing two translucent roof sheets. This does not constitute materials similar in appearance with those used in the existing dwellinghouse.

- (b) **Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—**
 - (i) **obscure-glazed, and**

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

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

- (c) **Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

The proposal is single storey.

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

- (a) **The ground area (measured externally) of the structure would exceed 3 square metres;**

The proposed porch would have a ground area of less than 2 square metres.

- (b) **Any part of the structure would be more than 3 metres above ground level; or**

On the front elevation of the host property there is an existing canopy roof (hanging tiles) which runs above the ground floor windows. The porch will effectively infill part of this canopy roof and therefore the effected part of the canopy roof is considered to be part of the porch structure. Consequently, the maximum height from ground level of the porch will be 3.3 metres, meaning the porch does not meet criterion D.1. (b).

- (c) **Any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.**

The porch will not be within 2 metres of any boundary of the curtilage with a highway.

7. RECOMMENDATION

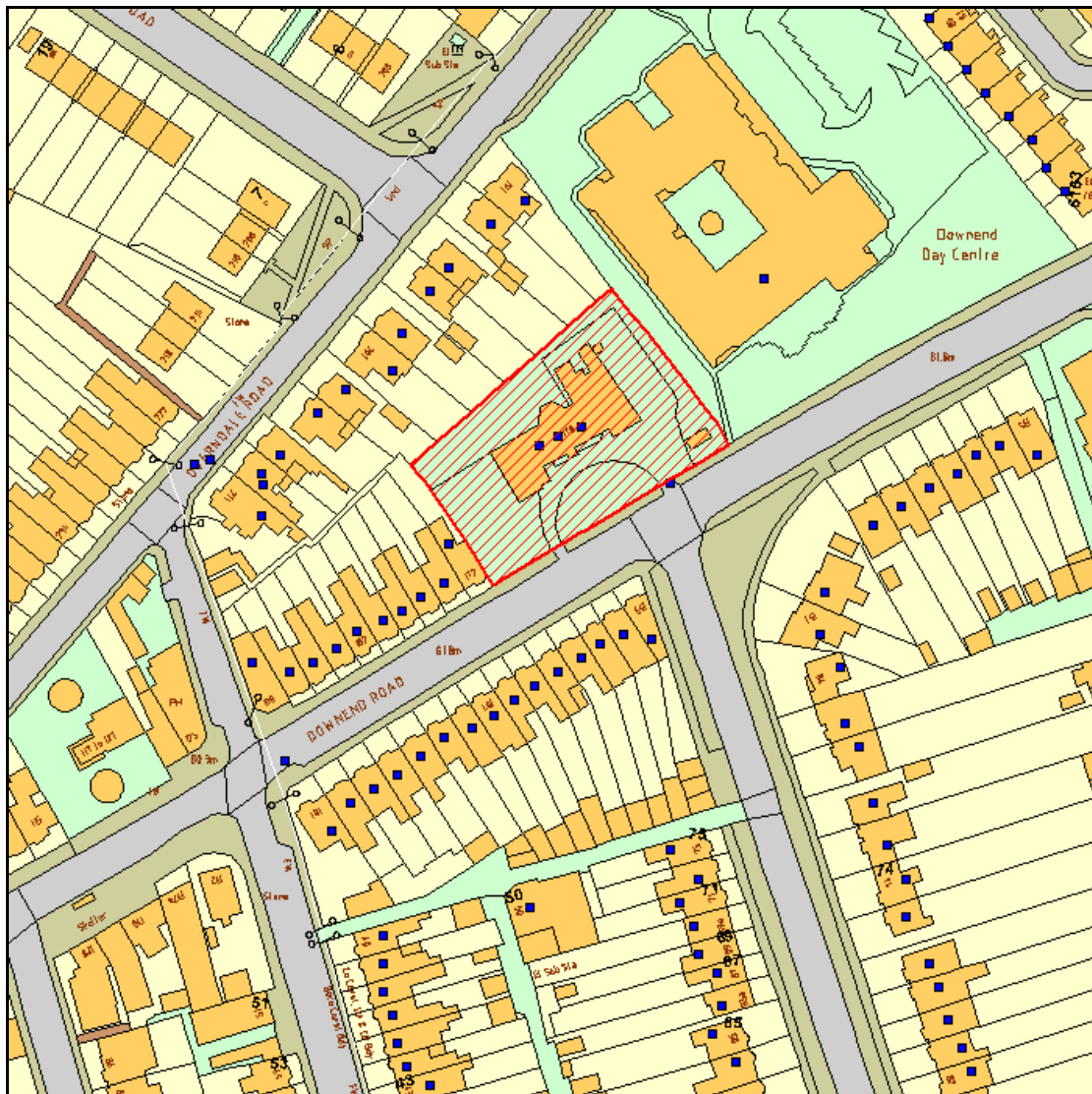
- 7.1 That a certificate of Lawfulness for Proposed Development is **refused** for the following reason:

Insufficient evidence has been submitted to demonstrate that the proposal falls within Schedule 2, Part 1 (Development within the curtilage of a dwellinghouse), Class A (A.1(d)) and Class D (D.1(b)) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). This is because the proposed open sided canopy would result in an enlargement extending beyond the principal elevation of the original dwellinghouse (garage no. 2) that fronts a highway; and the proposed porch at the front elevation would have a maximum height from ground level of over 3 metres.

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 35/14 – 29 AUGUST 2014

| | | | |
|------------------------------|---|---------------------|--|
| App No.: | PK14/2623/LB | Applicant: | Early Years Investments Ltd |
| Site: | Wendover House 170 Downend Road Downend South Gloucestershire BS16 5EB | Date Reg: | 16th July 2014 |
| Proposal: | Erection of second floor extension and other multiple internal and external alterations to facilitate the conversion of building to an Early Years Day Nursery. | Parish: | Downend And Bromley Heath Parish Council |
| Map Ref: | 364291 176375 | Ward: | Downend |
| Application Category: | Minor | Target Date: | 28th August 2014 |



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK14/2623/LB**

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

1. THE PROPOSAL

- 1.1 The application seeks listed building consent for the erection of second floor extension and other multiple internal and external alterations to facilitate the conversion of the building to an Early Years Day Nursery.
- 1.2 Wendover House is an early 19th century, grade II listed house located in the 20th century suburban development between Downend and Fishponds. The house is a formal, classically designed building with a central two and a half storey block with rendered walls, end gables, plate glass sashes in moulded architraves and three modern dormers lighting the attic space. The building has been extended and altered with two sets of flat-roof, rendered blocks attached to the North East and South West gables of the main building.
- 1.3 The building has most recently been used by the NHS as offices and consultation rooms. Consequently, it has undergone internal alterations that have affected its original character. This application seeks to restore the building by removing some of the modern alterations, as well as proposing others.
- 1.4 There have been a number of positive revisions to the submitted drawings resulting from an on-site meeting and formal comments on the application.
- 1.5 This application is to be read in conjunction with full planning application PK14/2622/F. A mixed comment has been received which both supports the re-use of the vacant site, but also raises a number of highway safety and transportation concerns. These comments are relevant to the above full planning application and will be addressed in that report as this application relates only to the proposed physical alterations to the listed building.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
Planning (Listed Buildings and Conservation Areas) Act 1990
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
L13 Listed Buildings

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/2622/F Erection of second floor extension and other multiple

alterations to facilitate the change of use to an Early Years Day Nursery (D1) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended)
Pending determination

- 3.2 PK14/1652/CLE Application for Certificate of Lawfulness for an existing use as a Non-residential institution (Use Class D1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Withdrawn 11.06.2014

4. CONSULTATION RESPONSES

- 4.1 Conservation Officer
No objection, subject to various amendments and suggested conditions being attached.
- 4.2 Downend and Bromley Heath Parish Council
No objection

Other Representations

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

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
This application stands to be assessed against National Planning Policy Framework (March 2012) and Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.2 Assessment
This application proposes the erection of second floor extension, and various internal and external alterations to facilitate the conversion of the building to an Early Years Day Nursery.
- 5.3 The building has most recently being used by the NHS as offices and consultation rooms and it has, consequently undergone internal alterations that have affected its original character. The supporting information provides good evidence of the former room proportions, architectural detailing and historic

- room layout surviving beneath the modern work. Externally the building has deteriorated with various elements in need of repair, refurbishment and restoration. The natural stone porch, window surrounds and architectural detailing have all been painted over and are now being affected by trapped moisture, and 20th century additions, fire-escape stairs, and general extraneous clutter is having a detrimental impact on the character and significance of the building.
- 5.4 This application proposes the conversion of the listed building to a day nursery, split over three floors with office/administrative space in the attic level. The conversion has been sensitively designed and laid out such that there is minimal alteration of the original layout and fabric of the listed building. The opportunity has been taken to introduce a second stair within the modern left hand block, thereby allowing the removal of the unsightly metal fire-escape. Intervention into the historic fabric as a result of this new stair is a new opening within the basement level which is considered acceptable given the benefit of losing the external fire-escape. A new set of steps down to the basement is proposed to replace the existing which will improve the principal elevation of the building.
- 5.5 At ground floor, the formal lobby area with its ornate arches and decorative plasterwork is reinstated and the modern partitions removed. An inserted wall in the left hand room is also removed, thereby reinstating the proportions and character of this part of the building. A number of doors are likely to be replaced and this will need to be agreed via a condition, as will the detailing of any new window shutters or other joinery items. Overall, alterations at ground floor level are acceptable subject to conditions.
- 5.6 At first floor level, the impact on the internal layout is roughly the same as the ground floor. The modern internal partitions are removed to allow the former proportions of the principal central room to be reinstated, the decorative arched openings to the lobby or anti-chamber are reinstated and some glazed screens introduced to contain the spaces whilst maintaining a degree of transparency. One result of this is the removal of some re-used door sets and architraves that have been previously incorporated into modern partitions. It is recommended that these are recorded and identified for re-use elsewhere in the building wherever possible and where appropriate. The main physical alteration to the listed building occurs at first floor level and comprises the extension of the existing lean-to addition and the creation of an 'outdoor terrace' above the right hand single storey addition. The existing rendered parapet wall is raised around the space to create enclosure and a new flight of stairs introduced from the landing. In conjunction with this is the formation of a new door through the gable wall of the smaller room to provide access to two toilets. In terms of impact on historic fabric, this is relatively minor and the main issue will be the impact on the external appearance of the building. From the grounds, this area is generally hidden by the existing walls and it is only in views from the far side of the main road that the existing lean-to addition can be seen. Views from here, are, however dominated by the imposing scale and massing of the main central block and it is considered, on balance, that the proposed works will remain subordinate in character and appearance and will not harm the significance of the listed building. It is important, however, that this space is not cluttered by the introduction of sheds/storage containers/large play equipment which could appear incongruous and intrusive in views of the main building.

- 5.7 The attic level accommodation is changed slightly in the rooms closest to the existing fire-escape. A new partition is introduced and a new opening created through the existing partition, which is considered acceptable. It is at the attic level that the new head of the secondary stair is introduced, which takes the form of a lightweight glazed structure with slate roof. This addition is considered a significant improvement to the existing situation.
- 5.8 It is proposed to create a series of terraces in the grounds and to create dedicated play areas. There is a lot of variation in ground levels resulting from previous works to create parking areas, which means retaining walls will be required. Whilst these are at the rear of the building, which has been previously affected by modern additions and the loss of the historic garden spaces, the scale and height of some of the walls makes them rather imposing and the overall affect rather harsh. The two storey projecting back is effectively enclosed by the new terrace walls and becomes hemmed in, rather than being a feature of this new and improved rear space. Amendments have been made to the submitted plans to show a greater sense of openness and connectivity, and reduce the sense of containment and enclosure. As well as some of the terrace walls being replaced with railings, extending the terrace area in a more subtle way. On balance, this is considered more acceptable.
- 5.9 To the front of the site, a new ramped entrance is being proposed for the central porch although it does not extend to creating a level entrance into the building due to the harmful impact on the character and fabric of the building. This is designed as part of a scheme of landscaped planting beds which softens the edges and enhances the setting of the listed building. This is considered acceptable in principle; a landscaping plan condition will be attached to agree the bin store location and alignment of additional fencing/hedging.
- 5.10 Whilst there will be aspects of the historic fabric that are affected, this is kept to a minimum by focussing alterations in the side wings and removing modern interventions in the main central block. The two extensions are very modest in scale and size and their position makes them unobtrusive additions to the building. The removal of the modern fire-escape is a significant enhancement and the creation of the terrace at first floor should be relatively discrete providing a condition is attached to control what is placed in this area. Overall, the principle of proposed conversion is considered acceptable and has been designed with special regard to protecting and enhancing the character and significance of the listed building.

6. CONCLUSION

- 6.1 The recommendation to **grant** Listed Building Consent has been taken having regard to section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 and Government advice contained in the National Planning Policy Framework.

7. RECOMMENDATION

- 7.1 That the application be **approved** subject to the conditions outlined on the decision notice.

Contact Officer: Katie Warrington
Tel. No. 01454 863436

CONDITIONS

1. Prior to the commencement of the works hereby approved, and notwithstanding the submitted details, a full schedule and detailed specification for any proposed structural works and for the repair and reinstatement of the interior decorative plasterwork, architraves, mouldings, shutters, cornices and other ornamental features/arches shall be submitted to and approved in writing by the local planning authority. The specification shall include details of the extent of proposed replacement of historic fabric. No works shall be commenced until the Council has given written approval for the submitted details, and the works shall be constructed exactly in accordance with the details so approved. Development shall be carried out strictly in accordance with the agreed details.

Reason: To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

2. Prior to their construction or installation, the detailed design including materials and finishes of the following items shall be approved in writing by the local planning authority:
 - a. All new external doors and screens including frames, architraves and door furniture and fittings
 - b. All new internal doors and fixed screens including frames, architraves and door furniture and fittings
 - c. All new windows including cill, head, reveals, shutters and window furniture and fittings
 - d. All new vents, flues, extracts, exterior lighting and alarm boxes.
 - e. All new railings.
 - f. Rooflights.
 - g. Guarding to ground floor windows.
 - h. Eaves to new staircase addition

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

3. Prior to the commencement of any works of paint removal to the historic stone window or door surrounds, a detailed specification and method statement for the works, including any subsequent masonry repairs, shall be submitted to and approved in writing by the local planning authority.

Reason: To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

4. Prior to the commencement of any works of paint removal to the historic stone window or door surrounds, a sample panel of cleaned and repaired masonry shall be inspected and approved in writing by the local planning authority. Works shall be carried out in accordance with the agreed details.

Reason: To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

5. Samples of the proposed roofing and external facing materials (including copings and stone paving) proposed to be used shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. Development shall be carried out strictly in accordance with the approved samples.

Reason: To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

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

Reason: To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

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

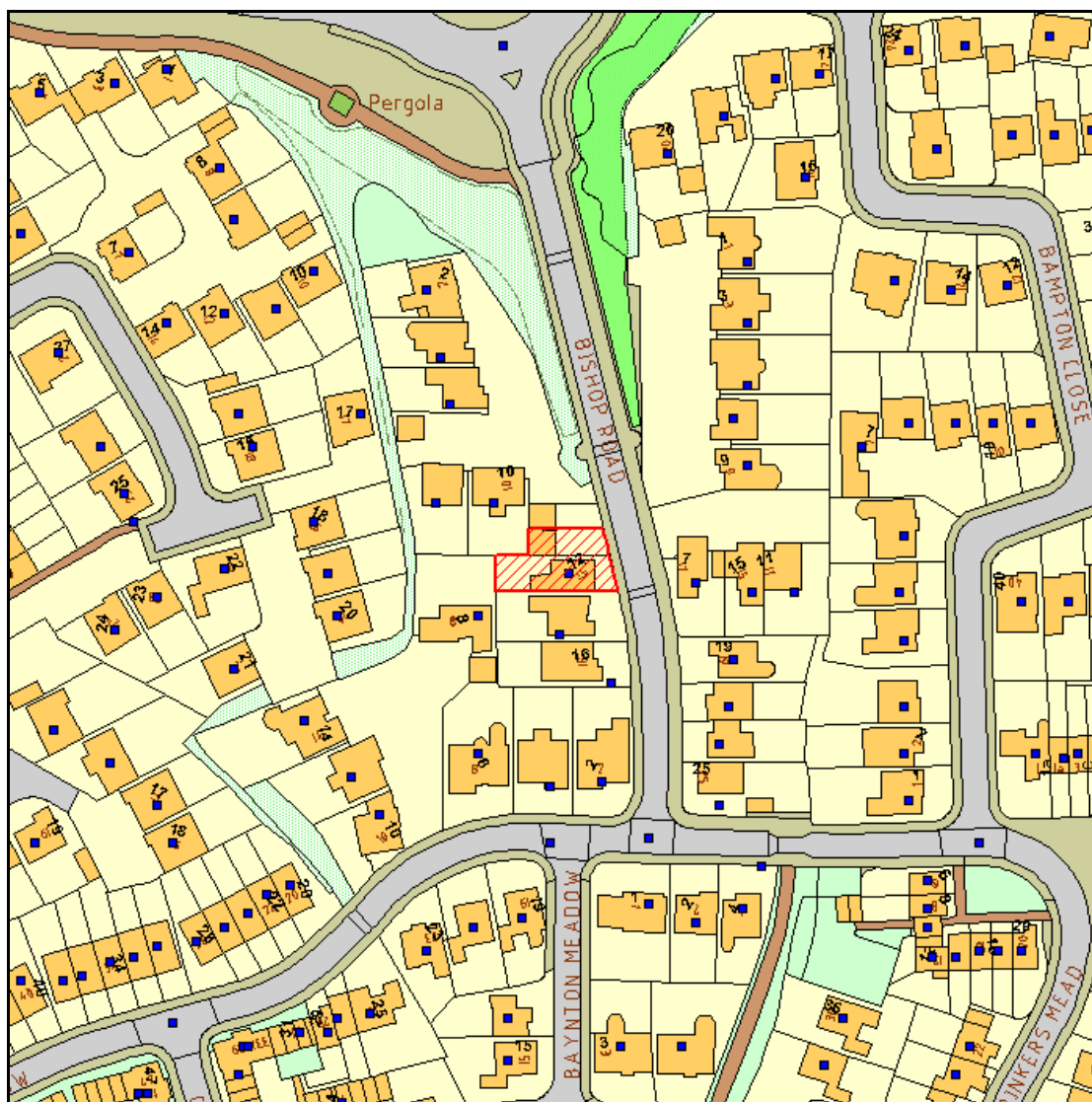
Reason: To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

8. All new external rainwater and soil pipes shall be formed in cast metal and painted black.

Reason: To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

CIRCULATED SCHEDULE NO. 35/14 – 29 AUGUST 2014

| | | | |
|------------------------------|---|---------------------|-----------------------------------|
| App No.: | PK14/2642/CLP | Applicant: | Mr And Mrs A Jackson |
| Site: | 12 Bishop Road Emersons Green Bristol South Gloucestershire BS16 7ET | Date Reg: | 16th July 2014 |
| Proposal: | Certificate of lawfulness for the proposed installation of rear dormer window | Parish: | Mangotsfield Rural Parish Council |
| Map Ref: | 367319 176883 | Ward: | Emersons Green |
| Application Category: | Minor | Target Date: | 1st September 2014 |



© South Gloucestershire Council 2007. all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PK14/2642/CLP

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer window at 12 Bishop Road, Emersons Green would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (As Amended) 1990 section 192
Country Planning (General Permitted Development) Order (GPDO) (As Amended) 1995

3. RELEVANT PLANNING HISTORY

- 3.1 P99/4046 Erection of 39no. dwellings
Approved 7.5.99

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No objection

- 4.2 Other Consultees

Highway Drainage
No comment

Other Representations

- 4.3 Local Residents
None received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Plan and site location plan – 01; Plans and existing elevations – 02; Plans and elevations as proposed – 03 ; all received 7th July 2014.

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, of the GPDO (As Amended) 1995.

6.3 The proposed development consists of a loft conversion facilitated by a dormer window in the rear roof slope of the property and a side window in the north elevation. This development would fall under the criteria of *Schedule 2, Part 1, Class B* of the Town and Country Planning (General Permitted Development) Order (as amended) 1995, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows for dormer windows subject to the following:

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

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

The proposed dormer would, at it's highest point, be 0.6 metres below the highest part of the existing roofline, and therefore meets this criterion.

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

The alterations to the roofline would be to the rear elevation.

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

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

(ii) 50 cubic metres in any other case;

The dormer window has a volume of approximately 9.7 cubic metres, and is therefore well below the maximum resulting roof space and meets this criterion.

(d) It would consist of or include-

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

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

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

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

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

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

CONDITIONS

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

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

The plans detail that the exterior of the dormer window would be vertically hung plain concrete tile walling and UPVC windows to match the existing. As such the proposal therefore complies with this condition.

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

The part of the dormer window which is closest to the eaves of the original roof is approximately 1.1 metres away. The proposal therefore meets this condition.

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

- (i) Obscure glazed; and**

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

One side window serving the second floor is proposed. The plans do not indicate that this would be of obscure glazing but it would appear that given its function of serving a landing it would be non-opening and as such would comply with this criteria.

7. RECOMMENDATION

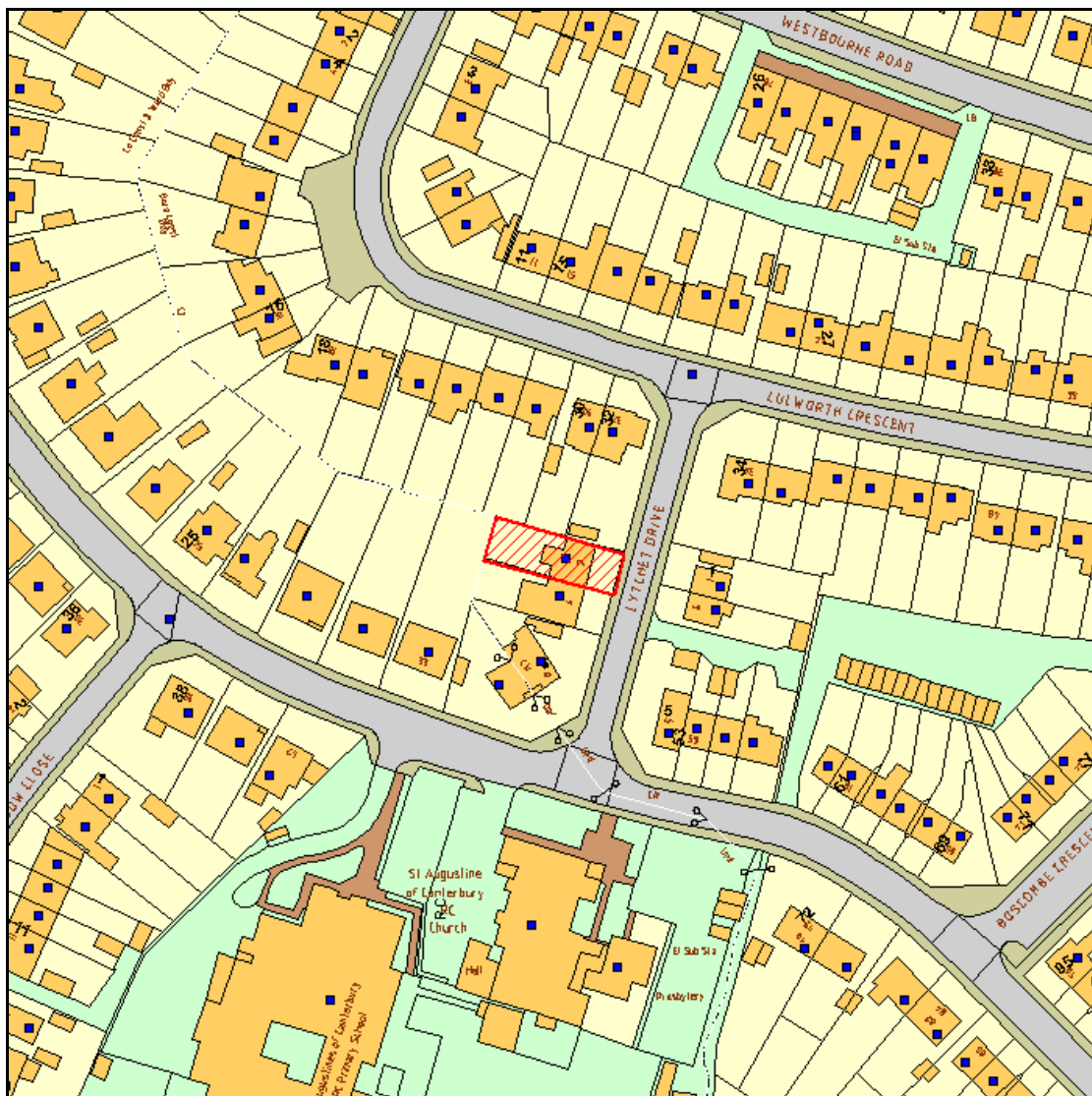
7.1 That a Certificate of Lawfulness for Proposed Development is **granted** for the following reason;

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CIRCULATED SCHEDULE NO. 35/14 – 29 AUGUST 2014

| | | | |
|------------------------------|---|---------------------|-----------------------------------|
| App No.: | PK14/2773/CLP | Applicant: | Mr Ronald Brooks |
| Site: | 2 Lytchet Drive Downend Bristol South Gloucestershire BS16 6SA | Date Reg: | 29th July 2014 |
| Proposal: | Certificate of lawfulness for the proposed erection of single storey extension to rear of existing garage | Parish: | Mangotsfield Rural Parish Council |
| Map Ref: | 365671 177526 | Ward: | Emersons Green |
| Application Category: | | Target Date: | 9th September 2014 |



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PK14/2773/CLP

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at 2 Lytchet Drive, Downend would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order (As Amended) 1995.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (As Amended) 1990 section 192
Town and Country Planning (General Procedures) Order 1995 Article 24 Town and Country Planning (General Permitted Development) Order (GPDO) (As Amended) 1995

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No objection

Other Representations

- 4.2 Local Residents
No response received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 PLANS
Existing plans and elevations and location plan – 01
Proposed plans and elevations - 02

6. EVALUATION

- 6.1 Principle of Development
The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for Planning Consent. Accordingly there

is no consideration of planning merit, the planning application is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

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

- 6.2 The proposed development consists of a single story rear extension. This development would fall under the criteria of *Schedule 2, Part 1, Class A*, of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995 (The enlargement, improvement or other alteration of a dwellinghouse). This allows for the enlargement, improvement or other alteration of a house, provided it meets the criteria as detailed below:

6.3 Erection of a single-storey rear extension

A1 Development is NOT permitted by Class A if –

- (a) **As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**
The proposed extension to the rear of the garage would not exceed 50% of the total area of the curtilage.
- (b) **The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**
The proposed would be single storey reaching 3.4 metres at its highest part. The proposal therefore accords with this criterion.
- (c) **The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**
Being single storey, the height of the eaves of the proposed extension would not exceed the height of the eaves of the main dwelling and as such meets this criterion.
- (d) **The enlarged part of the dwellinghouse would extend beyond a wall which—**
(i) **fronts a highway, and**
(ii) **forms either the principal elevation or a side elevation of the original dwellinghouse;**
The proposed extension would be to the rear of the garage of the dwelling not on a principle or side elevation and not fronting a highway, as such the proposal accords with this criterion.

- (e) **The enlarged part of the dwellinghouse would have a single storey and—**
- (i) **extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
 - (ii) **exceed 4 metres in height;**
- The application site is a two-storey semi-detached property. The proposed extension would be single storey and extend approximately 2.7 metres from the rear of the dwelling and therefore meets this criterion.
- (ea) **Until 30th May 2016, for a dwellinghouse not on article 1(5) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and –**
- (i) **extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse or**
 - (ii) **exceed 4 metres in height**
- The proposed extension would be single storey and extend approximately 2.7 metres from the rear building line.
- (f) **The enlarged part of the dwellinghouse would have more than one storey and**
- (i) **extend beyond the rear wall of the original dwellinghouse by more than 3 metres, OR**
 - (ii) **be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;**
- The proposal is single storey.
- (g) **The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**
- The proposal would be within two metres of a boundary but the eaves height would be approximately 2.2 metres and as such the proposal meets this criterion.
- (h) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would:**
- (i) **exceed 4 metres in height**
 - (ii) **have more than one storey, or**
 - (iii) **have a width greater than half the width of the original dwellinghouse; or**
- The proposal would extend off the rear elevation of the dwelling only.
- (i) **It would consist of or include—**
- (i) **The construction or provision of a veranda, balcony or raised platform,**
 - (ii) **The installation, alteration or replacement of a microwave antenna,**
 - (iii) **The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
 - (iv) **An alteration to any part of the roof of the dwellinghouse.**

The proposal does not include any of the above and consequently meets this criterion.

A2 In the case of a dwellinghouse on article 1(5) land, development is not permitted if:

- (a) **It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles :**
- (b) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- (c) **The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.**

The site is not located within article 1(5) land and as such the proposal meets this criterion.

CONDITIONS

A3 Development is permitted by Class A subject to the following conditions:

- (a) **The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**
- (b) **Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—**
 - (i) **obscure-glazed, and**
 - (ii) **non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**

The proposal would be finished in materials to complement those of the existing dwellinghouse.

The proposal does not include the installation of an upper floor window to the side elevation.

- (c) **Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

The proposal would be single storey

A4 Conditions apply to development falling under A1 (ea). These include:

Development shall be completed on or before 30th May 2016 and the developer shall notify the local planning authority of the completion of the development.

7. RECOMMENDATION

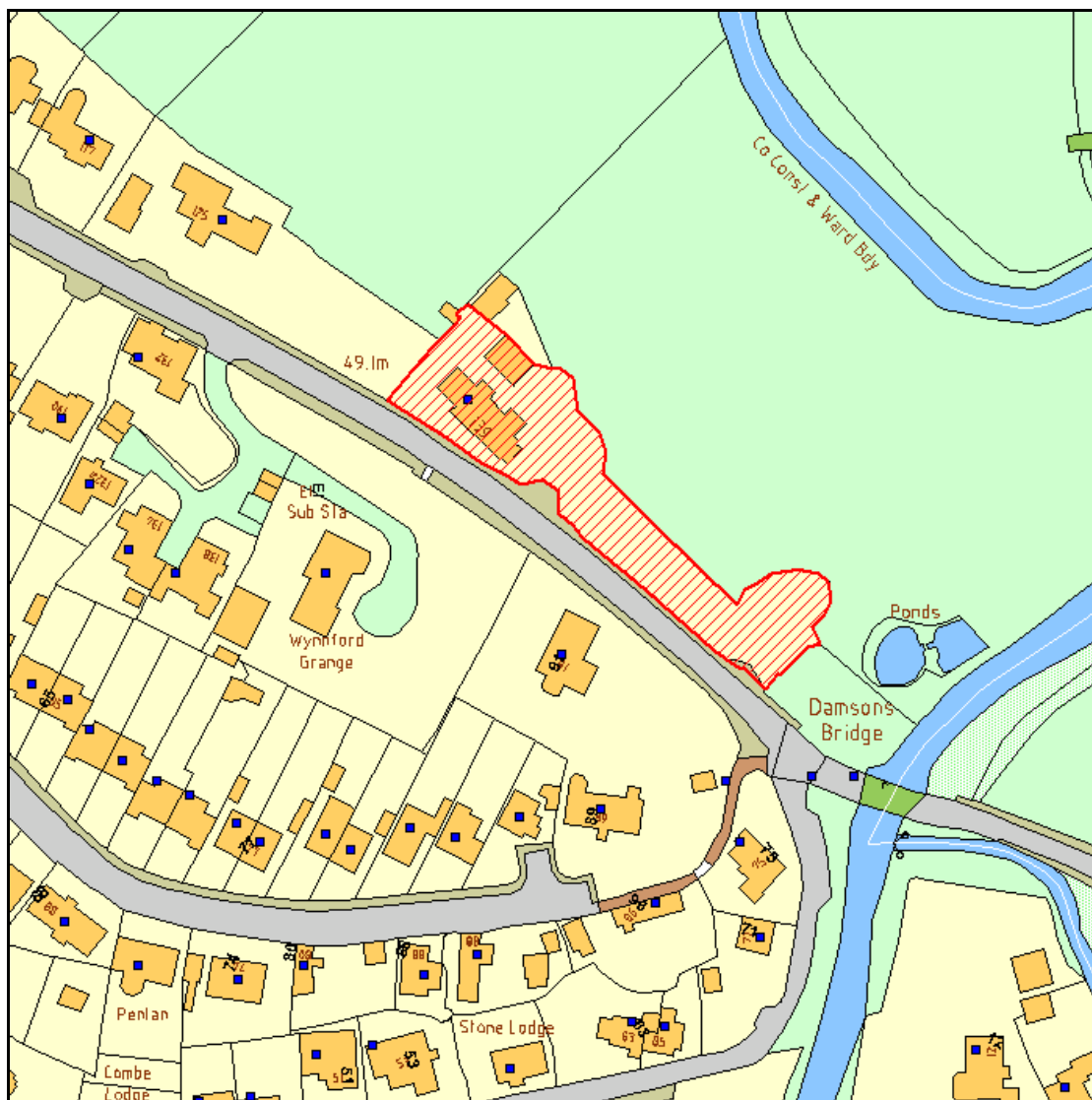
- 7.1 That a certificate of Lawfulness for Proposed Development is **GRANTED** for the following reason:

Evidence has been provided to demonstrate that the development falls within permitted development with the curtilage of the dwellinghouse under Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CIRCULATED SCHEDULE NO. 35/14 – 29 AUGUST 2014

| | | | |
|----------------------------------|--|-------------------------|--------------------------------|
| App No.: | PT14/1586/F | Applicant: | Mr G Potter |
| Site: | Damson House 139 Down Road Winterbourne Down Bristol South Gloucestershire BS36 1DF | Date Reg: | 25th April 2014 |
| Proposal: | Erection of detached double garage and store with living accommodation above to form residential annexe. | Parish: | Winterbourne Parish Council |
| Map Ref: | 365667 179541 | Ward: | Winterbourne |
| Application Category: | Householder | Target Date: | 17th June 2014 |



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PT14/1586/F

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from Winterbourne Parish Council and local residents, the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application site forms part of the elongate garden of Damson House; a modern brick and tile dwelling constructed in the mid 1990's. The site lies on the north-eastern side of Down Road, within the Established Settlement Boundary of Winterbourne and immediately adjacent to the open countryside of the Bristol and Bath Green Belt, which lies to the east. The site slopes markedly down to the south to the bottom of the Frome Valley, marked in Down Road where Damson Bridge crosses the river. The site is bounded to the front by a low stone boundary wall but there is a good deal of vegetation within the site. There are two existing vehicular access points into the site off Down Road.
- 1.2 It is proposed to erect within the garden, a detached garage with a residential annexe above. It is intended that the garage would be used to house the applicant's classic cars (including a Bentley). It is also intended that the applicant and his wife would occupy the 'granny annexe' above the proposed garage, whilst his son would continue to occupy the existing house.

2. POLICY CONTEXT

National Guidance

The National Planning Policy Framework 27 March 2012

The National Planning Practice Guidance 2014

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

CS1 - Design

CS5 - Location of Development

CS17 - Housing Diversity

CS34 - Rural Areas

South Gloucestershire Local Plan (Adopted) 6th January 2006

L1 - Landscape

L5 - Open Areas within the Existing Urban Areas and Defined Settlements.

T12 - Transportation Development Control Policy for New Development

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

EP2 - Flood Risk and Development

LC12 - Recreational Routes

Emerging Plan

Draft Policies, Sites & Places Plan – June 2014

PSP1 - Local Distinctiveness

PSP2 - Landscape

PSP7 - Development in the Green Belt

- PSP16 - Parking Standards
- PSP20 - Flood Risk, Surface Water and Watercourse Management
- PSP21 - Environmental Pollution and Impacts
- PSP39 - Private Amenity Space Standards

Supplementary Planning Guidance

The South Gloucestershire Design Check List (Adopted) SPD 23rd Aug 2007.
Development in the Green Belt - June 2007
Residential Parking Standards SPD (Adopted).

3. RELEVANT PLANNING HISTORY

The following relates to Damson House itself:

- 3.1 P93/1560 - Erection of detached dwelling and garage. Alteration to existing vehicular and pedestrian access.
Refused 16 June 1993 for the following reason :

The site is located in a prominent and sensitive location on the edge of the village development boundary of Winterbourne adjacent to open countryside. It is considered that the proposal, including the design of the dwelling, if allowed would adversely affect the character and setting of the locality, contrary to Policy C7 of the Approved Avon County Structure Plan, incorporating the First & Second Alteration and policies RP1 and RP36 of the Adopted Northavon Rural Areas Local Plan.

Appeal T/APP/G0120/A/93/225913/P2 Allowed 9 Sept 1993

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

The comments of the Parish Council are Strong Objection. This is within the Green Belt and this property could be converted into a separate dwelling at a later time, normally a granny annexe is attached to the existing property, this is a new house within the Green Belt.

Westerleigh Parish Council

No response

4.2 Other Consultees

Highway Drainage

No objection subject to a condition to secure a SUDS drainage scheme and details of the Package Treatment Plant.

Sustainable Transport

No objection

Tree Officer

Although this proposal requires the removal of trees, they are not of a quality that should be regarded a constraint to this development. Compensatory tree planting is proposed. The tree team have no arboricultural objections to this proposal.

Landscape Officer

No objection subject to additional planting.

A revised plan showing additional planting to officer satisfaction was subsequently submitted.

Ecology Officer

There are no ecological constraints to granting planning permission.

Other Representations

4.3 Local Residents

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

- Not in-keeping.
- Too prominent within the street scene, landscape and Green Belt.
- Overbearing impact on and loss of outlook for no.91 Stone Lane.
- Will be used as a separate dwelling.
- Hazardous access close to Damson Bridge.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within the Established Settlement Boundary of Winterbourne and being residential curtilage, there is no in-principle objection to the development of the site for residential use. Indeed the acceptance in principle of a dwelling i.e. Damson House on the wider site has already been established with the grant on appeal of permission P93/1560; the appeal decision is a material consideration of significant weight in the determination of this current proposal. The South Gloucestershire Local Plan Core Strategy has now been adopted (Dec 2013) so the policies therein are the starting point for the consideration of this application; and the application should be determined in accordance with those policies unless there are material planning considerations which outweigh it to the contrary. Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that, when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible. The NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

- 5.2 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.
- 5.3 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments.
- 5.4 Policy CS17 goes on to say that building on gardens will be allowed where this would not adversely affect the character of an area and where, cumulatively, it would not lead to unacceptable localised traffic congestion and pressure on parking. Such development will be allowed where each home has adequate private/semi-private and/or communal outdoor space and where occupiers have access to adequate open and play space within the immediate vicinity.
- 5.5 Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits development within existing residential curtilages, including extensions to existing dwellings and new dwellings subject to criteria that are discussed below. Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.
- 5.6 Density
The NPPF seeks to make efficient use of land in the Urban Area for housing. The proposal is considered to make efficient use of the land in what is a relatively sustainable residential location, within the Established Settlement Boundary of Winterbourne. In this respect the proposal therefore accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.
- 5.7 Scale and Design
Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 only permits new development where good standards of site planning and design are achieved. Criterion 1 of Policy CS1 requires that siting, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.8 The existing dwelling, which is located at the north-western end of the site, is a modern construction with brick walls and a tiled roof. The proposed materials to be used to construct the proposed new garage and annexe, would entirely match those of the existing building. In assessing the appeal relating to the construction of Damson House, the Inspector considered the main issue to be the effect of the scheme on the character and appearance of the locality. In making his assessment the Inspector noted that the site is not within the countryside but within the Established Settlement Boundary which encapsulates the settlement.

- 5.9 The proposed building would have a footprint measuring 10.5m x 8m with eaves at 5.3m and the apex of the roof at 9.6m. Whilst these dimensions are large for a garage, they need to be in this case as it is intended to house a classic car i.e. a Bentley. The ground floor area would also incorporate a store. The residential annexe above, would comprise a bedroom, living room, bathroom and store. Being recessed into the sloping land the overall impact of the building would be reduced and as such the proposed scale is acceptable.
- 5.10 The proposal would make a positive contribution to creating a mixed community by providing additional accommodation for the existing family. Furthermore, the proposal represents sustainable development where the Council has worked pro-actively with the applicant which accords with NPPF para.187 and Core Strategy Policy CS4A.
- 5.11 Having regard to all of the above, officers consider that on balance, the scale and design of the proposed built form is considered to be acceptable.
- 5.12 Landscape
Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape. Policy GB1 is not a saved Policy and is superseded by the Green Belt Policy within the NPPF. Whilst Policy GB1 made reference to the impact of developments on the setting of the Green Belt the NPPF does not; nevertheless the impact of the scheme on the wider landscape character must still be assessed.
- 5.13 The development would lie wholly within the existing garden area, which is large. The development plot would lie in the middle of the garden between the two vehicular access points and set back 2-3m from the road frontage. This part of the garden is currently taken up by vegetation.
- 5.14 The site has been assessed against Policy L5 in relation to its value as an open space but officers consider that in this case the criteria attached to L5 do not apply as up to 50% of the garden area could be built upon using permitted development rights.
- 5.15 Contrary to what Winterbourne Parish Council and local residents have suggested, the site does **not lie within the Green Belt** but is adjacent to it. Regarding the impact on the character of the area, in his assessment of the 1993 appeal relating to the construction of Damson House, the Inspector noted (para. 8) that:

“The Council refer to the prominence of the site. A house built on it would be the first dwelling seen on the right hand side of the road when entering Winterbourne Down from the east across Damson Bridge. The eastern edge of the settlement is however encountered before the observer reaches that point, the rising land to the south of Down Road containing several prominent houses. The site itself is separated from the open countryside immediately to the north by a pronounced and abrupt change of level. This, together with the traces of hard-surfaces remaining on the land from its previous uses, which I understand

included a dwelling and council storage depot, give it the appearance of forming part of the built-up area rather than the adjacent countryside, confirming its inclusion within the village development boundary.”

5.16 As regards views into and from the adjacent Green Belt, it is noted that the views of the open countryside from Down Road are mainly through the existing vehicular accesses and beyond, the central area between being well vegetated. At the Council's Landscape Architect's request, the proposed garage/annexe has been set back further into the site to allow additional screen planting to be introduced to maintain the 'leafy' character of the road and to soften the visual impact of the building.

5.17 In assessing views of Damson House from the open countryside to the east, the Inspector at para. 11 of his Decision Notice stated:

“I viewed the site from the Frome Valley Walkway to the north-east and noted that the dwelling would be seen from the open countryside against a backdrop of wooded land which rises steeply on the south side of Down Road. Its outline would not intrude on the skyline and it would be seen in the immediate context of existing dwellings on the rising land and to the north-west on Down Road. For these reasons it would not, in my view, dominate the adjacent countryside or be seen as an alien or intrusive element but rather as a consolidation of an established settlement. I conclude that it would not have a demonstrably harmful effect on the character or appearance of the locality.”

5.18 Given that the proposed garage/annexe would lie on ground lower down the valley side and would be in part recessed into the slope, with extensive screen planting around it, officers are satisfied that the cumulative impact on the character of the area would not be such as to justify refusal of the application. On balance therefore, subject to a condition to secure the submitted scheme of planting in the first planting season after completion of the development, there are no objections on landscape grounds.

5.19 Transportation Issues

Notwithstanding the extensive areas of hard-standing within the site, there are two parking spaces available within the existing garage and there would be an additional two spaces to accommodate the classic cars, in the proposed building. This level of parking provision complies with the new minimum standards listed in Appendix A of the South Gloucestershire Council Residential Parking Standards. There is adequate room within the site and proposed garage to provide bin storage and cycle parking for the existing dwelling and proposed residential annexe.

5.20 The existing two gated accesses off Down Road were secured under the conditions of the original appeal decision. It is noted that at the time of application P93/1560 the Council raised no objections on highway grounds and they raise none now. The two accesses would be retained and can easily be utilised by the occupants of the existing dwelling and the proposed annexe/garage respectively. Sufficient turning areas would be retained/provided to allow all vehicles to exit the site in forward gear. In terms

of traffic generation, this is unlikely to increase given that the accommodation would be occupied by the existing family members.

5.21 There are therefore no highway objections. The proposal is considered to accord with chapter 4 of the NPPF in that the residual cumulative impacts of the development would not be severe.

5.22 Impact Upon Residential Amenity

The proposed garage/annexe would be relatively divorced from the nearest residential dwellings. Some concerns have been expressed about overbearing impact and loss of outlook for the occupier of 139 Down Road, located to the west of the site, but given the distance between the respective buildings across Down Road and the presence of a considerable amount of vegetation along the western side of Down Road, officers consider that any impact on neighbouring residential amenity would be minimal.

5.23 Moving to the issue of amenity space, the layout of the scheme has been designed such that adequate amenity space would be retained to serve both the existing dwelling and proposed annexe. Officers are therefore satisfied that there would be no significant loss of residential amenity to result from the scheme.

5.24 Environmental and Drainage Issues

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. In terms of drainage, the Council's Drainage Engineer has raised no objection to the proposal subject to a condition to secure a SUDS Drainage Scheme and details of the proposed package treatment plant. Although the lower part of the garden lies within Flood Zone 2 the actual development site lies outside it and is not prone to flooding. On this basis it is accepted that the sequential test has been passed whereby development is steered towards sites at the lowest risk of flooding.

5.25 Other Issues

The Parish Council has raised strong objection to the proposal on the grounds that the building could be converted to a separate dwelling at some time in the future. Officers however must stress to Members that the application is for a garage/annexe only and as such could only be used ancillary to the enjoyment of the host dwelling. The annexe is not self-contained as it has no kitchen facilities and would be occupied by existing family members.

5.26 The application must be determined on its individual merits. If at some time in the future it were intended to occupy the proposed building as a separate dwelling house, this would need planning permission in its own right and such an application would be determined on its own merits at that time. To refuse this current application on the grounds that the proposed building 'might' be used at some time in the future as a house would simply be unreasonable and such a decision could not be defended in an appeal; furthermore the Council

would most likely be at risk of a cost claim. Nevertheless and for the avoidance of doubt, a condition could be imposed to ensure that the proposed building is occupied only for purposes ancillary to Damson House.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Reason

To protect the residential amenity of neighbouring occupiers and to accord with Policy H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS, details of the proposed package treatment plant and confirmation of hydrological conditions e.g. soil permeability, watercourses, 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 and before the development is occupied.

Reason

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

4. Prior to the first occupation of the development hereby approved, the parking and turning areas shall be provided in full accordance with the plans hereby approved and maintained as such thereafter.

Reason

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

5. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Damson House, 139 Down Road, Winterbourne Down, Bristol.

Having regard to the impact on the character of the area, residential amenity and highway safety, to accord with Policies L1, H4 and T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013..

6. All hard and soft landscape works shall be carried out in accordance with the approved details shown on New Landscaping Details Plan No. 3277-LP Rev B received 16 May 2014. The works shall be carried out in the first planting season prior to the occupation or completion of the development whichever is the sooner or in accordance with a programme agreed with the Local Planning Authority.

Reason

To protect the character and appearance of the area to accord with Policies H4 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013.