



**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. 02/15**

**Date to Members: 09/01/15**

**Member's Deadline: 15/01/15 (5pm)**

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

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

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

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

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

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

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

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

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

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

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

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

Members are entitled to refer any application for consideration by the relevant DC Committee or Sites Inspection Committee, before a decision has been made. However as call-ins will delay the decision on an application 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:

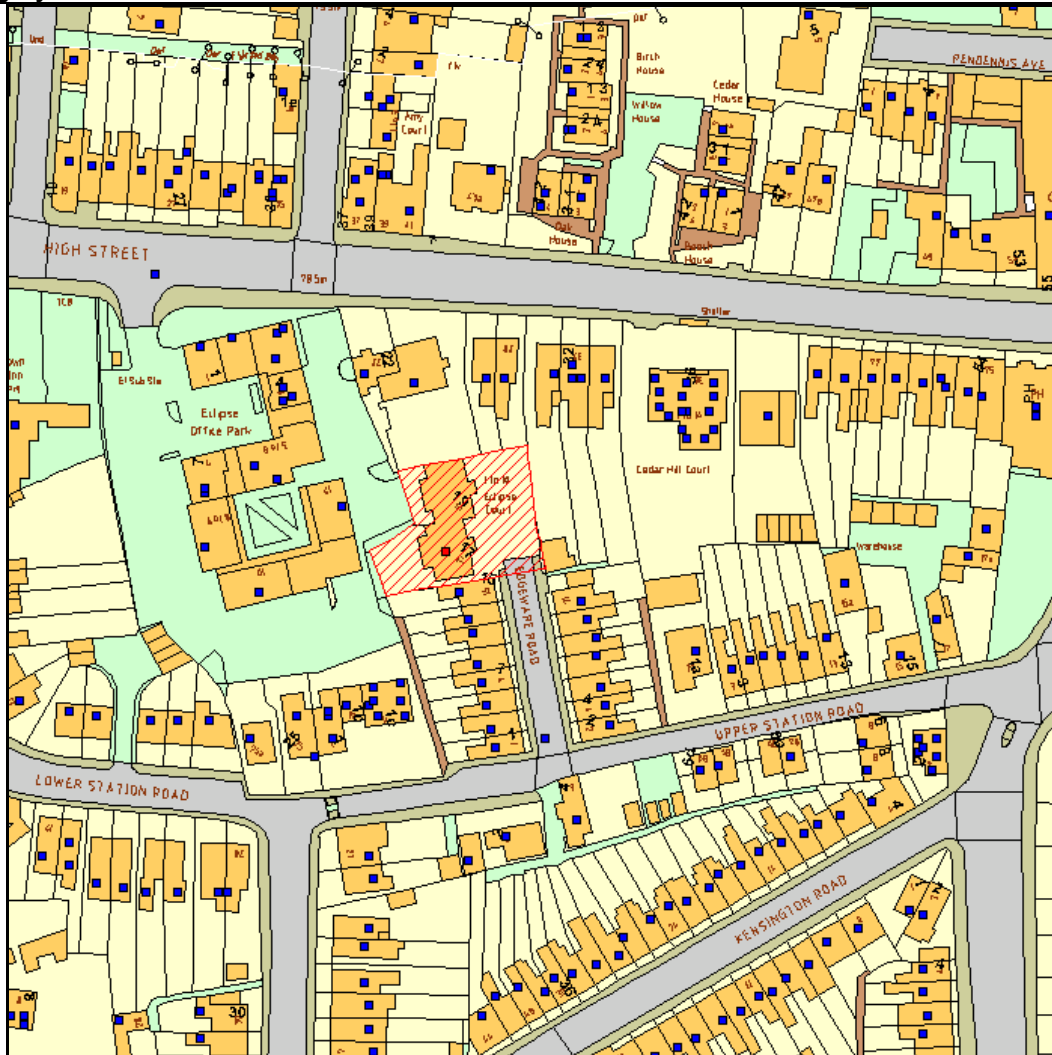
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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](mailto:MemberReferral@southglos.gov.uk), where referrals can be picked up quickly by the Development Management Technical Support Team. Please note a copy of your referral e mail will appear on the website. **If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.**
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

# CIRCULATED SCHEDULE - 9 JANUARY 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK14/2628/F	Approve with Conditions	17 - 19 Edgeware Road Staple Hill South Gloucestershire BS16 4LZ	Staple Hill	None
2	PK14/3005/F	Approve with Conditions	Court Farm Lodge Court Farm Road Longwell Green South Gloucestershire BS30 9AE	Longwell Green	Hanham Abbots Parish Council
3	PK14/3541/LB	Approve with Conditions	Court Farm Lodge Court Farm Road Longwell Green South Gloucestershire BS30 9AE	Longwell Green	Hanham Abbots Parish Council
4	PK14/3765/F	Approve with Conditions	61 Siston Common Siston South Gloucestershire BS15 4PA	Siston	Siston Parish Council
5	PK14/4134/F	Approve with Conditions	106 High Street Oldland Common South Gloucestershire BS30 9TF	Oldland	Bitton Parish Council
6	PK14/4477/F	Approve with Conditions	Aldermoor Way Longwell Green South Gloucestershire BS30 7DA	Longwell Green	Oldland Parish Council
7	PK14/4478/ADV	Approve	Aldermoor Way Longwell Green South Gloucestershire BS30 7DA	Longwell Green	Oldland Parish Council
8	PK14/4550/F	Approve with Conditions	5 Harrison Close Emersons Green South Gloucestershire BS16 7HB	Emersons	Mangotsfield Rural Parish Council
9	PK14/4570/F	Approve with Conditions	24 Bath Road Bridgegate South Gloucestershire BS30 5JW	Siston	Siston Parish Council
10	PK14/4664/CLP	Approve with Conditions	28 Ridley Avenue Siston South Gloucestershire BS16 9QN	Siston	Siston Parish Council
11	PT14/2646/O	Approve with Conditions	Land At Laurel Hill Cribbs Causeway Almondsbury South Gloucestershire BS10 7TU	Patchway	Almondsbury Parish Council
12	PT14/2912/CLE	Approve	Eastfield Nursery Village Road Littleton Upon Severn South Gloucestershire BS35 1NT	Severn	Aust Parish Council
13	PT14/3827/F	Approve with Conditions	Vermont House Down Road Alveston South Gloucestershire BS35 3JE	Thornbury South And	Alveston Parish Council
14	PT14/4091/F	Approve with Conditions	38 Beach Avenue Severn Beach Bristol South Gloucestershire BS35 4PB	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
15	PT14/4261/ADV	Split decision See D/N	Park Hotel Gloucester Road Whitfield Wotton Under Edge South Gloucestershire GL12 8DR	Charfield	Falfield Parish Council
16	PT14/4400/PDR	Approve with Conditions	18 Foxcroft Close Bradley Stoke South Gloucestershire BS32 8BJ	Bradley Stoke South	Bradley Stoke Town Council
17	PT14/4422/NMA	No Objection	Meadow Lea Main Road Easter Compton South Gloucestershire BS35 5RE	Almondsbury	Almondsbury Parish Council
18	PT14/4534/F	Approve with Conditions	7 Crispin Lane Thornbury South Gloucestershire BS35 2AY	Thornbury North	Thornbury Town Council
19	PT14/4558/F	Approve with Conditions	225 Badminton Road Coalpit Heath South Gloucestershire BS36 2QQ	Westerleigh	Westerleigh Parish Council
20	PT14/4566/CLP	Approve with Conditions	Sundown 22 Over Lane Almondsbury Bristol South Gloucestershire BS32 4BP	Almondsbury	Almondsbury Parish Council

**CIRCULATED SCHEDULE NO. 02/15 – 9 JANUARY 2015**

<b>App No.:</b>	PK14/2628/F	<b>Applicant:</b>	King's Barton Housing Association
<b>Site:</b>	17 - 19 Edgeware Road Staple Hill Bristol South Gloucestershire BS16 4LZ	<b>Date Reg:</b>	16th July 2014
<b>Proposal:</b>	Change of use from Care Home (Class C2) to 12no. self contained flats (Class C3) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) with landscaping and associated works.	<b>Parish:</b>	None
<b>Map Ref:</b>	364479 175889	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>	Major	<b>Target Date:</b>	6th October 2014



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 100023410, 2014. N.T.S. PK14/2628/F

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

This application has been referred to the Circulated Schedule because the proposal, if approved, would require a new S106 Agreement.

### **1. THE PROPOSAL**

- 1.1 The application relates to the change of use of a Care Home (C2) to 12no flats (C3). The former Care Home (now vacant) is located at the north-western end of Edgeware Road; a small cul-de-sac in the heart of Staple Hill. The former Care Home is a large, three-storey, 1980's, red brick building, otherwise the cul-de-sac comprises small terraced houses on either side. The cul-de-sac terminates in a parking hammerhead located opposite the front of the application site; to the rear of the building there is an amenity area enclosed by high walls. The Eclipse Office Park bounds the site to the north-west (rear) whilst the shops on Staple Hill High Street lie to the north.
- 1.2 It is proposed to change the use of the former Care Home (C2) to 12no. flats (C3).
- 1.3 The accommodation comprises 664 sq.m. floor space, made-up of 2 x 2 bed and 10 x 1 bed flats to be occupied as social housing by elderly clients of Kings Barton Housing Association. The proposed change of use requires only minor external works to the building. The existing car parking and bin storage facilities would be utilised to provide 10 car parking spaces.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
The National Planning Practice Guidance 2014

#### **2.2 Development Plans**

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

T8 - Parking Standards  
T7 - Cycle Parking  
T12 - Transportation Development Control Policy for New Development  
H5 - Houses in Multiple Occupation  
L1 - Landscape Protection and Enhancement  
EP2 - Flood Risk and Development  
LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions).

##### **South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013**

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development.  
CS6 Infrastructure and Developer Contributions  
CS8 Improving Accessibility  
CS15 Distribution of Housing

CS17 Housing Diversity  
CS18 Affordable Housing  
CS23 Community Infrastructure and Cultural Activity  
CS24 Green Infrastructure, Sport and Recreation Standards.

### Emerging Plan

#### Policies, Sites & Places Development Plan Document (Draft) June 2014

PSP1 - Local Distinctiveness  
PSP2 - Landscape  
PSP8 - Settlement Boundaries and Residential Amenity  
PSP10 - Development Related Transport Impact Management  
PSP16 - Parking Standards  
PSP20 - Flood Risk, Surface Water and Watercourse Management  
PSP21 - Environmental Pollution and Impacts  
PSP35 - Residential Conversions, Sub-Divisions and Houses in Multiple Occupation.  
PSP39 - Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Council Residential Parking Standards (Adopted).

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

- 3.1 K129 - Change of Use of existing stores to store and workshop for joinery and shopfitting business with office accommodation.  
Refused 12 Sept 1974
- 3.2 K129/2 - Residential development and construction of new vehicular and pedestrian accesses (outline).  
Approved 14 March 1988
- 3.3 K129/3 - Retain existing use and demolish five garages to extend service yard.  
Refused 14 March 1988
- 3.4 K129/4 - Erection of 10no. elderly persons flats with 5no. parking spaces and garden areas.  
Approved 17 July 1989
- 3.5 K129/5 - Conversion of existing flats into 21 bed nursing home and provision of parking in Edgware Road and Upper Station Road.  
Approved 16 Dec 1991
- 3.6 K129/6 - Alterations to elevations and erection of two rear conservatory extensions.  
Approved 23 Sept. 1993
- 3.7 PK12/2190/F - Change of use from Care Home (Class C2) to Hostel (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Approved 31 August 2012 but not implemented.

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

##### 4.1 Downend and Bromley Heath Parish Council

No comment

##### 4.2 Other Consultees [including internal consultees of the Council]

###### Highway Drainage

No comment

###### Sustainable Transport

No objection subject to a condition to restrict occupancy to people over the age of 60.

###### Wessex Water

A public sewer lies close to the site; no building over the sewer will not be permitted without from Wessex Water. No further development will be permitted within the statutory easement width of 3m from the public sewer without agreement from Wessex Water.

###### Highway Structures

No comment

###### Environmental Protection

No objection subject to standard informatives regarding building sites.

###### Landscape Officer

No comment

###### Ecology Officer

No comment

###### Avon Wildlife Trust

No comment

###### Housing Enabling

This application has been submitted by a Housing Association and proposes all 12 homes to be for social rent.

###### New Communities

The following contributions are requested:

Off-site POS provision/enhancement £11,584.55p

Off-site POS maintenance £4,859.26p

Library Contributions £907.74p

###### Children and Young People

No requests.

## **Other Representations**

- 4.3 Local Residents  
No responses received.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

This brownfield site lies within the Urban Area where the principle of residential development is acceptable. The existing building was previously a Care Home and a subsequent permission to convert the building to a residential hostel was granted but not implemented.

- 5.2 The NPPF (para 14) states that; at the heart of the Framework is the presumption in favour of sustainable development. Sustainable development is defined in the Framework as having three dimensions, which lead to three roles – an economic role, a social role and an environmental role. The proposal, for social housing, would lie close to Staple Hill Town Centre and would create job opportunities for the building trade; as such it complies with the stated aims and objectives of the NPPF. Furthermore The South Gloucestershire Local Plan Core Strategy has now been adopted (Dec 2013) so the policies therein now forms part of the Development Plan. Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

- 5.3 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe. Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation and makes specific reference to the importance of planning for inclusive and mixed communities and this policy stance is replicated in Policy CS17 of the Core Strategy.

- 5.4 The proposal to convert the former Care Home (C2) to 12no. flats (C3) falls to be determined under Policy H5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. Policy H5 permits proposals for conversion of existing residential properties into smaller units of self-contained residential accommodation, or change of use to houses in multiple occupation, or conversion of non-residential properties for residential use provided that they:-

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

- 5.5 The locality, being very close to the centre of Staple Hill, has a somewhat mixed character, there being office blocks and commercial properties neighbouring the site to the west and north.



The predominant character however is one of residential properties aligned as terraces along the back roads leading off the High Street. The existing building, being 3-storey, is atypical of the properties within Edgware Road and in scale, age and appearance, relates more to the Eclipse Office Park located to the north-west. Nevertheless, the site has a long history of commercial use and the existing building was used as a Residential Care Home (C2) until it closed in November 2011.

- 5.6 The proposed conversion to flats would be achieved without any new build and only cosmetic changes are proposed which include:
- The replacement of all existing windows with double glazed uPVC windows.
  - The replacement of the existing dilapidated timber cladding with composite cladding.
  - The simplification of the bay window on the ground floor to the entrance halls.
  - The replacement of the bay window at first floor of the staircore with a normal window.

Officers consider that these changes would enhance the appearance of the building.

- 5.7 The Care Home became unviable and closed in Nov 2011; it has been vacant ever since. Officers consider that in order to avoid degradation of the building, vandalism or unauthorised occupation by undesirable elements, it is preferable that some viable use is made of the building rather than leaving it empty on a long-term basis, as this in itself could have a detrimental impact on the character of the locality.
- 5.8 Given the former use of the building, officers are satisfied that the general character of the area would not be compromised by the proposed change of use to flats. This matter will however be discussed in more detail in the sections below relating to residential amenity and transportation. As the proposal provides the opportunity to bring the building back into a use that makes a positive contribution to society and housing provision, officers are satisfied that Criterion A of Policy H5 is satisfied.

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

- 5.9 Residential dwellings lie in close proximity to the site, not least along Edgware Road itself. The proposed 1 & 2 bed flats would be made available as rented social housing by Kings Barton Housing Association (a Registered Social Landlord). As such the flats would be occupied by elderly people as opposed to families. The applicant is prepared to accept a condition to restrict occupation to people no younger than 60 years of age (see transportation section).
- 5.10 The government encourages mixed and inclusive communities and given the sites central location, the proposal would be highly sustainable. Any excess noise would be controlled by the normal Environmental Health Legislation but given the age of the future occupants, anti-social behaviour is unlikely to be a problem.

The existing amenity area is very well enclosed by high walls thus retaining existing privacy levels. Any car parking would be generally in the same locations at the end of the road as for the previous Care Home use.

5.11 Officers consider therefore that Criterion B is satisfied.

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

5.12 Edgware Road is a narrow cul-de-sac of terraced dwellings, which have no off-street parking. On-street parking is therefore at a premium in this area. The proposal would provide 10 parking spaces to the front of the building, together with a waste bin store.

5.13 In normal circumstances the proposed parking provision would fall below the minimum standards required for 10 x 1 bed & 2 x 2 bed flats as outlined in Appendix A of the South Gloucestershire Residential Parking Standards SPD i.e. 15 spaces in total. However, in this case, given the proposed use of the flats by elderly people, the scheme can be assessed as being for the "Active Elderly" or Unassisted "independent" Living (see SPD page 14). The SPD states that such schemes will be considered on their merits but evidence should be submitted with applications to justify the parking provision. As an indication the Council considers that 1 space per 2 dwellings may be appropriate for unassisted 'independent' retirement living models with high levels of market units, whilst 1 space per 4 dwellings may be appropriate for frail elderly assisted living schemes. An additional space per 4 dwellings should also be provided for communal/visitor parking. If assessed under these criteria, the parking provision required would be 9 spaces.

5.14 The applicants, who have a housing stock of 131 'independent living' units in the location for people aged 50+, have submitted evidence to demonstrate that there is only a 38% car ownership for these units. The revised submitted plans show an occupancy level of 17 persons only.

5.15 The site also lies in a highly sustainable location only 250 metres from the amenities and shopping facilities on Staple Hill High Street. The site also has good access to the regular bus routes along the High Street into Bristol and Emersons Green.

5.16 Bin storage would be provided to the front of the building and the refuse lorry would reverse up Edgware Road for collection; but this would be identical to the current situation. Some secure cycle parking would be provided in a shed to the rear of the building.

5.17 Having regard to the above, officers are satisfied that an acceptable level of parking provision would be provided for the proposed use and that criterion C of Policy H5 is satisfied. There is however concern that the flats could at some time in the future change hands and be occupied as unrestricted open market housing. To ensure therefore, an appropriate parking provision, in the interests of highway safety and the amenity of the area, officers consider that a condition should be imposed to restrict the occupancy of the flats to people aged at least 60 years old; the applicant is prepared to accept such a condition.

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

- 5.18 The amenity space to the rear of the building, would be available to all future residents; this is the same as was available to occupants of the Care Home. Furthermore, Page Park with its leisure and sporting facilities would be a relatively short walk down the High Street. Criterion D is therefore satisfied.

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

- 5.19 The building has previously been used as a residential care home and lies the urban area.
- 5.20 All of the criteria attached to Policy H5 are met. Furthermore one of the core principles of the NPPF states that the planning system should underpin decision-taking, by proactively supporting sustainable economic development to deliver homes, businesses and thriving local places that the country needs. Every effort should be made to meet the housing, business and development needs of an area. The proposed change of use is considered to accord with the core principles of the NPPF as well as the policies within the adopted Local Plan.
- 5.21 Landscaping  
The property already benefits from landscaped grounds and this would be retained/enhanced under the proposed scheme.
- 5.22 Environmental Issues  
The site lies in Zone 1 and is therefore not prone to flooding. Being an existing building it is proposed to utilise the existing sustainable drainage system and mains sewer. Whilst the works to convert the building may cause some disturbance, the hours of working can be adequately controlled by condition. There are therefore no objections on environmental grounds.
- 5.23 Education  
Although the proposal for 12 units exceeds the threshold for contributions to CYP (see NPPG), given the age restriction on future occupants there is no justification for such contributions.
- 5.24 Affordable Housing  
The applicants are a Registered Social Landlord and it is intended that the proposed flats would be for social rent; the scheme would therefore be 100% affordable housing. The property could however change hands at some time in the future, whereby the units could become open market housing (the age restriction condition would however still apply). In order to ensure an affordable housing provision, officers originally requested that, in accordance with Core Strategy Policy CS18, 4 affordable homes be secured by S106 Agreement.
- 5.25 However, Central Government issued new legislation on the 28<sup>th</sup> Nov. 2014 regarding the reuse of vacant buildings and affordable housing requirements.

Developers who bring vacant buildings back into use shall now be offered a financial credit equivalent to the existing gross floor space of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions would be required for any increase in floor space. In this instance, as the proposal will not result in any increase in floor space there will be no requirement to formalise any affordable housing contribution in this instance.

5.26 New Communities

The proposal is for 12no. units in an urban area, which exceeds the new PPG threshold (10 units) for contributions towards New Communities. Contributions to the following are required to be secured by a S106 Agreement:

£9,777.76p towards offsite provision/enhancement of outdoor sport.

2,959.41p towards maintenance.

£907.74 towards library enhancement.

5.27 Community Infrastructure Levy (CIL)

It is likely that the Council will introduce a CIL charging regime in April. All applications not determined by then are likely to be the subject of CIL charging.

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

- A contribution of £9,777.76p towards off-site provision/enhancement of Outdoor Sport provision in the locality; to accord with Policy CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.
- A contribution of £2,959.41p towards the maintenance of off-site Outdoor Sport provision in the locality; to accord with Policy CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.
- A financial contribution of £907.74p towards the provision of library services (upgrading and enhancing existing services at the nearest library to the site

(Staple Hill Library) to accord with Policies CS23 and CS6 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

(2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.

- 7.2 Should the agreement not be completed within 6 months of the date of the Committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

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

### **CONDITIONS**

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

Reason

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

2. The hours of working on site during the period of demolition/construction/conversion shall be restricted to 07.30 to 18.00 Mondays to Fridays, and 08.00 to 13.00 Saturdays 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 and the movement of vehicles within the curtilage of site.

Reason

To minimise disturbance to neighbouring properties and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the provisions of the NPPF.

3. Prior to the first occupation of the dwellings hereby approved, the car parking facilities shall be provided and marked out in accordance with the approved Site Plan Drawing No. 1673 P-100 Rev G received 19th Nov. 2014 and maintained as such thereafter.

Reason

To ensure adequate parking provision in the interests of highway safety and to accord with Policies T12 and H5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and to accord with The South Gloucestershire Residential Parking Standards SPD (Adopted).

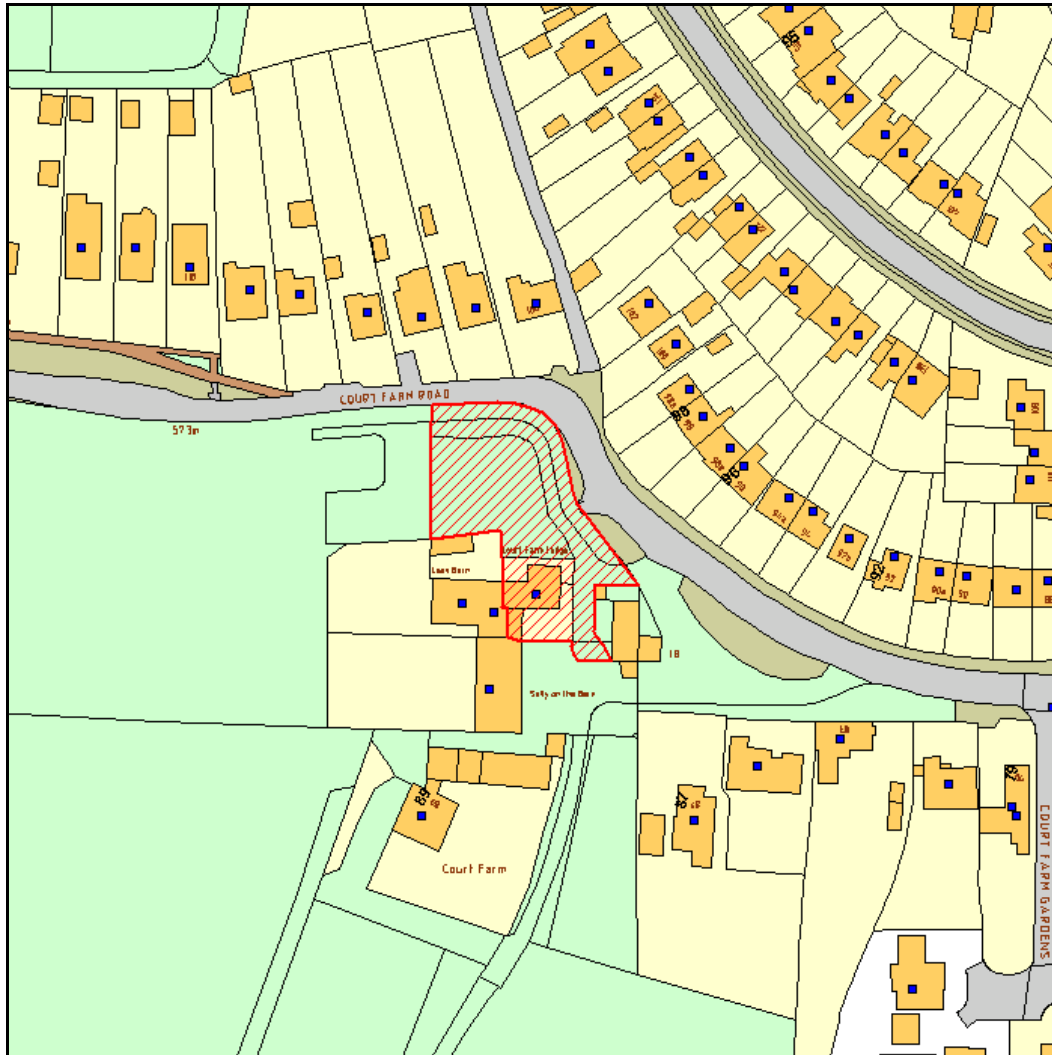
4. The occupation of the flats hereby approved shall be restricted to people no younger than 60 years of age.

#### Reason

To control traffic generation to/from the site in the interests of highway safety and residential amenity, having regard to the limited amount of on-site parking provision provided and the sites location in a narrow cul-de-sac with limited on-street parking availability; in accordance with Policies T12 and H5 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and The South Gloucestershire Council Residential Parking Standards (Adopted).

CIRCULATED SCHEDULE NO. 02/15 – 9 JANUARY 2015

<b>App No.:</b>	PK14/3005/F	<b>Applicant:</b>	Mr And Mrs Bracey
<b>Site:</b>	Court Farm Lodge Court Farm Road Longwell Green Bristol South Gloucestershire BS30 9AE	<b>Date Reg:</b>	29th August 2014
<b>Proposal:</b>	Erection of detached double garage.	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	365289 170644	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	15th October 2014



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 100023410, 2014. **N.T.S.** **PK14/3005/F**

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

This application is referred to the circulated schedule as objections have been received contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a double garage at a barn conversion on Court Farm Road in Longwell Green. The barn is a curtilage listed building and is on the edge of the Hanham Abbots Conservation Area. The site is also within, but on the edge of, the Bristol and Bath Green Belt. In addition, the site also lies just outside the defined settlement boundary of the east fringe of Bristol and is therefore within the open countryside. An application for listed building consent accompanies this application.
- 1.2 The garage would be located to the north west of the property adjacent to an existing outbuilding. The garage would replace an existing open sided structure within a walled courtyard. There is no planning history for the existing structure although it looks to be under construction in the Council's aerial photograph of 2008/9.
- 1.3 A similar application was refused in 2006 although it should be noted that the corresponding listed building consent was approved subject to conditions. Since the refusal in 2006 there have been changes to both national and local planning 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  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS34 Rural Areas

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

L1 Landscape  
L12 Conservation Areas  
L13 Listed Buildings  
T12 Transportation  
H4 Development within Existing Residential Curtilages



- 2.3 Supplementary Planning Guidance
- (a) Development within the Green Belt (Adopted) June 2007
  - (b) Landscape Character Assessment (Adopted) November 2014
  - (c) Residential Parking Standard (Adopted) December 2013

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

- 3.1 PK14/3541/LB *Pending Consideration*  
Erection of detached double garage
- 3.2 PK07/3355/F Approve with Conditions 11/07/2008  
Change of use of agricultural land to residential curtilage, hard and soft landscape works and access arrangements. Amendments to previously approved scheme P99/4573.
- 3.3 PK06/0542/RVC Refusal 27/03/2006  
Variation of Condition 2 attached to planning permission P99/4573 to amend details of hard and soft landscaping works on the site.
- 3.4 PK05/2538/F Refusal 28/04/2006  
Erection of detached double garage.

*Refusal Reasons –*

- (1) The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, Policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006.
  - (2) The site is located within the Bristol/Bath Green Belt and the proposal by reason of its height, mass and bulk and prominent location would have a detrimental impact upon the openness of the Green Belt. The proposal is therefore contrary to PPG2 and Policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006.
  - (3) The site is within the Hanham Abbots Conservation Area and the open countryside and it is considered that the proposed development, if allowed, would fail to preserve or enhance the character and appearance of the designated area and the landscape setting. The proposal is therefore contrary to Policies L1 and L12 of the South Gloucestershire Local Plan (adopted) January 2006.
  - (4) The proposed garage, by reason of its height, size and proximity to the neighbours primary kitchen window and garden area, would have a detrimental effect on the amenities of the occupiers of the adjoining dwellinghouse. The proposal is therefore considered contrary to Policy H4 of the South Gloucestershire Local Plan Revised Deposit Draft (adopted) January 2006.
- 3.5 PK05/2536/LB Approve with Conditions 21/04/2006  
Erection of detached double garage.
- 3.6 P99/4574/L Approve with Conditions 09/03/2001  
Conversion and alterations to agricultural buildings to create 5no. dwellings.

3.7 P99/4573 Approve with Conditions  
Conversion of agricultural buildings to 5no. dwellings.

09/03/2001

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

4.1 Hanham Abbots Parish Council  
No objection

4.2 Archaeology Officer  
No objection

4.3 Conservation Officer  
No objection subject to condition

4.4 Drainage  
No comment

#### **Other Representations**

- 4.5 Local Residents  
One comment of objection has been received:
- Listed building application is required
  - Plans are not dimensioned
  - Garage would be overbearing on a kitchen window
  - Garage would subsume shared stone boundary wall
  - Downpipe is proposed on land not in the ownership of the applicant
  - Tarmac driveway has been refused at adjacent property
  - Proposal is longer than previously refused application
  - Building is not appropriate in the green belt and would harm openness
  - Garage would have a detrimental impact on the conservation area

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

5.1 This application seeks planning permission for the erection of a garage at a barn conversion in Longwell Green.

5.2 Principle of Development  
The site lies within the Bristol and Bath Green Belt where there is an assumption against development unless it falls within pre-defined exception categories. Additionally, as the site is a curtilage listed building and within a conservation area, any development must pay due respect to these heritage designations. Therefore, the application should be determined against the analysis set out below.

5.3 Green Belt  
The government attaches great importance to green belts with the fundamental aim of keeping the land permanently open in nature. The construction of new buildings within the green belt is inappropriate unless they fall into certain pre-defined categories as listed in the NPPF.

These categories include the extension or alteration of a building provided it does not result in a disproportionate addition over and above the size of the original building, replacement buildings, and the partial or complete redevelopment of previously developed land.

- 5.4 The proposed garage would replace an existing carport. The site is located adjacent to a natural stone side wall and an outbuilding which has recently received planning permission and listed building consent for conversion and the installation of a new pitched roof. The site is therefore no longer as open in nature as it was when application PK05/2538/F was determined. If permitted, the garage would result in some additional built form within the green belt however the development is considered to be well related to the existing built form of the converted farm building complex and therefore the impact on the openness of the green belt would be limited and would not conflict with the purposes of the designation. The site does not benefit from permitted development rights and therefore any future increase in the built form would be subject to assessment.
- 5.5 It is not considered that the proposal would result in a material decrease in openness when considered against the exception categories listed in the NPPF and is therefore not inappropriate development.
- 5.6 Heritage  
Two heritage designations are relevant to the site; these are a grade II curtilage listing of Sally on the Barn and the inclusion of the site within the Hanham Abbots Conservation Area.
- 5.7 Under planning application PK05/2538/F the Conservation Officer at the time noted that the conversion of the farm buildings to residential accommodation may increase the need for additional garaging and parking. However, the officer goes on to note that the landscaping was yet to be implemented. This landscaping was revised under planning permission PK07/3355/F which also permitted the change of use from agricultural land to residential garden. Part of the refusal of PK05/2538/F was that, if permitted, it would result in creep which harmed the contrast between the open land of the conservation area and the cluster of converted farm buildings.
- 5.8 As a result of the revised landscaping and other development on the site, such as the carport and conversion of adjacent building, the definition between the farm site and the open conservation area is less stark than when PK05/2538/F was determined. This is shown in the Council's aerial photography of the time. It is therefore not considered that the erection of the garage building would impact on the character of the conservation area to the extent where this would warrant refusal of the proposal.
- 5.9 Listed building consent has previously been granted for the proposed garage. It is considered that the design and location of the garage would not have a harmful impact on the heritage designation of the listed building and therefore the proposal accords with the relevant policies.

5.10 Living Conditions

The previous planning application was refused on the basis that, if permitted, the garage would have a harmful impact on the residential amenity of Lees Barn due to the size, height and proximity of the development to a kitchen window.

5.11 In order to overcome this previous refusal, the eaves have been reduced to 2.1 metres on the rear elevation and the ridge to 3.5 metres. This is a significant reduction to the 2.6 metre eaves and 5.3 metre ridge as proposed under PK05/2538/F. This is considered to remove the objection on the size and height of the extension.

5.12 The proposed garage would be located approximately 10 metres to the north of the adjacent dwelling. As the development is to the north of the adjacent dwelling there would be little overshadowing. The reduction in the height of the garage combined with the distance is considered to have sufficiently reduced the impact on the living conditions of the nearby occupier to the extent where the development would be acceptable.

5.13 Design

The design of the garage is traditional in appearance. The roof would be set between gable parapet walls and would be finished in reclaimed clay tiles with exposed rafters to the eaves. The walls would be finished with natural stone and the rainwater goods would be cast iron. The design is not considered to harm the setting of the listed building and respects the character of the existing built form.

5.14 Samples and large scale details would be required by condition on the accompanying listed building consent to ensure that the proposal is finished to a high design standard.

5.15 Details are also required by condition of the parking area. Tarmac is not an appropriate material within the setting of the listed building and therefore this detail needs to be controlled. All of the above shall be attached to the listed building consent.

5.16 Transport and Parking

The proposed garage exceeds the minimum size requirement to be considered a double garage and therefore can contribute two parking spaces to the overall provision for the dwelling. The garage itself is unlikely to create any additional demand for vehicular movements and therefore it is not considered to have an impact on highway safety or vehicular movements.

5.17 Other Matters

Concerns has been raised that the development would result in a downpipe on the adjacent occupier's land. Planning permission does not grant right of access and therefore the land owner's permission would be required to enter land and to install any such pipe. This is therefore a civil matter and cannot be resolved under the planning Act.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

**Contact Officer: Griff 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).

**CIRCULATED SCHEDULE NO. 02/15 – 9 JANUARY 2015**

**App No.:** PK14/3541/LB  
**Site:** Court Farm Lodge Court Farm Road  
 Longwell Green Bristol South  
 Gloucestershire BS30 9AE

**Applicant:** Mr And Mrs M Bracey  
**Date Reg:** 16th September 2014

**Proposal:** Erection of detached double garage

**Parish:** Hanham Abbots  
 Parish Council

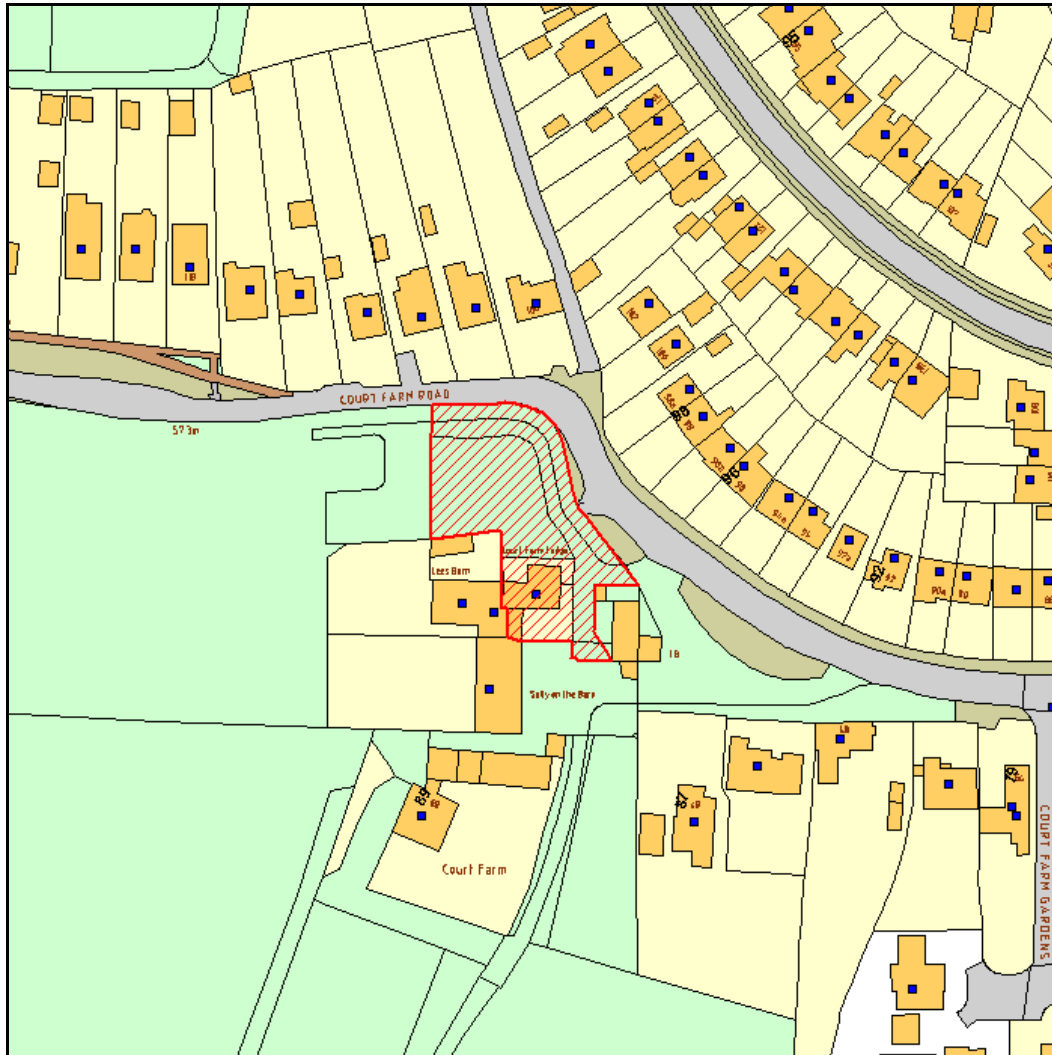
**Map Ref:** 365289 170644

**Ward:** Longwell Green  
**Target** 10th November 2014

**Application** Minor

**Category:**

**Date:**



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

This application is referred to the circulated schedule as objections have been received against the accompanying application for planning permission (PK14/3005/F) which are contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks listed building consent for the erection of a detached double garage at a dwelling in Longwell Green.
- 1.2 The application site is curtilage listed as it is associated with Sally on the Barn which is a grade II listed building.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework (March 2012)  
Planning (Listed Building and Conservation Areas) Act 1990

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)  
L12 Conservation Areas  
L13 Listed Buildings

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

- 3.1 PK14/3005/F *Pending Consideration*  
Erection of detached double garage
- 3.2 PK07/3355/F Approve with Conditions 11/07/2008  
Change of use of agricultural land to residential curtilage, hard and soft landscape works and access arrangements. Amendments to previously approved scheme P99/4573.
- 3.3 PK06/0542/RVC Refusal 27/03/2006  
Variation of Condition 2 attached to planning permission P99/4573 to amend details of hard and soft landscaping works on the site.
- 3.4 PK05/2538/F Refusal 28/04/2006  
Erection of detached double garage.

*Refusal Reasons –*

- (1) The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against

development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, Policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006.

- (2) The site is located within the Bristol/Bath Green Belt and the proposal by reason of its height, mass and bulk and prominent location would have a detrimental impact upon the openness of the Green Belt. The proposal is therefore contrary to PPG2 and Policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006.
- (3) The site is within the Hanham Abbots Conservation Area and the open countryside and it is considered that the proposed development, if allowed, would fail to preserve or enhance the character and appearance of the designated area and the landscape setting. The proposal is therefore contrary to Policies L1 and L12 of the South Gloucestershire Local Plan (adopted) January 2006.
- (4) The proposed garage, by reason of its height, size and proximity to the neighbours primary kitchen window and garden area, would have a detrimental effect on the amenities of the occupiers of the adjoining dwellinghouse. The proposal is therefore considered contrary to Policy H4 of the South Gloucestershire Local Plan Revised Deposit Draft (adopted) January 2006.

3.5	PK05/2536/LB	Approve with Conditions Erection of detached double garage.	21/04/2006
3.6	P99/4574/L	Approve with Conditions Conversion and alterations to agricultural buildings to create 5no. dwellings.	09/03/2001
3.7	P99/4573	Approve with Conditions Conversion of agricultural buildings to 5no. dwellings.	09/03/2001

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

- 4.1 Hanham Abbots Parish Council  
No objection
- 4.2 Conservation Officer  
No objection subject to condition

#### **Other Representations**

- 4.3 Local Residents  
None received

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

- 5.1 This application seeks listed building consent for the erection of a detached double garage within the curtilage of a listed building.
- 5.2 Principle of Development  
This is an application for listed building consent. As such, the only consideration is what impact the proposed development would have on the special historic or architectural features of the property.



5.3 Assessment of Impact on Heritage Asset

The building is attached to an existing outbuilding which has recently received permission for conversion and a new pitched roof. The site comprises an existing car port with a natural stone side wall. The number of alterations recently on this site means that the development is unlikely to affect the character of the setting of the landscape around. The proposal would not therefore harm the setting of the listed building, nor detract sufficiently from the character or appearance of the wider conservation area.

5.4 The proposal will sit against the outbuilding in the adjoining plot and will have similar design features such as the natural stone coping on the gables, natural stone walling etc. Large scale details of the eaves and verge and door joinery will be required – the latter should be traditional, side hung doors supported on appropriate ironmongery. The surface of the drive should be a bound or compacted aggregate, not a tarmac driveway.

**6. RECOMMENDATION**

6.1 It is recommended that Listed Building Consent be GRANTED subject to the conditions listed below.

**Contact Officer: Griff Bunce**  
**Tel. No. 01454 863438**

**CONDITIONS**

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

Reason

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

2. Sample panels of stonework, demonstrating the colour, texture and pointing are to 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 stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

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

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

4. 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 external doors including frames, lintels and ironmongery
  - b. eaves, verges and ridges

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 safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

5. Prior to the commencement of development samples of the edging of the car park and of the surface materials of the proposed car parking area shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To 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

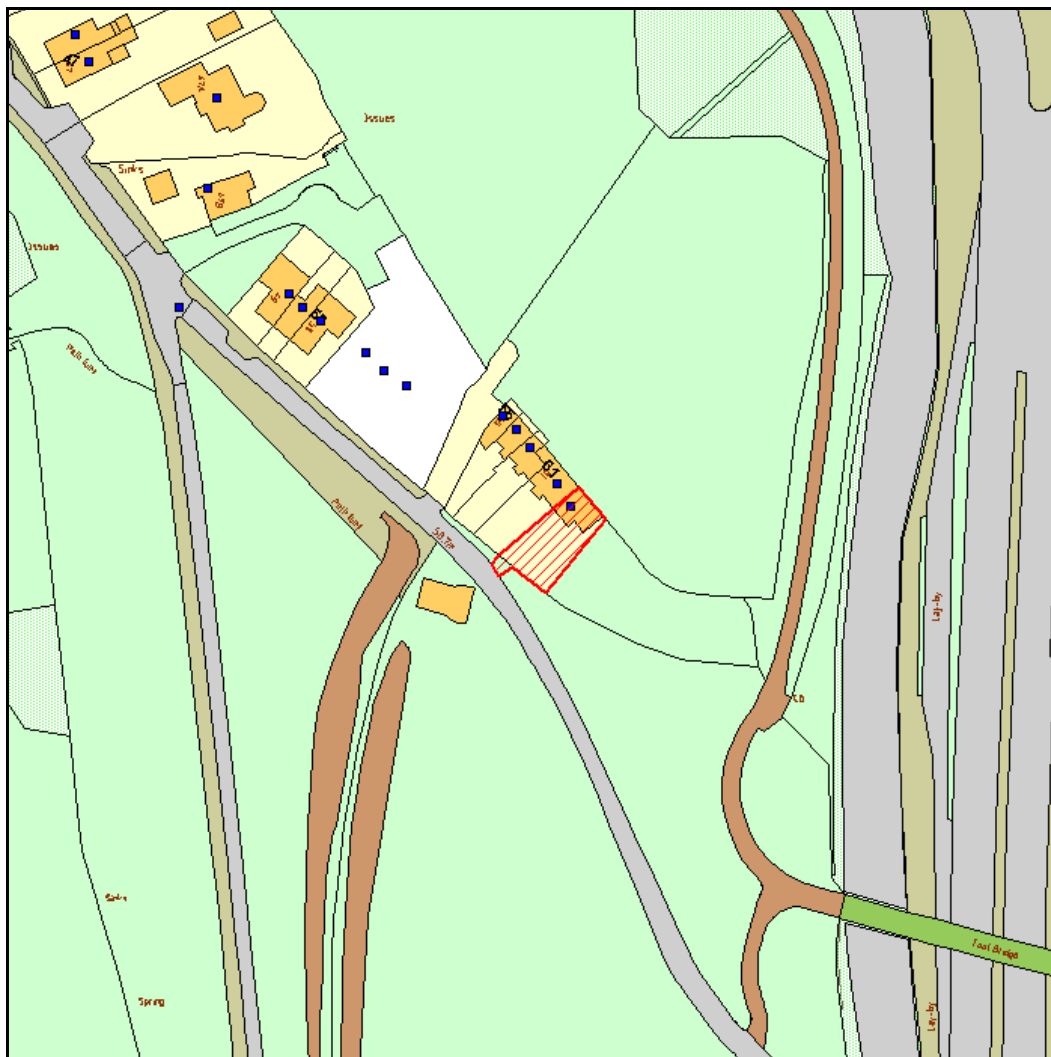
6. All new external rainwater and soil pipes shall be formed in cast metal and painted black.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

CIRCULATED SCHEDULE NO. 02/15 – 9 JANUARY 2015

<b>App No.:</b>	PK14/3765/F	<b>Applicant:</b>	Professor Patrick Hanks
<b>Site:</b>	61 Siston Common Siston Bristol South Gloucestershire BS15 4PA	<b>Date Reg:</b>	14th October 2014
<b>Proposal:</b>	Subdivision of existing dwelling to create 1no. additional dwelling with widened access and associated works. (Retrospective).	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	366483 174575	<b>Ward:</b>	Siston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	3rd December 2014



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## **REASON FOR REFERRAL TO CIRCULATED SCHEDULE**

This application is referred to the Circulated Scheduled as objections have been received, contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 61 Siston Common is a three bedroom dwelling at the end of a small terrace. It has a substantial front garden with agricultural land abutting the rear. An annexe is attached to the end of the dwelling, with an additional conservatory built on to that. Vehicular access is via an existing gateway, crossing a strip of common land to the highway, and two parking spaces currently exist in the front garden. The site is located within the settlement boundary.
- 1.2 This application seeks retrospective planning permission for the use of the annexe and conservatory as an independent dwelling. Associated with this is proposed a low wall within the garden to create its own outdoor space, and a widened access and an additional parking in the front garden area. No physical alterations to the dwelling or annexe are proposed, as the internal doorway has already been blocked up, physically and functionally separating the annexe from main dwelling.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
Planning Practice Guidance 2014

#### **2.2 Development Plans**

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

H4 Development within Existing Residential Curtilages

H5 Residential Conversions

T8 Parking Standards

T12 Transportation Development Control

##### **South Gloucestershire Local Plan Core Strategy Adopted December 2013**

CS1 High Quality Design

CS9 Managing the Environment and Heritage

CS4A Presumption in Favour of Sustainable Development

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

Residential Parking Standards SPD 2013

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

- 3.1 PK02/0044/F Erection of single storey side extension to provide accommodation for dependant relative (approved with conditions)
- 3.2 PK02/2517/F Retention of conservatory (approved with conditions)

## **4. CONSULTATION RESPONSES**

### **4.1 Siston Parish Council**

Objection – insufficient space for use as separate occupation and gate widening would encroach on common land and set a dangerous precedent.

### **4.2 Other Consultees**

Highway Structures – no comment.

Highway Drainage – no comment.

Archaeology Officer – no objection.

Transportation DC – no objection, parking arrangements could also be accommodated without the need to widen the access.

## **Other Representations**

### **4.3 Local Residents**

3 Letters of objection have been received from neighbouring occupiers:

- Widened access could in future create a corridor of commercial opportunity for developers to enter the field behind.
- The land immediately in front is common land.
- There have been previous applications to develop the adjacent land, which was levelled and trees were burned, and these were turned down.
- Widening of the access would be the first stage of the development of the adjacent land.
- The road has no drainage in winter freezes. The widening of the access will add to this public safety hazard.
- Any alterations will deter from the natural beauty of the area.
- Application is retrospective so works have already been carried out, denying the Council the right to make a choice of yes or no.
- The “Granny Flat” was only ever intended for the use of one elderly person and is small.
- Allowing any further works would be of great inconvenience and destructive to the environment.
- Planning laws are there for a reason and should be respected.
- The common land to the front is already used for parking, which is in breach Parish laws.
- The disruption of works to widen the access will damage the fragility of the common and will make for easier access into the fenced off land where past applications were made and refused.
- The Siston area has significant heritage and history and diverse flora and fauna.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Local Plan policy H5 is considered to be the principal development plan policy in relation to this development. Policies H5 (Residential Conversions) and H4 (Development within Existing Residential Curtilages) support new

dwelling/sub-divisions of dwellings within existing residential curtilages, subject to the details of the proposals meeting certain requirements. Being within the urban settlement boundary the site is considered to be in a sustainable location for residential development, and therefore accords with the LPA's presumption in favour of sustainable development policy CS4A. It is therefore considered that the development is in principle in accordance with the policies of the development plan.

#### 5.2 Character and appearance of the area

No external changes have been carried out or are proposed to the dwelling itself to facilitate the conversion to two dwellings. The only proposed works are for a low stone wall within the front garden to provide separation of the amenity space for the two dwellings, the removal of a section of the front wall to widen the access and an additional parking space to the existing two in the front garden. None of these works are considered to have a significant or detrimental impact on the appearance of the property or the area, and importantly it should be noted that all of the proposed alterations could be carried out under Permitted Development rights regardless of this application. In view of the lack of visual harm and the permission that exists for the walls and parking space under the General Permitted Development Order, the development is considered acceptable in terms of design and appearance and so accords with development plan policies H5 and CS1 in this regard.

#### 5.3 Amenity of neighbouring occupiers

Prior to its separation as an independent dwelling the extension was approved as a residential annexe, and no exterior works that would alter its impact on the amenity of neighbouring properties have been made. The new dwelling is located on the south eastern side of the property, with no other dwellings existing on that side. Additionally, the properties, including no. 61, do not have any rear private garden to be impacted upon. The development therefore does not have a detrimental impact on the amenity of neighbouring properties or no. 61, and accords with development plan policy H5 in this regard.

#### 5.4 Amenity space for occupiers

While it is noted that the original permission conditioned the annexe to retained as such due to the limited space, the subsequent construction of the conservatory extension, which is now the kitchen/diner, means that the annexe now has all of the facilities of a dwelling, with a single bedroom, bathroom, Living room and kitchen.

The dwellings do not have any rear garden space as they abut directly onto agricultural land to the rear, so no 'private' amenity space exists. However there is a substantial front garden, and the submitted plans show the area to the front of the new dwelling being enclosed with a low stone wall to create its own separate area of amenity space, with the parking area in front of that. The existing dwelling would retain the remainder of the garden that lies to its front. The development therefore accords with development plan policies H5 and CS1 in this regard.

### 5.5 Parking and transportation

The application proposes an additional parking space to the two that already exist, with two for the existing and one for the new dwelling. This meets the parking standards set out in the Residential Parking Standards SPD, and no objection was received from the Council's Transportation Development control team. The development therefore accords with development plan policies H5, T8 and T12 in this regard. Concern was raised by one objector regarding the drainage impact upon the road, however the Council's highway drainage team assessed the proposal and raised no objection.

### 5.6 Other matters

The site lies within an area of potential archaeological interest. However the Council's Archaeology officer had no objection due to the limited nature of works involved. There is consequently no conflict with Core Strategy policy CS9 which seeks to ensure that heritage assets are conserved.

Concerns were raised by the Parish Council and other objectors that the development would lead to encroachment onto the common. However the development proposal, for the use of the annexe as a separate dwelling, the creation of the wall and parking space and wall within the garden and the removal of the section of boundary wall are all within the land in private ownership. Any planning permission granted would not convey any rights over or in relation to the common land outside of the property, and these, together with any other issues in relation to the common, would be matters to be agreed with the Council's Property Services and Public Open Spaces departments, and any other controlling or interested party.

Objectors have raised concerns over the impact on the environment and the flora and fauna of the area. However the building works are limited to the construction of a wall and parking space within the garden area, and so the impact on the environment and flora/fauna are considered to be limited. The levelling and destruction of trees and vegetation on the adjacent site, which is in separate ownership, are not relevant or material to this application.

Concerns were also raised by objectors that the approval of the development, in particular the widening of the access, would facilitate developing the adjacent land or the field to the rear of the site. However, as previously stated, the section of wall could be removed without the need for a planning application, so any grant of planning permission on this application would not facilitate access to the adjacent land in any way that would not be possible were it refused. Furthermore, any development of those sites would require a planning application, and would properly be consulted upon and assessed at that time, and additional access rights across the common would have to be granted by the appropriate authorities, including the Council's Property Services department.

Finally, an objector stated that applying for retrospective permission denied the Council the right to say "yes or no" and that planning laws are made for a reason and should be followed and respected. However the Town and Country Planning Act (1990) (as amended) at section 73A expressly provides for

retrospective planning applications, and provides for no penalty for their being made after the development was carried out. Consequently they are in full accordance with planning law, and the Council retains the same right to approve or refuse any retrospective application as it does on an application for proposed development, and may then take enforcement action against any retrospective application that it sees fit to refuse.

## **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 conditions.

**Contact Officer: Neil Howat**  
**Tel. No. 01454 863548**

## **CONDITIONS**

1. The stone work to be used in the construction of the low stone wall hereby permitted and shown on the approved block plan shall match that of the existing boundary wall to the front of property in type, colour, texture, size, coursing and jointing.

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.

2. The three car parking spaces shown on the approved block plan shall be implemented within 3 months of the date of this decision. The parking facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles.

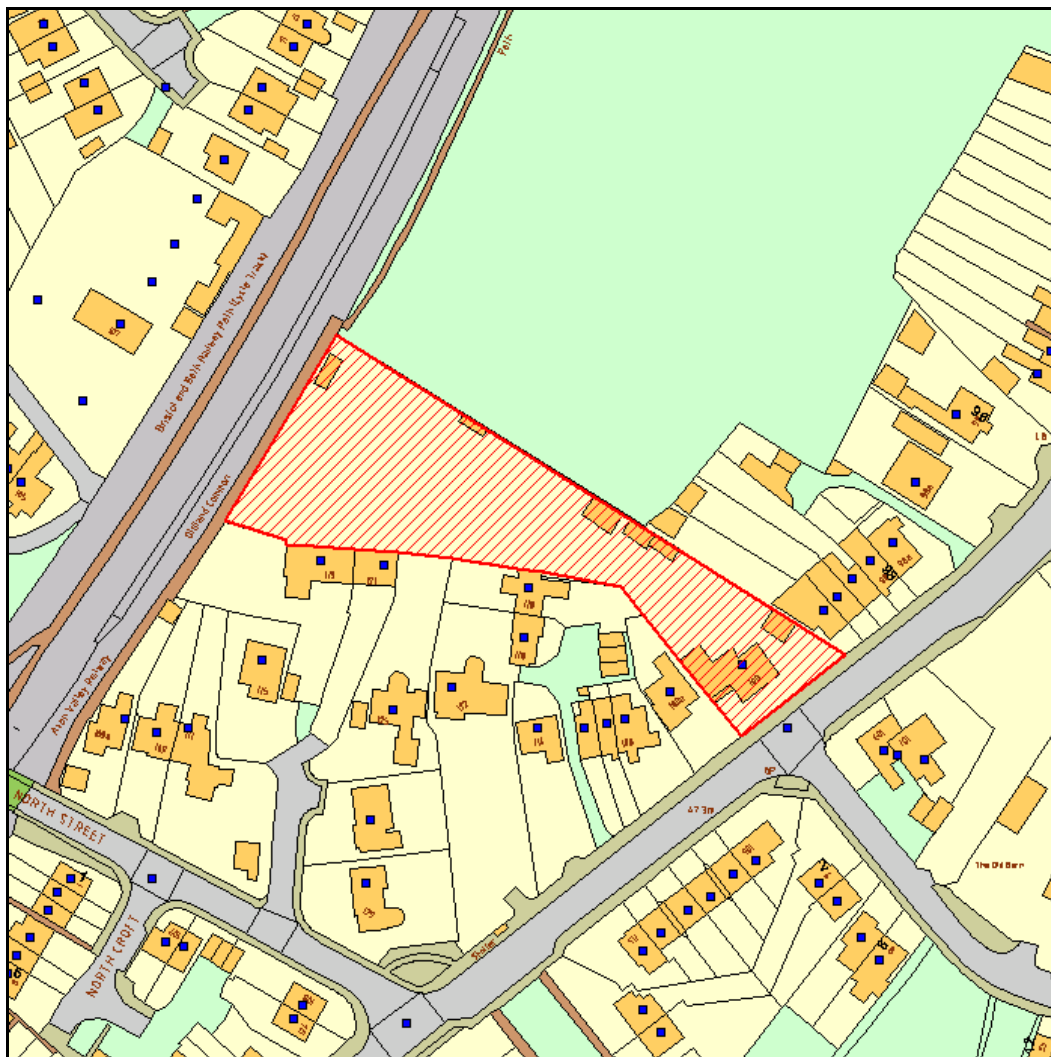
Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with the Residential Parking Standards Supplementary Planning Document (adopted) 2013 and policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies).



**CIRCULATED SCHEDULE NO. 02/15 – 9 JANUARY 2015**

<b>App No.:</b>	PK14/4134/F	<b>Applicant:</b>	Home Orchard Developments Ltd
<b>Site:</b>	106 High Street Oldland Common South Gloucestershire BS30 9TF	<b>Date Reg:</b>	4th November 2014
<b>Proposal:</b>	Erection of 4no. detached dwellings with new access, parking and associated works. Erection of two storey rear, and single storey side extension to existing dwelling to form store and additional living accommodation.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367732 171657	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26th December 2014



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 100023410, 2014. **N.T.S.** **PK14/4134/F**

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

This application is to appear on Circulated Schedule due to the receipt of objections from Bitton Parish Council and two local residents, contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of 4no. detached dwellings with new access, parking and associated works and the erection of a two storey rear and single storey side extension to the existing dwelling to form store and additional living accommodation.
- 1.2 The application relates to a detached residential property, situated within the settlement boundary and the established residential area of Oldland Common.
- 1.3 The site is located to the west of High Street and north of North Street, adjacent to the Bristol and Bath Railway Line. The site is located in the village of Oldland Common. The site is approximately 0.2ha and comprises a large garden (used for vegetable growing and disused overgrown grassland area) bordered by scrub and trees, with four outbuildings along the northern site boundary. In order to provide access, all of the outbuildings are proposed to be demolished.
- 1.4 Bristol and Bath Railway Path runs immediately west from the site and Redfield Edge Primary Schools large sports ground is present immediately north from the site (separated from the site by hedgerow).
- 1.5 This application also relates to No. 104 High Street (Ref. PK14/4133/RVC). In order to create a larger parking area at the front of this property, it is proposed that additional land will be bought from the neighbouring property No. 106 High Street. The application was approved in December 2014 with a condition linking the implementation of the parking area at no. 104 being dependent on planning permission being granted at no. 106.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

#### **2.2 Development Plans**

##### **South Gloucestershire Local Plan Core Strategy Adopted December 2013**

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS16 Housing Density  
CS17 Housing Diversity  
CS29 Communities of the East Fringe of Bristol Urban Area

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

- H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- L1 Landscape Protection and Enhancement
- L9 Species Protection
- L15 Buildings and Structures Which Make a Significant Contribution to the Character and Distinctiveness of the Locality
- T12 Transportation Development Control Policy

2.3 Supplementary Planning Guidance

- South Gloucestershire Design Checklist SPD (Adopted) 2007
- Residential Parking Standard SPD (Adopted) 2013

**3. RELEVANT PLANNING HISTORY**

No. 104 High Street:

- 3.1 PK14/4133/RVC Removal of condition 2 attached to planning permission PK03/2664/F to remove the turntable

Approved 15.12.14

**4. CONSULTATION RESPONSES**

4.1 Bitton Parish Council

Objection; access is at a dangerous point, close to the junction with A4175 Keynsham Road. Parking experienced in this area will exacerbate a difficult situation. The 6no. parking spaces indicated are insufficient for the existing 5/6 bedroom house and 2 x 4no. bedroom houses.

4.2 Coal Authority

No objection, application site falls within the defined Development Low Risk Area.

4.3 Conservation

No comment.

4.4 Drainage

No objection, subject to a condition and Informatives.

4.5 Ecology

No objection, subject to conditions.

4.6 Environmental Protection

No objection, subject to a condition.

4.7 Highway Structures

No objection.

4.8 Transportation

No objection, subject to conditions.

- 4.9 Tree Officer  
No objection.

### **Other Representations**

4.10 Local Residents

Two local residents have objection to the proposal:

- Effect of the road access on to High Street;
- High Street has a lot of accidents as the road narrows and close to a tight bend;
- Another junction added would be dangerous;
- Lack of safe parking;
- Access alongside school field will lead to further development requests on the school field itself;
- Additional traffic associated with four additional dwellings will increase danger to road and footpath users;
- Reduce available on-street parking increasing burden on other parts of the High Street;
- Impact on family quality of life;
- Development will mean increased traffic noise;
- Application sets precedent.

## **5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The NPPF seeks to boost the supply of new housing and contains a presumption in favour of sustainable development. Policy CS1 permits development only where the highest possible standards of design and site planning are achieved. Policy CS5 of the adopted Core Strategy is the locational strategy which sets out that the majority of new development is to be steered to within existing urban areas. Policies CS16 and CS17 support increased density and greater diversification of housing.

- 5.2 Saved policy H4 of the Local Plan (Adopted) 2006 specifically relates to new development within the curtilage of residential properties, including the extension to existing dwellings and the erection of new dwellings. The proposed development is considered acceptable in principle and shall be determined against the analysis set out below.

5.3 Efficient Use of Land and Access to Services

Planning policy dictates that the most efficient use of land should be sought and development directed to areas where there is already a good provision of services, shops, and public transport routes.

- 5.4 Being located within the existing urban area of Oldland Common, the site is considered to be a sustainable location for development. There is good access to existing infrastructure in this location.

The development site is considered large enough to accommodate the level of development proposed. Although the density proposed is low at 4no. units and the properties would be large, detached dwellings; this is considered to be the most suitable form of development due to its backland location and shared access. In this respect, the application site would be unsuited to a higher density of units given its location and site constraints. Overall, it is considered that the site is a sustainable location to develop and the proposal would contribute to creating a mix of types and density of housing in the locality.

5.5 Design and Visual Amenity

The proposed dwellings would be modern and detached, with associated garages, parking areas and modest rear gardens. The dwellings are individually different in design, but overall homogenous in size and scale. Bradstone T block masonry will be used to construct the dwellings, but there is little other information on the other materials to be used; this will be controlled via a planning condition.

5.6 The proposed layout is not considered to be out of character with the locality, with a mix of terraced and larger detached properties along the High Street to the south of the site. Parking spaces will generally be to the side of the dwellings. The access is in the same position and alignment as the original driveway for the existing property, following the northern boundary to the end of the site. The erection of four-bedroom houses is considered to contribute to the diversification of housing types as required by policy CS17 of the adopted Core Strategy. Overall, subject to suitable materials, the design and layout of the proposed development is considered acceptable.

5.7 The existing dwelling consists of a large double fronted house, with an existing single storey side extension on the west elevation. As part of the proposal, the original dwelling will at the front of the site will be extended on the rear elevation with a two storey extension and single storey side extension to form a store. The proposed extensions are considered proportionate and in character with the host dwelling.

5.8 Residential Amenity

Residential amenity should not be prejudiced as a result of new development. The original dwelling benefits from a substantial sized garden, most of which has not been used or cultivated for many years and is now redundant. The original house will retain a large section of garden to the rear.

5.9 The nearest properties to the proposed development are No's 119 and 121, which will both benefit from extending their rear gardens providing a buffer with the new dwellings. The proposed dwellings are considered to afford a good standard of amenity. The proposed dwellings would unlikely have an overbearing impact on the existing properties to the south. Each dwelling has a rear private garden, with views over the Bristol and Bath Railway Path cycle track to the north-west and Redfield Edge Primary School playing field to the north-east. It is unlikely the additional homes will have an impact on noise or disturbance over and above the existing situation and being located within an established residential area. The separation between the proposed dwellings and the existing nearby buildings is considered acceptable.

5.10 Transportation

All four dwellings will benefit from a double garage and two off-street parking spaces. Based on the standards set out in the Council's adopted Residential Parking Standards SPD, the minimum parking provision is 2 spaces per dwelling. Although the garages are below the standard for a double set out in the Residential Parking Standards SPD of 5.5m wide by 6m deep, the SPD states that for developments where garages are less than the standard size, only 50% would be counted for parking provision.

Therefore with the double garages, only one space would be valid, and therefore each property has three parking spaces. The parking provision provided is therefore greater than the minimum requirements in the SPD. There is adequate room for visitors to park along the new access. Although two possible on-street parking spaces could be lost opposite Redfield Hill junction and outside No.106, there remains adequate parking within the vicinity.

5.11 Access to the four dwellings would be via the existing access that currently serves No. 106 High Street, which would be widened to 7.8m. This width is sufficient for two cars to pass on the driveway, and for a car to pass a refuse vehicle within the site. Once inside the site, the access route narrows to 5m, which remains suitable for two cars to pass. Concerns have been raised from a local resident about road traffic collisions along the High Street. The Transportation Officer has advised there have been 3 recorded collisions in the last 5 years outside No's 90, 96A and 124. There have been no recorded collisions outside the site or in the immediate vicinity of the junction of High Street and Redfield Hill. The access complies with national standards in terms of visibility and width and is therefore considered acceptable.

5.12 It is not considered that the proposal would result in a significant increase in traffic movements or result in highway safety issues in respect of the use of the road and footpath in the immediate vicinity. The High Street is a 30mph restricted highway and the use of an existing access for a further four dwellings is not considered to have a significant impact on highway safety.

5.13 Conditions will be attached requiring secure cycle parking provision for the existing property and the provision of the access road, turning area and car and cycle spaces for the new dwellings in accordance with the submitted details.

5.14 Landscape and Trees

A number of trees are located within the development site. The applicant has submitted an arboricultural report, which the Council's Tree Officer has assessed. The submitted report is considered to be an accurate reflection of the location and the condition of the existing trees. The proposed protective fencing arrangements should provide adequate protection for the mature trees to be retained. A landscaping plan has been submitted; a condition will be attached to ensure the proposal is carried out in accordance in order to adequately manage the impact of the development on the landscape of the locality.

5.15 Environment and Ecology

The site consists of semi-natural habitats, a vegetable garden and outbuildings. The site is not subject to any nature conservation designations. There are six Sites of Nature Conservation Interest within 1km, all over 500m from the site; it is not anticipated that there will be any adverse effects on any of these sites from the development. An Ecology Appraisal has been provided. The Council's Ecologist has concluded that without suitable mitigation there is a risk of a negative impact on protected and other significant species and the opportunity should be taken to provide habitat and other biodiversity enhancements. In this respect, it is recommended that conditions are attached to ensure works are subject to and carried out in strict accordance with the provisions of the Ecological Appraisal submitted and a biodiversity enhancement plan is to be submitted for approval.

5.16 Other matters

A local resident is concerned that the increased access along the school field and the approval of the application itself would set a precedent and lead to further development requests. In this instance, the proposal for residential development on redundant garden land, within an established residential area is considered an acceptable scheme. Each application is assessed on its own merits, in accordance with local and national planning policies.

5.17 A concern has been raised about the increase in noise as a result of four additional dwellings. The application site is within an established residential area and it is unlikely that noise levels and the existing amenity will be negatively impacted. Due to the proximity of neighbouring properties, it is suggested that a construction hours informative is added the decision notice.

**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. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. A detailed development layout showing surface water and SUDS proposals is required as part of this submission. No public surface water sewer is available.

### Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

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

### Reason

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

4. All hard and soft landscape works shall be carried out in strict accordance with the approved plan (Ref. 861W14 SPP (B)). The works shall be carried out prior to the occupation of any part of the development.

### Reason

To protect the character and appearance of the area and manage the impact of the development on the landscape of the locality. To accord with Saved Policies L1 and H4 of the South Gloucestershire Local Plan Saved Policies (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

5. All works are to be carried out in strict accordance with the provisions of the approved Ecological Appraisal by Abricon (dated July 2014), Section 6, Appendix C (reptiles, birds and European hedgehog) and Appendix D (bats).

### Reason

To ensure the works are carried out in an appropriate manner and in the interests of the protected species within the vicinity of the site, and to accord with saved policies L9 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)



and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

6. Prior to the commencement of development, a biodiversity enhancement plan based on recommendations provided in the approved Ecological Appraisal by Abricon (dated July 2014) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of habitat creation, species lists, types and locations of bat and bird boxes, and a bat-sensitive lighting plan. The development and the requirements of the agreed biodiversity enhancement plan, shall be carried out strictly in accordance with the approved details.

Reason

In the interests of avoiding any adverse effects arising from development on protected species and to ensure the works are carried out in an appropriate manner. To accord with Saved Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

7. The new dwellings shall not be occupied until the access road, turning area, and the car and cycle parking spaces have been provided strictly in accordance with the submitted details (Block Plan Proposed 861W14 SPP02 C, September 2014) and thereafter, shall be permanently retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety, and to accord with saved policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies), Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the Council's adopted Residential Parking Standards SPD (December 2013).

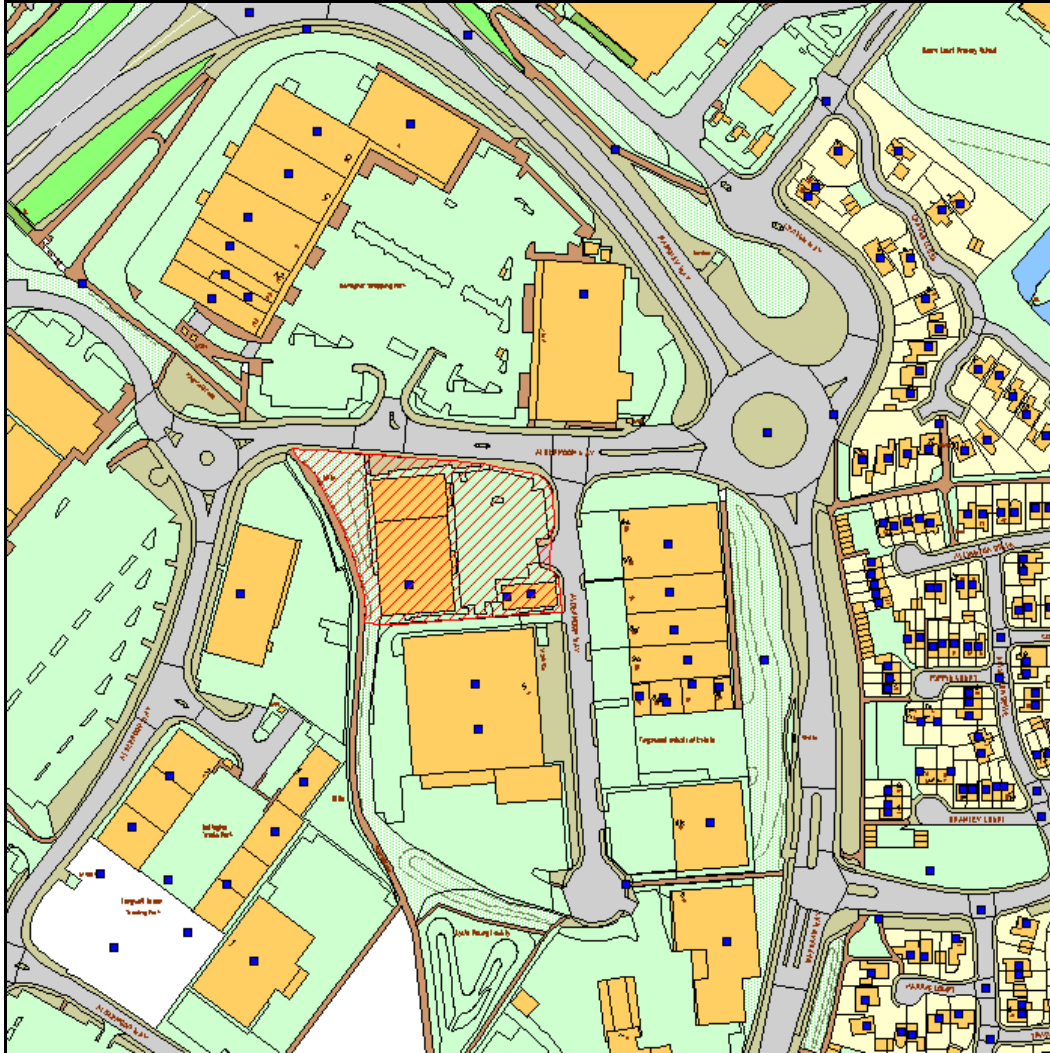
8. Prior to the commencement of development, details showing the provision of two covered and secure cycle parking spaces within the curtilage of No. 106 High Street shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the cycle parking facilities provided prior to the first occupation of the new dwellings; and thereafter retained for that purpose.

Reason

To encourage sustainable transport choices, to accord with saved policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies), Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the Council's adopted Residential Parking Standards SPD (December 2013).

**CIRCULATED SCHEDULE NO. 02/15 – 9 JANUARY 2015**

<b>App No.:</b>	PK14/4477/F	<b>Applicant:</b>	Parking Eye
<b>Site:</b>	Aldermoor Way Longwell Green South Gloucestershire BS30 7DA	<b>Date Reg:</b>	20th November 2014
<b>Proposal:</b>	Installation of number plate recognition equipment with associated works (Retrospective).	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	365578 171661	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th January 2015



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 100023410, 2014. N.T.S. PK14/4477/F

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

This application is being reported to Circulated Schedule given that one letter of objection has been received in respect of this application that is contrary to the officer's recommendation.

### **1. The Proposal**

- 1.1 This application seeks planning permission for the installation of 1 no. 5 metre high pole mounted automatic number plate recognition cameras with equipment cabinet and associated works (retrospective).
- 1.2 The application was invited in as a result of a corresponding enforcement investigation and is, therefore, retrospective in nature.
- 1.3 There is one other related application which seeks to support this application which is that of LPA ref: PK/14/4478/ADV which proposes the same development as this. This application and the corresponding one were submitted as one, but severed into two, with one corresponding to the operational development and one the advertisement.
- 1.4 Given that both applications relate to each other and seek the same development, all matters have been considered within this report.
- 1.5 The application site relates to Easton Avenue Matrix Business Park, an established out of town retail area, located within the urban area of Longwell Green on the East Fringe of Bristol.
- 1.6 The application site comprises of a car park which facilitates 75 no. car park spaces on private land. The site is bounded on its northern and eastern elevation by the main road of Aldermoor Way.
- 1.7 The site is bounded on its southern and western elevations by existing established retail units. The retail units on the southern boundary of the site are 1 storey low rise units. The retail units along the western boundary are retail units of approximately 2 – 3 storeys in height.
- 1.8 Surrounding the site beyond Aldermoor Way along the eastern boundary are further additional industrial units which are used for a multitude of general industrial and retail uses.
- 1.9 The site is bounded on its northern and western elevation by low rise shrubbery/vegetation which is a key defining feature in denoting the use of space and ownership within the immediate locality. There are three trees on the application site which comprise of two at the entrance as you enter the site by vehicle.

### **2. Policy Context**

#### **2.1 National Guidance**

National Planning Policy Framework (adopted) March 2012

National Planning Policy Guidance (adopted) March 2014

#### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy (adopted) December 2013

Policy CS1 High Quality Design

Policy CS29 Communities on the East Fringe of Bristol

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

Policy T12 Transportation Development Control Policy

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (adopted) 2007

### **3. Planning History**

- 3.1 The site contains a multitude of numerous planning histories which includes the progressive development of the retail units on the retail park. There are no significant applications in respect of this site which relate to the installation of ANPR cameras in this location.
- 3.2 There are, however, applications for a similar proposal to this which have been previously determined within the immediate locality (i.e. the same retail park development). These applications are detailed below:
- 3.3 *PK14/4363/F – approved 12/12/2014 – Installation of 1 no. 5 metre high pole mounted automatic number plate recognition cameras with equipment cabinet and associated works (retrospective).*
- 3.4 *PK14/0959/ADV- approved 15/05/2014 – Display of 26 no. illuminated signs mounted on lighting columns or poles (amendment to previously approved scheme PK12/2526/ADV)*
- 3.5 *PK14/0957/F – approved 15/05/2014 – Installation of 5 metre high pole mounted automatic number plate recognition cameras with equipment cabinets and associated works.*
- 3.6 *PK12/3694/ADV – approved 17/12/2012 – Display of 3 no. non illuminated freestanding signs.*
- 3.7 *PK12/2524/F – approved 10/09/2012 – Installation of 5 metre high pole mounted automatic number plate recognition cameras with equipment cabinets and associated works.*
- 3.8 Of particular note, the applications detailed above imposed conditions requiring the poles to be removed and the land reverted back to its original state once the requirement for the ANPR cameras are no longer necessary.

### **4. Consultation Responses**

#### **4.1 Oldland Parish Council**

- 4.1.1 Oldland Parish Council object to the application. They state that the planning rules in respect of developments such as this are clear and unambiguous. The fact that this development requires a retrospective application demonstrates a blatant disregard for our community.

#### **4.2 Other Consultees: Sustainable Transport DC**

- 4.2.1 Sustainable Transport DC does not believe that this equipment will create any transportation issues and so have no comments about this application.

#### **4.3 Other Consultees: Highway Structures**

- 4.3.1 The Highway Structure team has no comment.

#### **4.4 Other Consultees: Highway Drainage**

- 4.4.1 Highway Drainage has stated no comment in respect of this application.

#### 4.5 Local Residents

4.5.1 No comments have been received by any local residents in respect of this application.

### **5. Analysis of Proposal**

#### 5.1 Principle of Development

5.1.1 The proposal seeks retrospective planning permission for the installation of 1 no. 5 metre high pole mounted automatic number plate recognition camera with equipment cabinet and associated works.

5.1.2 The application site falls within the car park of an existing retail site and, therefore, the cameras are considered to be incidental in use to the ancillary retail car park.

5.1.3 This application will, therefore, be assessed against any potential transport/highways impacts, potential impacts on residential amenity and the character and amenity of the locality.

5.1.4 This application will then go on to include an assessment for the corresponding advertisements which are in support and connection with the physical cameras; but are also included within the corresponding advertisement consent application.

#### 5.2 Planning Issues: Transportation / Highways Impacts

5.2.1 Policy T12 of the South Gloucestershire Council Local Plan (adopted) December 2013 is the relevant policy which contains an 8 point criteria against which new development will be assessed against.

5.2.2 Criteria B of Policy T12 requires new development to provide safe access capable of accommodating motorised traffic generated by the proposal. The development proposal would not materially alter the existing vehicular access to the site from the east from Aldermoor Way.

5.2.3 Criteria C of Policy T12 requires new development to not create or unacceptably exacerbate traffic congestion or have an unacceptable effect on road, pedestrian and cyclist safety.

5.2.4 The proposed cameras operate discretely in terms of traffic generation and automatically scan the entrance area to the site as vehicles approach. The cameras do not require vehicles to stop on their entrance and the number plate recognition is an automatic process. Therefore, there would not be any alteration to traffic congestion as a result of this proposal.

5.2.5 Criteria D of Policy T12 requires new development to not generate traffic which would unacceptably affect residential amenity or other environmentally sensitive areas.

5.2.6 The application site is not considered to be located within any areas of sensitive environmental quality and, equally, does not increase or decrease levels of traffic. Therefore, it is considered that traffic generation would not be materially altered as a result of this proposal.

5.2.7 Criteria E of Policy T12 requires new development to incorporate traffic management/calming measures where improved safety and environmental enhancement are required.

5.2.8 With the site being located in a predominantly retail area, it is not considered that levels of safety need to be increased, or environmental enhancement being required, and, therefore, the contents of criteria E do not apply to this proposal.

5.2.9 The proposal is not considered to materially affect access to public transport facilities and would not obstruct existing emergency vehicle access.

5.2.10 In light of the above, it is considered that the development proposal fully accords with the contents of Policy T12 of the South Gloucestershire Council Local Plan (adopted) January 2006.

### 5.3 Planning Issues: Residential Amenity

5.3.1 Policy CS1 of the South Gloucestershire Council Core Strategy (adopted) December 2013 requires development to demonstrate that they respect and enhance the character, distinctiveness and amenity of both the site and its context.

5.3.2 The nearest residential properties to the proposed location of the cameras are approximately 160m away from the application site. Throughout this 160m distance between the proposed cameras and residential properties are an agglomeration of retail and general industrial units and roads, which disrupt the line of site of the cameras from residential properties.

5.3.3 The cameras are static and fixed to a single capture zone for access and egress purposes only. The ANPR cameras do not pivot in any rotation either horizontally or vertically and do not records personal information/occurrences in the same way that a CCTV camera would.

5.3.4 Examples of the data captured by the ANPR cameras have been evidenced within the applicant's submission within section 4 of their Design and Access Statement.

5.3.5 Taking into account the disrupted views and distance to the nearest residential dwelling, it is considered that there would be no impacts on residential amenity as a result of this proposal.

### 5.4 Planning Issues: Character and Amenity of Locality

5.4.1 Policy CS1 of the South Gloucestershire Council Core Strategy (adopted) December 2013 requires development to enhance the character, distinctiveness and amenity of both the site and its context.

5.4.2 The application site is broadly defined as being retail and industrial in nature with the character being strictly determined by the uses of the buildings in the surrounding area.

5.4.3 Of principal dominance to the application site are the large 3 storey retail units which overarch into the site. The car park which seeks to support these retail units illustrates and highlights the intense use and presence of cars within the locality.

5.4.4 The proposed 5 metre high pole, with ANPR cameras mounted on top, with low rise equipment cabinet, are small scale in nature and do not appear to dominate the primary retail character of the locality.

5.4.5 The poles which are 5 metres high are not considered to be any wider than a street lamp within the locality and does not appear as an incongruous addition to the site.

5.4.6 The equipment cabinet does not rise particularly high and is well screened by vehicles parked adjacent to it at most times when the public would have visible presence to it.

- 5.4.7 In light of the above it is considered that the proposed 5 metre high pole with mounted ANPR camera with associated equipment box would not detrimentally affect the character, distinctiveness and amenity of both the site and its context in accordance with the contents of Policy CS1 of the South Gloucestershire Council Core Strategy (adopted) December 2013.
- 5.4.8 A condition will be placed on the permission to ensure that the 5 metre mounting pole, equipment cabinet and ANPR camera is removed from the site when no longer reasonably required to maintain the character and amenity of the area.
- 5.5 Planning Issues: Advertisement Regulations / Consent
- 5.5.1 Although not formally addressed within this application, corresponding application PK14/4478/ADV proposes the supporting advertisements to this ANPR camera.
- 5.5.2 Whilst the adverts have not been formally applied for within the description of this application, the submitted plans detail the corresponding signage to this application and, therefore, will automatically benefit from a consent under this permission.
- 5.5.3 The application proposes two types of signage which are detailed as Sign 1a and Sign 1b within submitted drawing Drg. No: C-1165-004.
- 5.5.4 The application proposes 10 no. non-illuminated pole mounted signs and 1 no. non-illuminated wall mounted sign.
- 5.5.5. The signs are considered to be placed in a position whereby users are able to sufficiently view the contents of the signs without causing any adverse impacts in terms of highways considerations or impacts on the character and amenity of the site.
- 5.5.6 Therefore, the proposed signage is considered to accord with the policies contained within policy T12 of the South Gloucestershire Council Local Plan (adopted) January 2006 and policy CS1 of the South Gloucestershire Council Core Strategy (adopted) December 2013.

## **6. Conclusion**

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

## **7. Recommendation**

- 7.1 It is recommended that planning permission be granted subject to the following conditions:

### Condition 1

The ANPR camera, mounting pole and equipment cabinet approved by this consent shall be removed from the land when it is no longer necessary with the land being reinstated to its former condition immediately.

*To maintain the character and amenity of the area in accordance with Policy CS1 of the South Gloucestershire Council Core Strategy (adopted) December 2013.*

**Contact Officer: James Cross**  
**Tel. No. 01454 863162**

**CONDITIONS**

1. The ANPR camera, mounting pole and equipment cabinet approved by this consent shall be removed from the land when it is no longer necessary with the land being reinstated to its former condition immediately.

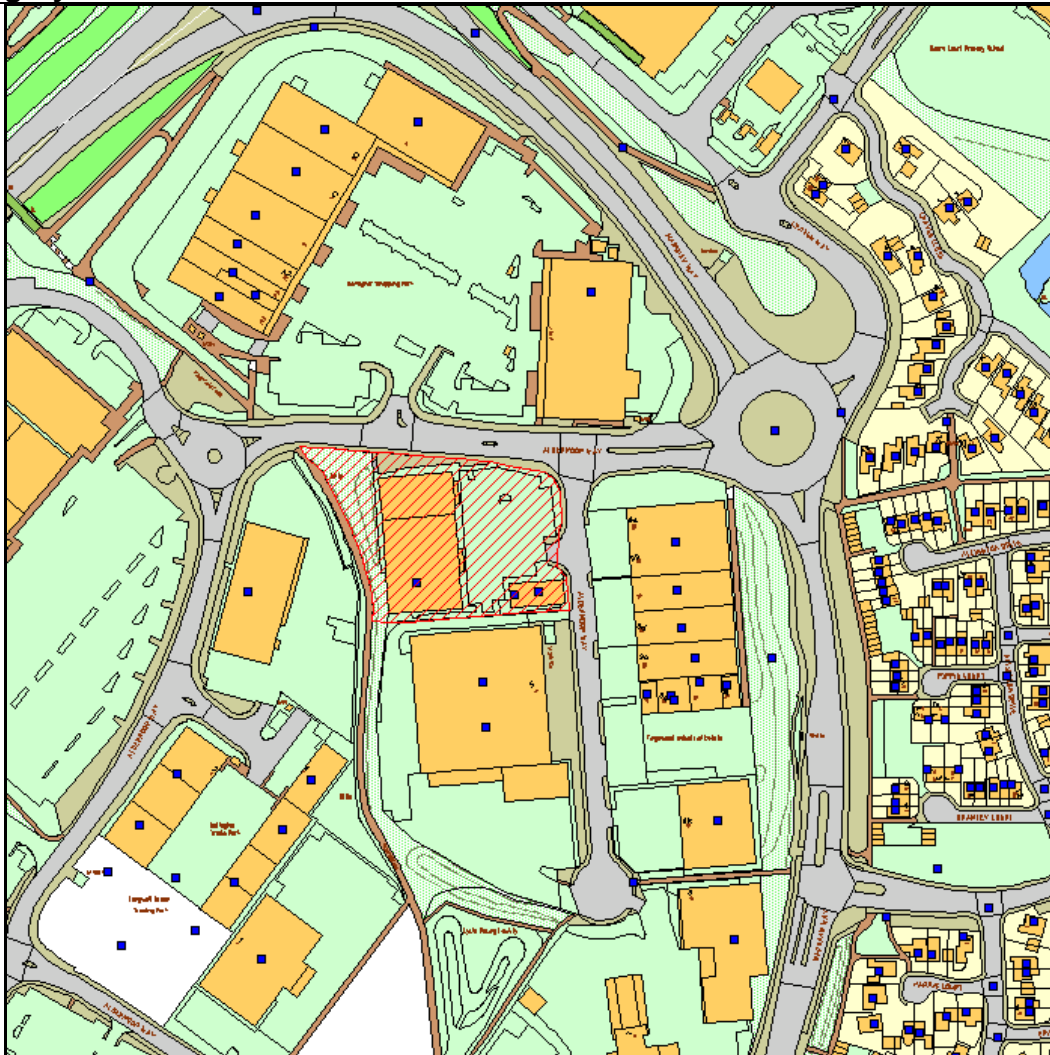
Reason

To maintain the character and amenity of the area in accordance with Policy CS1 of the South Gloucestershire Council Core Strategy (adopted) December 2013.



**CIRCULATED SCHEDULE NO. 02/15 – 9 JANUARY 2015**

<b>App No.:</b>	PK14/4478/ADV	<b>Applicant:</b>	Parking Eye
<b>Site:</b>	Aldermoor Way Longwell Green South Gloucestershire BS30 7DA	<b>Date Reg:</b>	20th November 2014
<b>Proposal:</b>	Display of 10no. non-illuminated pole mounted signs and 1no. non- illuminated wall mounted sign. (Retrospective)	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	365578 171661	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th January 2015



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 100023410, 2014. **N.T.S.** **PK14/4478/ADV**

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

This application is being reported to Circulated Schedule given that one letter of objection has been received in respect of this application that is contrary to the officer's recommendation.

### **1. The Proposal**

- 1.1 This application seeks advertisement consent for the display of 11 no. non-illuminated advertisements.
- 1.2 The application was invited in as a result of a corresponding enforcement investigation and is, therefore, retrospective in nature.
- 1.3 There is one other related application which seeks to support this application which is that of LPA ref: PK/14/4477/F which proposes the installation of number plate recognition equipment with associated works. This application and the corresponding one were submitted as one, but severed into two, with one corresponding to the operational development and one the advertisement.
- 1.4 The application site relates to Easton Avenue Matrix Business Park, an established out of town retail area, located within the urban area of Longwell Green on the East Fringe of Bristol.
- 1.5 The application site comprises of a car park which facilitates 75 no. car park spaces on private land. The site is bounded on its northern and eastern elevation by the main road of Aldermoor Way.
- 1.6 The site is bounded on its southern and western elevations by existing established retail units. The retail units on the southern boundary of the site are 1 storey low rise units. The retail units along the western boundary are retail units of approximately 2 – 3 storeys in height.
- 1.7 Surrounding the site beyond Aldermoor Way along the eastern boundary are further additional industrial units which are used for a multitude of general industrial and retail uses.
- 1.8 The site is bounded on its northern and western elevation by low rise shrubbery/vegetation which is a key defining feature in denoting the use of space and ownership within the immediate locality. There are three trees on the application site which comprise of two at the entrance as you enter the site by vehicle.

### **2. Policy Context**

#### **2.1 National Guidance**

National Planning Policy Framework (adopted) March 2012  
National Planning Policy Guidance (adopted) March 2014

#### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy (adopted) December 2013  
Policy CS1 High Quality Design  
Policy CS29 Communities on the East Fringe of Bristol

South Gloucestershire Local Plan (adopted) January 2006 (saved policies)  
Policy T12 Transportation Development Control Policy

#### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist SPD (adopted) 2007

### **3. Planning History**

- 3.1 The site contains a multitude of numerous planning histories which includes the progressive development of the retail units on the retail park. There are no significant applications in respect of this site which relate to the installation of ANPR cameras in this location.
- 3.2 There are, however, applications for a similar proposal to this which have been previously determined within the immediate locality (i.e. the same retail park development). These applications are detailed below:
- 3.3 *PK14/4363/F – approved 12/12/2014 – Installation of 1 no. 5 metre high pole mounted automatic number plate recognition cameras with equipment cabinet and associated works (retrospective).*
- 3.4 *PK14/0959/ADV- approved 15/05/2014 – Display of 26 no. illuminated signs mounted on lighting columns or poles (amendment to previously approved scheme PK12/2526/ADV)*
- 3.5 *PK14/0957/F – approved 15/05/2014 – Installation of 5 metre high pole mounted automatic number plate recognition cameras with equipment cabinets and associated works.*
- 3.6 *PK12/3694/ADV – approved 17/12/2012 – Display of 3 no. non illuminated freestanding signs.*
- 3.7 *PK12/2524/F – approved 10/09/2012 – Installation of 5 metre high pole mounted automatic number plate recognition cameras with equipment cabinets and associated works.*
- 3.8 Of particular note, the applications detailed above imposed conditions requiring the poles to be removed and the land reverted back to its original state once the requirement for the ANPR cameras are no longer necessary.

### **4. Consultation Responses**

#### **4.1 Oldland Parish Council**

- 4.1.1 Oldland Parish Council objects to the application. They state that the planning rules in respect of developments such as this are clear and unambiguous. The fact that this development requires a retrospective application demonstrates a blatant disregard for our community.

#### **4.2 Other Consultees: Sustainable Transport DC**

- 4.2.1 Sustainable Transport DC does not believe that this equipment will create any transportation issues and so have no comments about this application.

#### **4.3 Other Consultees: Highway Structures**

- 4.3.1 The Highway Structure team has no comment.

#### **4.4 Other Consultees: Highway Drainage**

- 4.4.1 Highway Drainage has stated no comment in respect of this application.

#### **4.5 Local Residents**

- 4.5.1 No comments have been received by any local residents in respect of this application.

## **5. Analysis of Proposal**

### **5.1 Principle of Development**

- 5.1.1 The proposal seeks retrospective advertisement consent for the display of 11 no. non-illuminated advertisements.
- 5.1.2 The application site falls within the car park of an existing retail site and, therefore, the adverts are considered to be in support of the main use of the retail car park.
- 5.1.3 This application will, therefore, be assessed against Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) which requires such advertisement consent applications to be assessed against amenity and public safety; taking into account the provisions of the development plan, so far as they are material and any other relevant factors.
- 5.1.4 These two points are considered in further detail in the following sections of this report.

### **5.2 Planning Issues: Transportation / Highways Impacts**

- 5.2.1 Policy T12 of the South Gloucestershire Council Local Plan (adopted) December 2013 is the relevant policy which contains an 8 point criteria against which new development will be assessed against.
- 5.2.2 Criteria C of Policy T12 requires new development to not create or unacceptably exacerbate traffic congestion or have an unacceptable effect on road, pedestrian and cyclist safety.
- 5.2.3 The proposed advertisements are displayed discretely and are not unduly prominent for motorists using the site. The advertisements do not require any actions by motorists and are displayed to be visually engage with at user's discretion. Therefore, there would not be any alteration to traffic safety as a result of this proposal.
- 5.2.4 With the siting of the adverts being located in a predominantly retail area, it is not considered that levels of safety need to be increased and, therefore, the levels of public safety are considered to be maintained.
- 5.2.5 In light of the above, it is considered that the development proposal fully accords with the contents of Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and Policy T12 of the South Gloucestershire Council Local Plan (adopted) January 2006.

### **5.3 Planning Issues: Residential Amenity**

- 5.3.1 Policy CS1 of the South Gloucestershire Council Core Strategy (adopted) December 2013 requires development to demonstrate that they respect and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.3.2 The nearest residential properties to the proposed location of the advertisements are approximately 160m away from the application site. Throughout this 160m distance between the proposed advertisements and residential properties are an agglomeration of retail and general industrial units and roads, which disrupt the line of sight between the advertisements from residential properties.
- 5.3.3 The advertisements are fixed and would not have any undue effect on residential amenity.

5.3.4 Taking into account the disrupted views and distance to the nearest residential dwelling, it is considered that there would be no impacts on residential amenity as a result of this proposal.

#### 5.4 Planning Issues: Character and Amenity of Locality

5.4.1 Policy CS1 of the South Gloucestershire Council Core Strategy (adopted) December 2013 requires development to enhance the character, distinctiveness and amenity of both the site and its context.

5.4.2 The application site is broadly defined as being retail and industrial in nature with the character being strictly determined by the uses of the buildings in the surrounding area.

5.4.3 Of principal dominance to the application site are the large 3 storey retail units which overarch into the site. The car park which seeks to support these retail units illustrates and highlights the intense use and presence of cars within the locality.

5.4.4 The proposed advertisements are small scale in nature and do not appear to dominate the primary retail character of the locality.

5.4.5 The poles which some adverts are mounted on are not considered to be any wider than a street lamp within the locality and do not appear as an incongruous addition to the site.

5.4.6 In light of the above it is considered that the proposed advertisements would not detrimentally affect the character, distinctiveness and amenity of both the site and its context in accordance with the contents of Policy CS1 of the South Gloucestershire Council Core Strategy (adopted) December 2013.

### 6. Conclusion

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

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

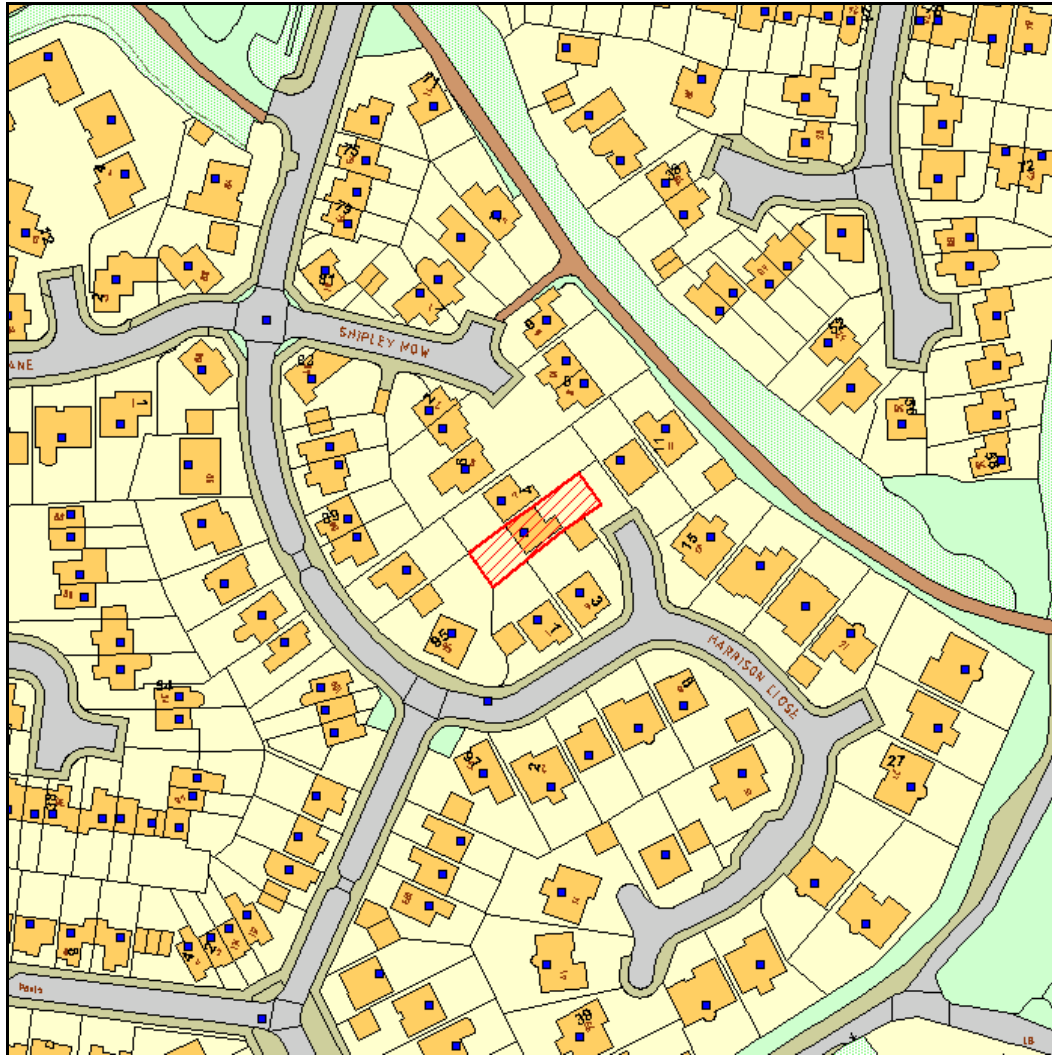
### 7. Recommendation

7.1 It is recommended that advertisement consent be granted.

**Contact Officer: James Cross**  
**Tel. No. 01454 863162**

**CIRCULATED SCHEDULE NO. 02/15 – 9 JANUARY 2015**

<b>App No.:</b>	PK14/4550/F	<b>Applicant:</b>	Mr R Hale
<b>Site:</b>	5 Harrison Close Emersons Green Bristol South Gloucestershire BS16 7HB	<b>Date Reg:</b>	24th November 2014
<b>Proposal:</b>	Erection of single storey rear extension and two storey front extension to form additional living accommodation and garage space.	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	366708 176927	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	15th January 2015



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 100023410, 2014. **N.T.S.** **PK14/4550/F**

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

A letter has been received from a local resident raising concerns which are contrary to the officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a single storey rear extension and a first floor and two storey front extension at a property on Harrison Close, Emersons Green.
- 1.2 Permission is sought to form additional living accommodation, including extra garage space below a larger bedroom to the front, and a larger kitchen and dining area to the rear.
- 1.3 Two obscure glazed windows are also proposed on the south-east elevation of the existing house, however they are permitted development and so it is not necessary to assess the windows in this report.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014
- 2.2 Development Plans  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS8 Improving Accessibility  
  
South Gloucestershire Local Plan Adopted January 2006 Saved Policies  
T12 Transportation  
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
  - (a) South Gloucestershire Design Checklist (Adopted) August 2007
  - (b) Residential Parking Standard (Adopted) December 2013

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

- 3.1 P96/4761 Approval of Reserved Matters 24/02/1997  
Erections of 95 no. dwellings

*Note: This planning permission removed the permitted development rights from the property relating to gates, walls, fences and other means of enclosure erected forward of the principal elevation, and also removing permitted development rights to erect extensions to the dwellings.*

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

4.1 Mangotsfield Rural Parish Council  
No objection.

4.2 Other Consultees

Highway Drainage  
No comment.

Transport  
No objection subject to planning condition to ensure two parking spaces.

#### **Other Representations**

4.3 Local Residents

One letter was received from a local resident raising some concerns and wanting the following information confirmed:

- The proposed rear extension foundations will not effect our property
- The distance of the proposed rear extension from the boundary of no. 7 Harrison Close
- How the boundary fence will be maintained without encroaching on our property
- As we share a drive with 5 Harrison Close, we would appreciate confirmation that we will not be effected in gaining access to our drive during the proposed works

These queries were addressed in a letter sent to the resident on 18<sup>th</sup> December 2014, however the objection has not been withdrawn so will be treated as such.

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

5.1 Principle of Development

Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and in accordance with policy CS1 of the Core Strategy, and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 Design

The application site consists of a two storey detached property situated on a small secondary branch of Harrison Close. The property has a gable roofline with a pitched roof feature on both the rear and principal elevations, a single storey attached garage to the front, and a hipped structure to the front forming the porch and part of the lounge. The property is finished in red brick which is a popular choice in the vicinity, a concrete tiled roof and the windows and doors are finished in white UPVC.



- 5.3 A simple lean-to extension is proposed to extend three metres beyond the rear elevation of the property, with all materials chosen to match the host dwelling. It is to run flush to the south-east elevation of the dwelling with a small door proposed, but is stepped in from the north-west elevation, reducing the visual impact from the garden of no. 7. A bi folding door and a rear facing window are proposed, along with two rooflights, all in white UPVC.
- 5.4 The front extension is both a first floor and two storey addition, creating a second floor above the garage whilst also extending the whole structure forward. A hipped roof has been chosen with a significantly lower ridge height to allow the proposal to be subservient to the dwelling, despite its prominent location. Only one window is proposed on the principal elevation of the extension, with a new garage door at ground floor level, and the materials are to match the existing dwelling. Overall the proposed design is considered to be in keeping with the existing character of the dwelling and the locality. Appropriate materials have been selected and the layout of the development is suitable to the site and the density of the surrounding area, and it is in accordance with policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.
- 5.5 Residential Amenity  
No windows are proposed facing towards no. 7 Harrison Close, the closest neighbouring occupier. The extension has been slightly stepped in to reduce the impact and as it extends just three metres into the garden and is single storey in height it is not considered to be overbearing. Proposed new windows are on the rear and principal elevation only, the outlook of which does not harm the privacy of the neighbours. There is a first floor window to be installed on the side of the existing dwelling however this is obscure glazed and so it falls under the remit of permitted development.
- 5.6 It is important to consider the amenity of future occupiers of the site as well as neighbouring properties. In this instance, it is considered that the rear extension has a modest footprint and adequate private amenity space remains at no. 5, and so the proposal is considered to be in accordance with policy H4 of the Local Plan (Adopted) January 2006.
- 5.7 Transport  
Assessment of transportation impacts with regard to extensions to existing houses relates to the provision of adequate off-street parking. Whilst the capacity of the dwelling has not increased and it remains as a four-bedroom property, the front extension encroaches onto existing parking provision. The internal measurements of the garage do not meet the minimum requirements for a parking space details in the Residential Parking Standards SPD, however two parking spaces can be accommodated on the area of hardstanding shown on the proposed Block Plan. A condition on the decision notice will ensure that this is retained for that purpose going forward. There is no transportation objection to the proposal.

### Other Matters

A neighbour has raised concerns regarding access to their driveway during the works, but it is advised that this is a civil issue and cannot be controlled by planning conditions. An informative on the decision notice will advise the applicant that they cannot carry out works on land which does not belong to them without the owner's consent. Furthermore, concerns were raised about the foundations of no. 7 Harrison Close, however issues regarding structural stability will form part of a separate Building Regulations application.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 It is recommended to **GRANT** planning permission subject to the conditions listed on the decision notice.

**Contact Officer: Trudy Gallagher**  
**Tel. No. 01454 862217**

### **CONDITIONS**

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

Reason

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

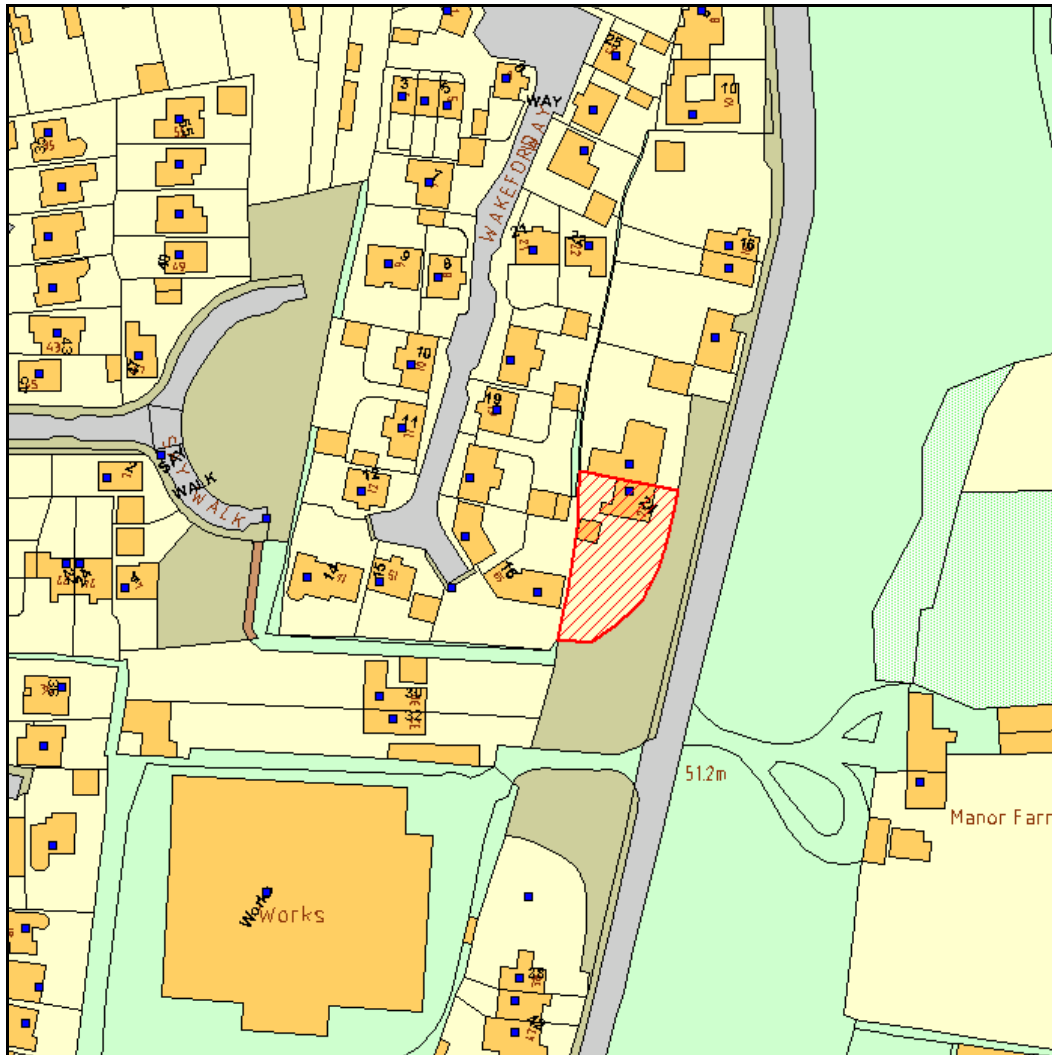
2. The area of hardstanding which is to provide parking for two vehicles as shown on the proposed Block Plan (received 20th November 2014) hereby approved shall be provided before the extension is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the Core Strategy (Adopted) December 2013 and the Residential Parking Standards SPD (Adopted) December 2013.

**CIRCULATED SCHEDULE NO. 02/15 - 9 JANUARY 2015**

<b>App No.:</b>	PK14/4570/F	<b>Applicant:</b>	Mr David Richards
<b>Site:</b>	24 Bath Road Bridgegate Bristol South Gloucestershire BS30 5JW	<b>Date Reg:</b>	26th November 2014
<b>Proposal:</b>	Erection of 1no. detached dwelling with access and associated works.	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	367944 173132	<b>Ward:</b>	Siston
<b>Application Category:</b>	Householder	<b>Target Date:</b>	19th January 2015



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 100023410, 2014. **N.T.S.** **PK14/4570/F**

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

The application has been reported to the circulated schedule because an objection has been received from the Parish Council.

### **1. PROPOSAL AND SITE DESCRIPTION**

- 1.1 The applicant seeks full planning permission for the erection of a detached dwelling with access, parking and associated works.
- 1.2 The application site consists of an existing dwelling and its residential curtilage at 24 Bath Road in Bridgegate. The site is located in within a settlement boundary as defined by the South Gloucestershire Local Plan (Adopted) 2006. The existing dwelling is semi-detached with a stone frontage and rendered side and faces onto Bridgegate Common. The site is located on a hill sloping downwards to the south and faces onto common land to the east and south and would have neighbouring dwellings to the north and west.
- 1.3 It should be noted that an application for a new dwelling was previously approved on the site in January 2011, which was a resubmission of a withdrawn scheme from 2010. The proposed scheme is similar, with an identical design and siting of the dwelling however the current scheme proposes to demolish the existing garage and to widen the existing access to create a shared access for each dwelling.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework (NPPF) March 2012  
National Planning Policy Guidance (NPPG) March 2014 and ongoing
- 2.2 Development Plans  
South Gloucestershire 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  
  
South Gloucestershire Local Plan (Adopted) January 2006  
L1 Landscape Protection and Enhancement  
H4 Development within Residential Curtilages  
T12 Highway Safety
- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) 2007  
Residential Parking Standards (Adopted) 2013

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

- 3.1 PK10/2619/F - Erection of 1 no. dwelling with access and associated works.  
Withdrawn 10/11/2010
- 3.2 PK11/0114/F - Erection of 1 no. detached dwelling and detached garage with access and associated works (Resubmission of PK10/2619/F).  
Approved 16/02/2011

### 4. **CONSULTATION RESPONSES**

- 4.1 Siston Parish Council  
Object to the proposal due to the formation of a further vehicular access across common land.

4.2 Other Consultees

Highways Drainage

No objection in principle, subject to the submission and approval of surface water drainage details prior to the commencement of the development.

Public Rights of Way

No objection

Community Spaces

No objection

Sustainable Transport

No objection

#### **Other Representations**

- 4.3 Local Residents  
No responses

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

5.1 Principle of Development

The proposal stands to be assessed by the policies listed above. Saved Policy H4 of the Local Plan and is supportive in principle of proposals for new dwellings within defined settlement boundaries, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. Furthermore, policy CS1 of the Core Strategy states that development will only be permitted if it demonstrates that the development is informed by, respects and enhances the character, distinctiveness and amenity of both the application site and its context; that the development is well integrated with existing and connected to the wider network of transport links; that it safeguards existing landscape, nature, or heritage features; and contributes to relevant strategic objectives. The proposal is considered acceptable in principle, subject to the assessment below:

## 5.2 Visual Amenity

The proposed dwelling would be sited on a portion of land to the side of the existing dwelling. It should be noted that the NPPF takes account of loss of open garden space and the impact of so-called 'garden grabbing' on the character of areas, however the existing dwelling has private amenity space to the rear as well as the more open space to the side which is currently unused and unmaintained. The proposed dwelling would face the highway, parallel to the existing dwelling and would be viewed in the context of the existing buildings, which include a variety of scale and design. The proposed scheme has been informed by the existing dwelling on the site well in its use of materials, scale and massing, for example by proposing timber frames windows and cast iron guttering to respect the original design of the local vernacular. The dwelling would sit back from the existing dwelling on lower land, adopting a subservient position to the existing dwelling. Furthermore, while it is acknowledged that the Council do not have a standard measurement for an acceptable amount of indoor amenity space, the overall size of the proposed dwelling is considered adequate for four bedrooms.

5.3 Overall, it is considered that the proposed dwelling has been informed by the existing dwelling in its scale and design and respects the character of the surrounding area. As such, it is considered acceptable in terms of visual amenity.

## 5.4 Residential Amenity

As previously described, the proposed new dwelling would be bound by neighbouring dwellings to the north and west and common land to the east and south. Due to the slope in land, the new dwelling would sit slightly lower than the neighbouring dwellings to the side and rear. The neighbouring dwelling to the west sits perpendicular to the proposed dwelling with no windows on the side elevation. As such, the new dwelling is not considered detrimental to the living conditions enjoyed by the occupiers of the neighbouring dwelling to the west. The new dwelling would sit facing the highway, parallel to the existing dwelling on the site to the north (No. 24), albeit slightly set back with a detached garage in between, some 9.6 metres away. No. 24 has side facing windows facing the proposed dwelling however given the proposed side facing windows in the new dwelling would only serve a cloakroom, utility room and landing, the impact of overlooking is not considered to be unacceptable. Nevertheless, a condition would be imposed to ensure these windows are maintained obscure glazed and non-opening to protect the privacy of the neighbouring dwelling. Furthermore, the private amenity space for both the existing and proposed dwelling is considered an adequate size in comparison to neighbouring dwellings in the surrounding area. Overall, the proposal is not considered to adversely affect the living conditions of neighbouring dwellings and as such the proposal accords with policy and is thus acceptable.

## 5.5 Community Spaces and Highway Safety

The scheme proposes to widen the existing access to provide a shared access over South Gloucestershire Council owned and maintained common land. The Parish Council have objected to the widening of the existing access on the basis that the previous application in 2011 was approved with the existing

single track access however the proposed scheme would require a separate consent from the Council to allow for the widening over common land. That said, the Council's Community Spaces team raised no objections in principle (subject to the granting of the separate consent, more details of which can be found in the additional information on the decision notice). The proposed scheme would provide separate turning areas and adequate off-street parking for each dwelling as well as a cycle store. As such, the Council's sustainable transport team have raised no highway objections to the proposed scheme. Furthermore, the materials to be used for hardstanding have not been submitted with the application and so a condition would be imposed to require surface water drainage details are submitted to and approved by the Council prior to the commencement of the development. A condition would also be imposed to ensure the proposed cycle store, car parking and turning areas have been provided prior to the occupation of the new dwelling to ensure highway safety is maintained. Finally, it should also be noted that there is a public footpath which runs nearby the southern boundary of the site however the construction of the dwelling is unlikely to affect the use of the footpath.

5.6 Landscape Issues

There are no trees, hedgerows or land of any landscape or ecological value that would be affected by the development and as such there are no objections raised on landscape grounds.

5.7 Environmental Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and would be mitigated for by imposing a condition to limit the hours of construction and as such there are therefore no objections on environmental 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 grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

**7. RECOMMENDATION**

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

**Contact Officer: Hannah Minett**  
**Tel. No. 01454 862495**

## **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 8:00 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturday; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

### Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the north elevation of the property. The windows hereby approved on the north elevation (as indicated on drawing BAT24/14/03) shall be installed and permanently maintained as obscure glazed and non-opening.

### Reason

To protect the privacy and amenity of neighbouring occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted 2013.

4. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. Works must be carried out in accordance with the approved details.

### Reason

To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

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

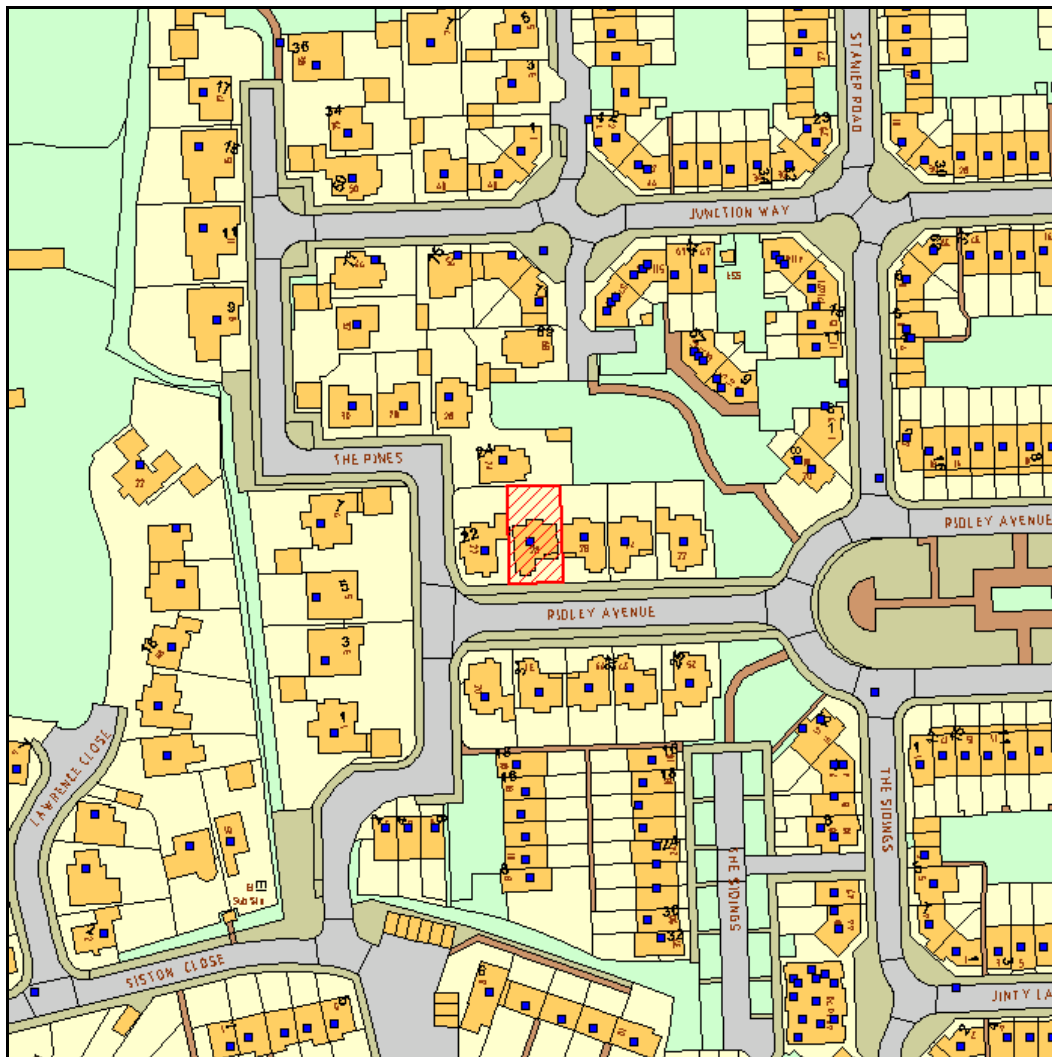
### Reason

To promote sustainable travel choices and in the interests of highway safety, in accordance with policy CS8 of the South Gloucestershire Core Strategy (Adopted) December 2013.



**CIRCULATED SCHEDULE NO. 02/15 – 9 JANUARY 2015**

<b>App No.:</b>	PK14/4664/CLP	<b>Applicant:</b>	3rd Storey
<b>Site:</b>	28 Ridley Avenue Siston Bristol South Gloucestershire BS16 9QN	<b>Date Reg:</b>	5th December 2014
<b>Proposal:</b>	Application for a Certificate of Lawfulness for the proposed installation of 1no. front and 1no. rear velux windows to facilitate loft conversion.	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	366439 175029	<b>Ward:</b>	Siston
<b>Application Category:</b>		<b>Target Date:</b>	29th January 2015



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 100023410, 2014. **N.T.S.** **PK14/4664/CLP**

## **REASON FOR REPORTING 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 2 no. rooflights to facilitate a loft conversion at 28 Ridley Avenue, Siston, is lawful.
- 1.2 One of rooflight would be positioned in the north roof elevation and one rooflight in the south roof elevation.
- 1.3 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.
- 1.4 Although the permitted development rights are restricted in terms of the retention of garages and extending properties under planning ref. P98/4880 (see below), they are intact in terms of alterations to roofs.

### **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

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

- 3.1 PK04/2581/RM                      Approved                      08/07/2005  
*Erection of 450 no. dwellings with access roads, parking, landscaping, open space provision, siting, design, external appearance and associated works. (Reserved Matters). To be read in conjunction with Outline planning application P98/4880 dated 10th September 2001. Variation of condition 24 to vary the proposed mix of house types.*
- 3.2 P98/4880                              Approval of Outline                      08/07/1999  
*Residential development (outline).*

Cond 18:- Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order with or without modification, the garage(s) forming part of the dwelling(s) hereby permitted shall be retained as such and shall not be used for any purposes other than the garaging of private motor vehicles, and ancillary domestic storage, without the prior written consent of the Local Planning Authority.

Cond 19:- Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the dwellinghouse shall not be extended without the prior written consent of the Local Planning Authority.

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

4.1 Siston Parish Council  
None received.

4.2 Other Consultees

Councillor  
No comment received.

Highway Drainage  
No comment.

#### **Other Representations**

4.3 Local Residents  
None received.

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

5.1 Existing and Proposed Floor Plans, Site Location Plan and Application Form – all received by the Council on 29/11/2014.

#### **6. ANALYSIS OF PROPOSAL**

6.1 Principle of Development

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

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

6.3 The proposed development consists of a loft conversion facilitated by the installation of 2 no. roof lights. This development would fall under the criteria of *Schedule 2, Part 1, Class C* of the Town and Country Planning (General Permitted Development) Order (as amended) 1995, which permits any other alteration to the roof of a dwellinghouse. This allows for roof lights subject to the following:

**C.1 Development is not permitted by Class C if-**

**(a) The alteration would protrude more than 150mm beyond the plane of the slope of the original roof when measure from the perpendicular with the external surface of the original roof**

From the submitted plans it is clear that the proposed rooflights only protrude 100mm beyond the plane of the slope of the original roof.

**(b) It would result in the highest part of the alteration being higher than the highest part of the roof; or**

The proposal does not exceed the highest part of the original roofline at any point, and therefore meets this criterion.

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

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

**(ii) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**

The proposal does not include any of the above.

**C.2 Development is permitted by Class C subject to the condition that any windows on the roof slope forming the side elevation of the dwellinghouse shall be –**

**(a) obscure glazed; and**

**(b) non opening, unless the parts of the window which can be opened is more than 1.7 metres above the floor of the room in which it is installed.**

The rooflights are not positioned on a roof slope forming a side elevation; therefore this criterion is not applicable.

## **7. RECOMMENDATION**

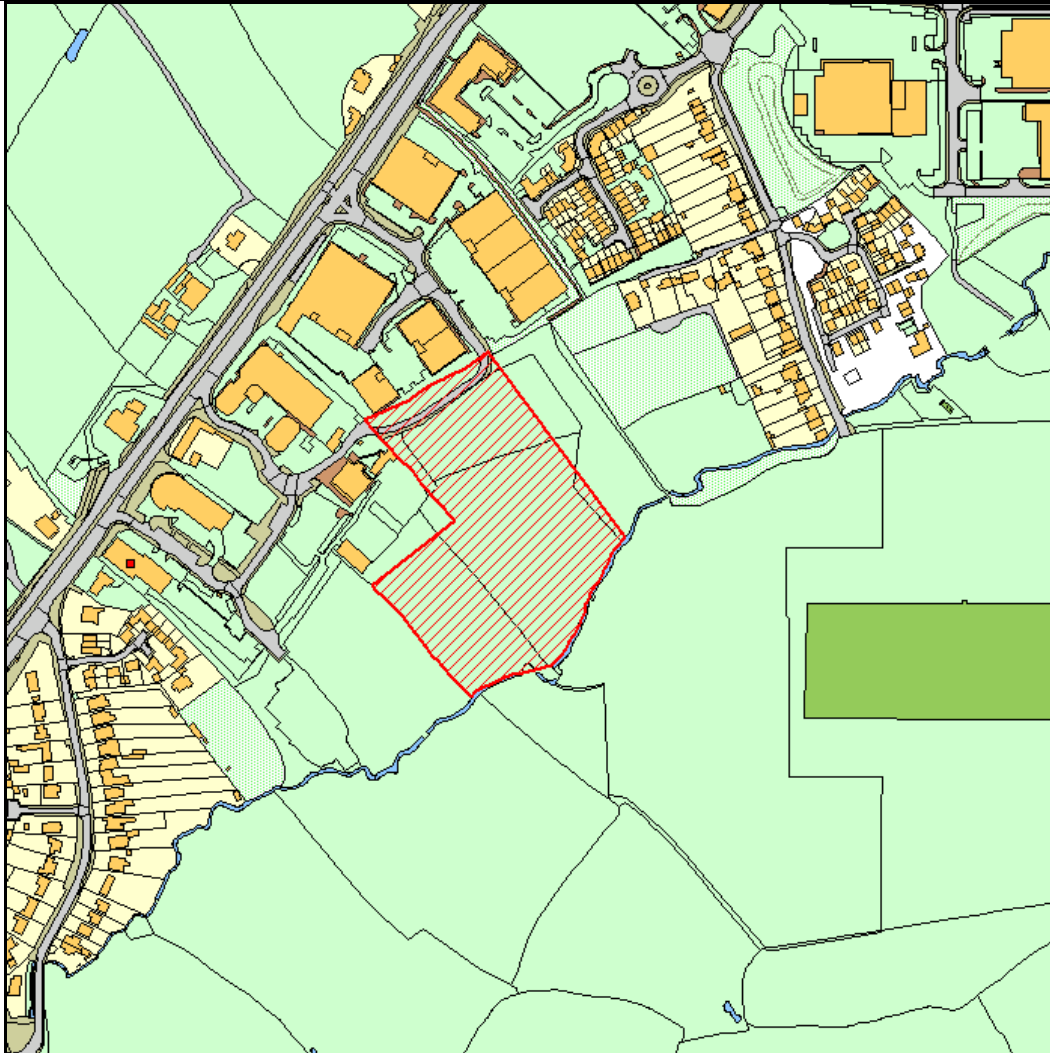
7.1 That a Certificate of Lawfulness for Proposed Development is granted for the following reason;

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: Matthew Bunt**  
**Tel. No. 01454 863131**

## CIRCULATED SCHEDULE NO. 02/15 – 9 JANUARY 2015

<b>App No.:</b>	PT14/2646/O	<b>Applicant:</b>	Dick Lovett Ltd
<b>Site:</b>	Land At Laurel Hill Cribbs Causeway Almondsbury South Gloucestershire BS10 7TU	<b>Date Reg:</b>	12th September 2014
<b>Proposal:</b>	Mixed use development on 3.15ha of land comprising offices (Use Class B2) Storage (Use Class B8) car showrooms (sui generis) and all associated ancillary facilities. Outline application including access with all other matters reserved.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	357075 180306	<b>Ward:</b>	Patchway
<b>Application Category:</b>	Major	<b>Target Date:</b>	11th December 2014



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 100023410, 2014. **N.T.S.** **PT14/2646/O**

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

This application has been forwarded to the Council's Circulated schedule for consideration as a representation has been received from the Parish Council raising views contrary to the Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application for outline consent proposes mixed use development on 3.15ha of land comprising offices (Use Class B2), Storage (Use Class B8), car showrooms (sui generis) and all associated ancillary facilities.

This outline application includes details of means of access with all other matters reserved for future consideration.

- 1.2 The application site is situated on the south east side of Cribbs Causeway (the A4018) at the rear of the Dick Lovett commercial site. The site which is broadly L shaped is bounded by the existing Dick Lovett development to the north and south west, the Henbury Trym to the South East and open grassed pasture to the east. The site comprises undeveloped pasture land with few landscape features. The site slopes from north to south.

- 1.3 The site is situated within the urban area of Bristol as defined in the adopted Development Plan. A Public Right of Way (OAY/87) runs north west to south east parallel with the east boundary of the site approximately 45m from the site.

- 1.4 The site is situated within the urban area as defined in the adopted Development Plan. The adjacent site to the north (Dick Lovett) to which this site relates, is a safeguarded employment site in the development plan.

- 1.5 A screening opinion was undertaken in 2014 (PT14/029/SCR) to assess the impact of a development comprising mixed use commercial development on 3.15ha of land, by the Case Officer prior to submission of this application. It is deemed that a full Environmental Impact Assessment is not required as the proposal would fall well below the indicative threshold of column 3 of Schedule 2 projects of the EIA regulations 2011 in respect of Column 1 (10(b)) development.

- 1.6 **Applicant's Supporting Information**

In support of the application, as well as the plans, the following documents have been submitted:

- Transport Statement
- Flood Risk Assessment
- Ecological Appraisal

### **2. POLICY CONTEXT**

- 2.1 **National Guidance**

National Planning Policy Framework March 2012

National Planning Practice Guidance 2014

## 2.2 Development Plans

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

L1	Landscape Protection and Enhancement
L4	Forest of Avon
L7	Sites of National Nature Conservation Interest
L8	Sites of Regional and Local Nature Conservation Interest
L9	Species Protection
EP2	Flood Risk and Development
T12	Transportation Development Control Policy for New Development
E3	Employment Development within the Urban Area
LC12	Recreational Routes
L16	Protecting the best agricultural land

### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS12	Safeguarded Areas for Economic Development
CS13	Non Safeguarded Economic Development Sites
CS14	Town Centres and Retail
CS23	Community Infrastructure and Cultural Activity
CS25	Communities of the North Fringe of Bristol Urban Area
CS26	Cribbs Patchway New Neighbourhood

## 2.3 Supplementary Planning Guidance

Cribbs Patchway New Neighbourhood Development Framework SPD  
Revised Landscape Character Assessment SPD

## 3. RELEVANT PLANNING HISTORY

- 3.1 P95/0051/145 Development of 2.52 hectares of land (6.2 acres) for the erection of used car sales office, workshops, canopy and car parking. Construction of new vehicular and pedestrian access.  
Approved 14.07.1995
- 3.2 PT12/0593/F Erection of BMW Motorrad showroom including sales and service areas and associated works (Sui Generis).(Re-submission of PT11/3298/F)  
Approved 18.04.2012
- 3.3 PT14/029/SCR Mixed use development on 3.15ha of land comprising offices (Use Class B2) Storage (Use Class B8) car showrooms (sui generis) and all associated ancillary

facilities. Outline application including access with all other matters reserved. Screening Opinion for PT14/2646/O  
EIA not required 11.09.2014

#### 4. CONSULTATION RESPONSES

##### 4.1 Almondsbury Parish Council

Objection:

*APC repeats their grave concerns over the extra traffic this development will generate onto already badly congested roads and specifically junction 17. In particular, once complete, this development will be frequented by heavy traffic, vehicle transporters etc*

##### 4.2 Other Consultees

**Drainage Engineer** – The proposal itself is within flood zone 1, and is greater than 1Ha red cell (high risk). A FRA has been submitted with the application. The FRA is acceptable. Therefore no objection subject to conditions related to SuDS and Operation and Maintenance Plan for Surface Water Drainage, to include maintenance activity schedule for all drainage elements.

**Wessex Water** - There is an existing public 375mm foul sewer which crosses the southern portion of the site adjacent to the Trym. There must be no building within 3 metres of this sewer; tree planting within 6 metres and any crossing / change in levels with respect to this pipe must be in agreement with Wessex Water. No objection

**Environment Agency** – No objection, subject to conditions related to SuDS (including a cross section of the Trym), a scheme for prevention of pollution during the construction.

**Sustainable Transport** – Means of access is a detail to be considered at this stage. The Transport Statement submitted demonstrates that the proposal would increase traffic flows on the local network by less than 1% in peak periods. The proposal broadly conforms with the Council's adopted parking standard. Cycle parking would be provided below the required standard but the travel plan submitted allows for review of this if required. A bus service is already provided by the applicant to and from the site. This should be retained for a further 5 years. No objection, subject to conditions related to cycle and car parking, 3 additional cycle spaces are monitored, travel plan to be agreed in writing.

**Landscape Officer** – There are details which need to be resolved before the development can be considered acceptable. These details relate to layout and design which are matters reserved for future consideration. All reserved matters submissions should be accompanied by a tree survey, sections, planting details. However, the development in principle can be built without impacting significantly in landscape terms, subject to the acceptability of the reserved details.

**Ecological Officer** – No objection subject to conditions requiring an ecological and landscape management plan to be submitted and a lighting scheme to be approved which aims to control light spillage in the interest of mitigating impact on bats.



## **Other Representations**

### 4.3 Local Residents

None received

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

#### **National guidance:-**

The NPPF requires the planning system to support and encourage economic growth (Par.18 and 19). As such, significant weight should be placed on the need to support economic growth through the planning system.

#### **The Development Plan:-**

##### *Core strategy (CS):*

In terms of the adopted Development Plan, Policy CS26 of the adopted CS relates specifically to development proposals within the Cribbs/Patchway New Neighbourhood (CPNN). The application site is situated within CPNN and as such the development proposal must comply with Policy CS26. Policy CS26 requires all development within CPNN to be comprehensively planned and for proposals to demonstrate that they accord with the CPNN SPD (referred to below). Development should also positively facilitate and not prejudice the development of surrounding areas of the CPNN, including high quality employment opportunities.

Economic development in particular is covered by policies CS11-CS13 of the Core Strategy Dec 2013 (CS). Policy CS11 is an overarching strategic policy identifying the economic development land safeguarded or allocated within the district. The proposal would provide additional economic development land outside this recognised quantum, as the land within the application site is not designated as safeguarded employment land within the Development Plan. The existing Dick Lovett site is located within a safeguarded employment area and although the application site is not, the proposal would effectively result in an extension to a safeguarded employment site. Policy CS12 seeks to safeguard economic development land through retention of the identified safeguarded employment sites which includes the Dick Lovett site. The policy seeks to control changes of use within these areas to non B Class uses. The proposal which is in outline only proposes a mix of uses within Classes B2 and B8 but also Car Showroom which falls outside B Classes (*sui Generis*). However, although the proposal would involve partial provision of non B Class development, this would not impact on the existing provision of B Class development within the safeguarded land. As such beyond this, the proposal should not be considered further against Policy CS12, although in the sub text of policy CS12, par.9.15 states, *'Opportunities to redevelop existing employment sites, through intensification or remodelling, will be encouraged.'*

Policy CS13 related to non safeguarded economic development sites seeks to control the loss of employment sites which are not designated as safeguarded in the Development Plan. This proposal would not result in the loss of any employment land, conversely it proposes an increase in economic development land. Policy CS13 is not relevant.

Overall, there is little guidance with in the Core Strategy to assist consideration of this application. The NPPF is clear in the need to promote this type of economic development generating scheme. The proposal is not discordant with the aims of the CS in terms of economic development.

*Local Plan (2006):*

Unlike the CS, the Local Plan (LP) does provide specific guidance for provision of new unallocated economic development land within Policy E3. The LP was adopted in 2006, prior to the NPPF and PPG, and as such the weight that can be afforded to E3 is significantly diluted other than where there is direct accordant with the NPPF. However, economic development proposals can be accepted subject to specific criteria as listed which are, environmental effects, no unacceptable additional traffic and highway safety concerns, impact on residential amenity, character and appearance of the area, maximum density is achieved. Other than related to achieving maximum density, it is considered that the other criteria of Policy E3 are accordant with the NPPF. Additionally, large scale B8 uses must located within 3 specific areas including Cribbs Causeway. In principle the proposal is not discordant with the aims of Policy E3, subject to the listed criteria which will be consideration in detail below.

**Supplementary Guidance:-**

*The Cribbs Patchway New Neighbourhood SPD:*

One of the central criteria in the SDP is to provide high quality employment opportunities. However, commercial as well as residential uses should be focused around strategic walking, cycling and public transport routes and be within walking distance of local services and facilities. Therefore considering the sustainable location of the development adjacent and as an extension to the existing Dick Lovett commercial site, proposal accords in principle with the SPD.

**Conclusion on the principle of development:-**

In summary therefore the principle of the commercial development of the application site as an extension of the existing Dick Lovett commercial site is considered to be acceptable, subject to compliance within the criteria within Policies E3 (saved) of the 2006 Local Plan and CS26 of the adopted Core Strategy 2013 together with other material considerations, all of which are considered below.

## 5.2 Economic Development

The proposal would extend the existing Dick Lovett commercial site by 3.15ha to the south. The existing site comprises a multi use business related to vehicle sales, service/repair, corporate services with BMW dealership. The proposal would provide further floorspace both internal and external for storage of vehicles and to extend the existing operation under Class B2. The applicant has indicated that the proposal would generate 70 new jobs.

The proposal would provide additional commercial land in addition to strategically allocated and safeguarded land within South Glos. The land is located within a sustainable location, within the urban area and close to the wider national road network. The proposal would result in a positive impact on economic growth in accordance with the aims of the NPPF.

## 5.3 Sustainable Transport

The information submitted states that access is for consideration now with all other matters reserved for future consideration. The access is proposed from an existing signalised junction on the A4018 via an unadopted road called The Laurels.

The Transport Statement indicates that after the opening of the site, even in the worst case where the site is entirely developed for B2 uses, it will increase traffic flows on the local network by less than 1% in peak periods. This increase is considered to be acceptable and the applicant's examination of the operational efficiency of the existing junction between The Laurels and the A4018 Cribbs Causeway adequately demonstrates that this junction can accommodate the traffic generated by the development.

In terms of car parking, using a worst case where the site is all B2 the development would require provision of approximately 230 spaces plus a 5% allowance for disabled uses. The masterplan shows that the applicants propose to provide 235. The car and cycle parking provision associated with the proposed development broadly conforms to the requirements of Policies T7 and T8 of the adopted South Gloucestershire Local Plan, provided that of all these spaces are constructed before the development is occupied and that the development is accompanied by a travel plan.

In the case of cycle spaces the Council's standards would indicate that 11 spaces should be provided at the site if it is all developed for B2 uses. However, the applicants indicate that this is unlikely to be the case and have provided 8 spaces. Given the nature of the development, this approach is considered to be acceptable, provided that the proposed spaces are present before the development is occupied, a travel plan is provided and space is allocated to provide the additional 3 spaces in future should monitoring prove they are necessary. The parking provision will be determined in detail as part of the planning layout at reserved matters stage.

The applicants indicate that this site is well served by public transport and that bus stops are provided on the A4018 adjacent to the site access. These stops are served at a high frequency by bus services travelling to Bristol City Centre and The Mall. Moreover, the Transport Assessment states that the applicants currently operate a 'shuttle bus' to and from the site to The Mall and Bristol Parkway Station. This is considered to be a useful facility and recommend that this facility is maintained for 5 years to assist with green travel related to the additional traffic generated by the development. This would be controlled through the travel plan by condition.

Finally, a Travel Plan is required for the site, to actively discourage car travel to and from this development wherever possible. Initially, a framework travel plan (or similar) is required, setting out the applicants proposals for the full document. This must be produced prior to occupation of the site and the full travel plan should be produced within three months of that date. A condition is recommended to control this.

#### 5.4 Visual amenity and landscape

The application is in outline alone with means of access the only detailed consideration at this stage. The application is accompanied by an illustrative master plan which gives an indication of the layout and the amount of development which would be proposed within the site.

The site is located at the rear of the existing Dick Lovett site. This is a greenfield site at present with a definite slope from north to south falling by approximately 6m. The site is situated adjacent to the Henbury Trym to the south and is screened in part by tall hedging on the south side of the Trym from views from the south. Filton Airfield is situated south of the Trym which is subject to redevelopment in the near future as part of the CPNN. The development is unlikely to have a significant impact in visual terms and the character of the area is changing significantly and rapidly. The likely development of the land to the east and south for residential purposes and the current commercial development taking place to the west will result in land which will be surrounded by built form. A landscape buffer is proposed between the development and the Trym. The proposal which would provide mainly car parking for commercial purposes with two other buildings, is likely to be in keeping with the strategic aims of the CPNN and would not harm the character of the area including the Trym.

#### 5.5 Ecology

An ecological survey has been carried out to accompany the application.

The most diverse habitat on site is the Henbury Trym stream corridor and it is proposed that this is protected with a buffer from the development.

##### **Bats:**

In terms of bats the site is likely to be used for foraging/commuting rather than roosting. The most consistently used corridor is the Henbury Trym; the internal hedgerows are used occasionally and the fields themselves rarely.

Activity is likely to be low to moderate. A condition is recommended to require a lighting scheme to be submitted in the interest of controlling slight spillage from the site to ensure adequate protection of bats.

**Reptiles:**

Reptiles are likely to be located within the site. An appropriate mitigation strategy for relocation or other mitigation will be required before any development can commence.

**Water vole:**

The surveys found no evidence of water voles along this section of the Henbury Trym.

**Nesting birds:**

There is a high potential for nesting birds to be present.

**Hedgehogs:**

Hedgehogs are a Priority Species on the UK BAP. A single hedgehog had been seen on the site during 2010 surveys. Measures are required to ensure that animals are not killed or injured. Enhancement measures for this species would also be welcomed.

**Conclusions:**

A landscape and ecological mitigation strategy is required to be controlled by condition, and the development should be implemented in accordance with the recommendations of the approved ecological survey.

5.6 Residential amenity

The residential area at Catbrian is already exposed to noise generating development at the existing Dick Lovett site and at The Laurels. The application site is situated some 115m minimum distance from the nearest residential occupiers on Catbrain/Catbrain Hill. This is considered to be sufficient distance to ensure no significant additional impact in terms of noise and other disturbance from the development over the existing noise and disturbance levels.

5.7 Drainage, flood and water management

The proposal includes a flood risk assessment (FRA).

The majority of the application site is situated within flood zone 1 according to the Environment Agency's flood records. There is a low, less than 1 in 1000 annual probability of flooding within this area. A small part of the site adjacent to the Henbury Trym along the southern edge is located within flood zone 2 and the Trym itself is within flood zone 3. The site is therefore flood sensitive, but this is concentrated to the southern edge of the site only.

The submitted FRA has accounted for this. The indicative master plan has been overlaid onto a drainage layout within the FRA. The drainage layout shows that no built form would be located outside of flood zone 1.

The proposal is considered to be acceptable in terms of flood risk. In accordance with the Environment Agency's flood matrix however, the Local Authority must, apply a sequential test to the site on the basis of the type of development proposed. The test will determine whether, in the opinion of the Council, the development should be located as proposed or whether there is a sequentially preferable location for the development, within South Gloucestershire, accounting for the flood constraint/sensitivity of the site. In this case the proposed development is an extension to an existing Dick Lovett business. The business has other branches in the UK but this is the one location of their offices in South Glos. There are other locations within South Gloucestershire outside of flood zones 2 and 3 which could accommodate a site of this size for commercial purposes, such as for instance within the new Emerson Green East employment area. However, this is the only location where the development can be located which will ensure that the existing business will remain in the current location. Any alternative location would require the existing business to move. There would be significant detrimental implications to the business if this was to happen. As indicated above, the built development would be located outside of flood zones 2 and 3. As such the flood impact of the development is likely not to be significant. Therefore accounting for the impact that a relocation would have on the business operation and that no significant impact in flooding terms is likely to occur, sequentially, this location is considered to be the most favourable location for this development. Other sites within South Gloucestershire could be identified which meet the area requirements for this site, however, considering the bespoke nature of this site as an extension to the existing business and the likelihood that the business would have to move to use any alternative sites, no other sites have been specifically identified to compare. Simply, this is the only site available which meets the applicant's needs to expand the existing business.

In conclusion, there are likely to be sites within the area (South Gloucestershire) with a lower probability of flooding, but no sites within South Gloucestershire will be appropriate to this development on the basis if the existing business operation adjacent to this site.

An attenuation basin is proposed towards the southern end of the site with a capacity of 500m<sup>3</sup>. Permeable paving is proposed within the large car park which is shown indicatively on the mater plan. Any discharge of surface water into the Trym will be controlled to match the rate which exists at present for this greenfield site. All of the SuDS features are to be designed to accommodate a 1:100 year event with additional 30% allowance for climate change. The proposal would have no significant impact in terms of surface water attenuation, subject to a condition requiring submission of a sustainable drainage scheme for approval prior to commencement of development.

## 5.8 Other matters

As a greenfield site there are few existing environmental constraints related to this site.

## **6. CONCLUSION**

- 6.1 Considering all of the above material matters, the proposal would form a part of a comprehensively planned strategic development and the applicant has adequately demonstrated that the scheme accords with the CPNN SPD (referred to in par 5.1 above). The development is considered to positively facilitate and not prejudice the development of surrounding areas of the CPNN, and is considered to provide high quality employment opportunities. The proposal accords with policy CS26 of the CS and all other relevant policies within the adopted Development Plan and the CPNN SPD.
- 6.2 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.
- 6.3 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 That this outline planning application is APPROVED for the reasons stated above and subject to the conditions attached to the decision notice:

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

### **CONDITIONS**

1. Approval of the details of the layout, scale and appearance of the building(s) and the landscaping of the site (hereinafter called "the reserved matters") for the land shown edged in red on the approved Location Plan shall be obtained from the Local Planning Authority in writing before any development is commenced.

#### Reason

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

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the layout, scale and appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved. All reserved matters shall be begun before the expiry of 2 years from the date of the decision to which the reserved matters development relates.

Reason

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

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

Reason

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

4. Prior to the commencement of development samples of the roofing and external facing materials proposed to be used for any building approved under any subsequent reserved matters for this decision shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 and CS26 of the South Gloucestershire Local Plan Core Strategy adopted Dec 2013.

5. Application for the approval of the reserved matters shall be in accordance with the parameters described in the design and access statement hereby approved.

Reason

To protect the character and appearance of the area and the residential amenity of the occupiers and in the interest of highway safety to accord with saved Policies H4 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1, CS2, CS9, CS24, CS25 and CS26 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

6. No development shall commence until an Ecological Protection and Enhancement Plan is first submitted to and approved in writing by the Local Planning Authority in accordance with the recommendations of the Protected Species Assessment (Ethos, dated June 2014) Part IV. The planting recommendations will include native species in the open space and native planting in the formal areas. The development shall be implemented in strict accordance with the recommendations of the Protected Species Assessment (Ethos, dated June 2014) Part IV and the approved Ecological Protection and Enhancement Plan.

Reason

To ensure the development is carried out in an appropriate manner and in the interests of preserving the character and appearance of the area and landscape features therein and to protect local nature conservation and geological interests and to accord with saved Policy L1 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 and CS26 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.



7. No development shall commence until a site wide lighting scheme to identify the impact of the development in visual terms and to protect ecological features in the locality, has been first submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details all proposed sources of light created by the development. The development shall be implemented in accordance with the approved lighting scheme.

Reason

To ensure the development is carried out in an appropriate manner and in the interests of preserving the character and appearance of the area and landscape features therein and to protect local nature conservation and geological interests and to accord with saved Policy L1 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 and CS26 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.

8. Each subsequent landscape scheme submitted as reserved matters shall include a detailed planting plan, which shall detail the size, type and specification, mixes and quantities of all proposed planting and details of all boundary and surfacing treatments

Reason

To protect the character, appearance and distinctiveness of the locality and surrounding area and to accord with saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS1 CS9 and CS26 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.

9. Any trees or plants shown on the approved landscaping scheme related to any reserved matters within the site edged red on the approved location plan, to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason

To protect the character, appearance and distinctiveness of the locality and surrounding area and to accord with saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS1 CS9 and CS26 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.

10. Each subsequent reserved matters shall include longitudinal site sections and cross sections showing the integration of the site with the adjacent development.

Reason

To protect the character, appearance and distinctiveness of the locality and surrounding area and to accord with saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS1 CS9 and CS26 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.

11. Reserved matters shall include full design details including cross sections of the proposed attenuation basin.

Reason

To protect the character, appearance and distinctiveness of the locality and surrounding area and to accord with saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS1 CS9 and CS26 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.

12. Each subsequent reserved matters shall include a tree survey to include a tree protection plan showing all trees and hedges with a root protection zone that encroaches within or abuts the reserved matters site and an Arboricultural Method Statement to demonstrate how the trees are to be protected including throughout construction in accordance with the requirements of BS5837:2012 Trees in relation to Design, Demolition and Construction. The development within the reserved matters site shall be implemented in strict accordance with the approved details.

Reason

To ensure the protection of any important landscape features in the interest of protecting the character, appearance and distinctiveness of the locality and surrounding area and to accord with saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS1 CS9 and CS26 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.

13. Each subsequent reserved matters shall include a survey to show the existing and proposed levels across the reserved matters parcel.

Reason

To ensure the protection of any landscape important features in the interest of protecting the character, appearance and distinctiveness of the locality and surrounding area and to accord with saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS1 CS9 and CS26 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.

14. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the LPA. The scheme shall subsequently be implemented in accordance with the approved details before any building is occupied.

The scheme shall also include details of how the development shall be maintained and managed after completion.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and to accord with Policy CS9 and CS26 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.

15. No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been first submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:
  1. Site security.

2. Fuel oil storage, bunding, delivery and use.
  3. How both minor and major spillage will be dealt with.
  4. Containment of silt/soil contaminated run-off.
  5. Disposal of contaminated drainage, including water pumped from excavations.
  6. Site induction for workforce highlighting pollution prevention and awareness.
- Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

The development shall be implemented in accordance with the approved details.

Measures shall be taken to prevent the runoff of any contaminated drainage during the construction phase.

Reason

To prevent pollution of the water environment and to accord with Policy CS9 and CS26 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.

16. No development approved by this permission shall be commenced until a full operation and maintenance strategy for surface water drainage has been submitted to and formally approved in writing by the Local Planning Authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme. The development shall be implemented in accordance with the approved strategy.

Reason

To ensure that the development provides the necessary mitigation against flooding for the lifetime of the existing and proposed development and to accord with Policy CS9 and CS26 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.

17. All vehicle and cycle parking approved under any subsequent reserved matters shall be implemented in full prior to occupation of the development to which the parking relates.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with saved Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS1 and CS26 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.

18. The site shall not be occupied for commercial purposes until a framework travel plan for the whole site has been first submitted to the Local Planning Authority for approval. A subsequent detailed travel plan shall be submitted within 3 months following first occupation of any reserved matters parcel. The development shall thereafter operate in accordance with the approved travel plans.

Reason

To encourage means of transportation other than the private car, to accord with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS1 and CS26 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.

**CIRCULATED SCHEDULE NO. 02/15 – 9 JANUARY 2015**

<b>App No.:</b>	PT14/2912/CLE	<b>Applicant:</b>	Mrs H Forder c/o Bateman North LLP
<b>Site:</b>	Eastfield Nursery Village Road Littleton Upon Severn South Gloucestershire BS35 1NT	<b>Date Reg:</b>	13th August 2014
<b>Proposal:</b>	Certificate of lawfulness for the use of land and barns as a mixed business use (Sui Generis) in accordance with the site plan received by the Council 21 Oct 2014 and shown as follows: A (cross hatched) : siting of caravan for general storage purposes; B (cross hatched) : siting of shipping container for general storage purposes; C (cross hatched) : parking area for up to 5 commercial vehicles; D (coloured blue) : joinery workshop and associated storage, storage and distribution of sports equipment and storage of agricultural equipment; Area coloured green : builders yard with associated storage of plant and materials to a maximum height of 5.0m.	<b>Parish:</b>	Aust Parish Council

<b>Map Ref:</b>	360358 189631	<b>Ward:</b>	Severn
<b>Application Category:</b>		<b>Target Date:</b>	19th September 2014



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 100023410, 2014. **N.T.S.** **PT14/2912/CLE**

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

This application is for a Certificate of Lawful Existing Use or Development (CLEUD) and therefore under the Council's current scheme of delegation must appear on the Circulated Schedule.

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Use or Development, is that the applicant has to demonstrate on the **balance of probability**, that the uses as described, have occurred for a period of 10 years consecutively, prior to the receipt of the application on the 21<sup>st</sup> July 2014.

### **1. THE PROPOSAL**

- 1.1 The application comprises a Certificate of Lawfulness submitted under Section 191 (1) of the Town and Country Planning Act 1990 as amended by S.10 of the Planning and Compensation Act 1991 in respect of land and buildings at Eastfield Nursery, Village Road, Littleton-Upon-Severn, South Gloucestershire BS35 1NT.
- 1.2 The application comprises a Certificate of Lawfulness for use of land and buildings for various uses (sui generis) at the property known as Eastfield Nursery which is located at the end of a rough track in a remote location in the open countryside near the village of Littleton-Upon-Severn. Although there is a house at Eastfield Nursery, the application relates only to the associated yard and outbuildings.
- 1.3 In order to regularise the breach of planning control, the applicant seeks a Certificate of Lawful Use of the land and buildings, as defined on the submitted red edged site plan DDNF1.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning Act 1990: Section 191  
Town and Country Planning (Development Management Procedure) (England) Order 2010: Article 35  
Town and Country Planning (Use Classes) Order 1987 (as amended).  
The Planning Practice Guidance March 2014
- 2.2 Development Plans  
As the application is for a Certificate of Lawfulness, the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only demonstrate that on the balance of probability, the uses as applied for have occurred for a period of 10 years consecutively, prior to the receipt of the application on the 21<sup>st</sup> July 2014.

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

- 3.1 N1884 - Renewal of consent for the stationing of a single residential caravan in connection with a market garden.  
Approved 9 Oct. 1975
- 3.2 N1884/2 - Renewal of consent for the stationing of a single residential caravan in connection with a market garden.  
Approved 14 Sept. 1978

- 3.3 N1884/1AP - Erection of detached dwelling house and garage. (Details following outline). To be read in conjunction with N.1881/1.  
Refused 21 Jan 1982
- 3.4 N1884/3 - Erection of single detached dwelling and integral garage.  
Installation of septic tank.  
Approved 20 Jan 1983
- 3.5 N1884/4 - Erection of extension to garage and utility room.  
Approved 29 Sept. 1983
- 3.6 PT09/5598/F - Conversion of existing pigsties to form stable block comprising 3 no. stables, 1 no. tack room and hay store.  
Withdrawn 7 Dec. 2009

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

The applicant has submitted the following appendices as evidence in support of the application:

1. Statutory Declaration of Mrs Helen Forder of Eastfield Nursery, Littleton-on-Severn, Thornbury; dated 10<sup>th</sup> July 2014. Mrs Forder states the following:
  - Mrs Forder was the wife and business partner of Stephen Patrick Forder (died 14<sup>th</sup> July 2013) for in excess of 45 years.
  - Mr and Mrs Stephen Forder purchased Eastfield Nursery in 1983 since when it has been their home. Within the property is a barn and sheds shown on plan HF1.
  - Prior to 1983 Eastfield Nursery had been used as a market garden. In 1983 Mr Stephen Forder started using the barn and sheds for the storage of commercial vehicles, plant, machinery and building materials in association with his business. This use has continued to the present day.
  - Between 1983 and 1988 the barn and sheds were used for storing building materials. Employees would visit the site with commercial vehicles on a daily basis to deliver and collect building materials.
  - Between 1988 and 1991 an office and workshop were constructed within the barn and sheds which were also being used for the storage of building materials.
  - From 1991 until 14 July 2013, Mr Stephen Forder, along with his family and three sons, have run their own businesses from the barn and sheds. Throughout this time the barns have been used for the storage of plant machinery, building materials and timber in conjunction with the family joinery work shop located within the barn and sheds. The barn and sheds have also been used for the storage of sports clothing, which is also retailed from the site. Incoming and outgoing deliveries continue on a daily basis.
  - Following Stephen Forder's death on 14 July 2013 Mrs Forder and her three sons have continued to use the barn and sheds as a joinery workshop and for storage of plant, machinery, building materials and sports clothing in conjunction with the ongoing businesses there.
  - From 1983 up until Mr Forder's death on 14<sup>th</sup> July 2013, Mr and Mrs Stephen Forder regarded the barn and sheds as an area to run their businesses from with their three sons, which involved the storage of plant machinery and building materials alongside the family run joinery shop and storage of sports clothing within the barns and sheds. Since Mr Forder's death until the present day, Mrs Forder has continued to use the barn and sheds in the same way

which means that the Barn and sheds have been used for storage and business purposes for over 31 years.

- Evidence of the uses has been provided in the form of 11 random photographs dating from 1983 to 2012 appended to the statutory declaration.

2. Statutory declaration of Dale Forder (aged 39) Damian Forder (35) and Nathan Forder (31) i.e. the three sons of Stephen Patrick Forder deceased. The brothers state the following:

- Along with their parents the three brothers have used the barn and sheds at Eastfield Nursery as business premises from where they operate their joinery workshop business and store plant, machinery and building materials alongside sports equipment.
- Prior to 1983 Eastfield Nursery had been used as a market garden. In 1983 Mr & Mrs Stephen Forder started using the barn and sheds for the storage of commercial vehicles, plant, machinery and building materials in association with their business.
- Between 1983 and 1988 the barn and sheds were used for storing general building materials. Employees would visit the site with commercial vehicles on a daily basis to deliver and collect building materials.
- Between 1988 and 1991 an office and workshop were constructed within the barn and sheds for use in conjunction with the business. The office, workshop and storage areas were used by Mr & Mrs Stephen Forder and their employees. Incoming and outgoing deliveries were also stored within the barn and sheds during the expansion of Mr & Mrs Stephen Forder's business.
- From 1993 until Mr Stephen Forder's death on 14 July 2013, the Forders have run their own businesses from the barn and sheds. Throughout this time the barns have been used for the storage of plant machinery, building materials and as an office and workshop. The barn and sheds have also been used for the storage and retail of cricket coaching equipment and sports clothing for this purpose. Incoming and outgoing deliveries continue on a daily basis.
- Following Stephen Forder's death on 14 July 2013 Mrs Forder and her three sons have continued to use the barn and sheds as an office and joinery workshop and for storage of plant, machinery, vehicles, building materials, cricket coaching equipment and sports clothing in conjunction with the ongoing businesses there. These uses continue to this day and the barns and sheds have been used for business purposes for in excess of 31 years.
- Evidence of the uses has been provided in form of 13 random photographs dating from 1983 to 2012 appended to the statutory declaration.

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

There is no contrary evidence at all.

## 6. **OTHER CONSULTATIONS**

Local Councillor

No response

Aust Parish Council

Aust Parish Council have no evidence on which to oppose this application.



## 7. ASSESSMENT

7.1 The legislative framework for a Certificate of Lawfulness rests under S191 of the Town and Country Planning Act 1991. Specifically, this act specifies that:

s191) (1)

*'If any person wishes to ascertain whether*

*(a) any existing use of buildings or other land is lawful;*

*(b) any operations which have been carried out in, on, over or under are lawful;*

*or*

*(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,*

*he/she may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter'.*

7.2 Accordingly, the applicant submitted the application under S191 (1)(a). To this extent, having regard to S171B of the Act, a Certificate of Lawful Existing Use or Development can be obtained where:-

(a) There has been a continuous use of land or buildings (other than a dwelling) for more than 10 years.

(b) A condition or limitation on a planning permission has not been complied with for more than 10 years.

(c) Building or other operations have been completed for more than 4 years.

(d) A building (not land) has been used as a dwelling for more than 4 years.

In this case therefore the onus of proof is on the applicant to show on the balance of probability that the use has occurred for a continuous period of 10 years up to and including the date of the application i.e. the relevant 10 year period is 21<sup>st</sup> July 2004 to 21<sup>st</sup> July 2014.

7.3 For a use to be lawful for the purposes of the Town and Country Planning Act, section 191(2) requires that:

*'For the purposes of this Act uses and operations are lawful at any time if:*

*(a) no enforcement action may be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and*

*(b) they do not constitute a contravention of any of the requirements or any other enforcement notice then in force.'*

(No enforcement notice was in place during the relevant 10 year period)

7.4 The application for a Certificate of Lawfulness is purely an evidential test irrespective of planning merit. The only issues that are relevant to the determination of this application are whether, in this case, an unfettered occupation of this site for the uses described has occurred for a continuous period of not less than 10 years and whether or not the uses are in contravention to any planning enforcement notice or breach of condition notice then in force.

7.5 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probability”. Advice contained in Planning Practice Guidance states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. “beyond reasonable doubt.” Furthermore, the applicant’s own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous. The planning merits of the development are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant’s version of events less than probable, should be taken into account.

7.6 Hierarchy of Evidence

The evidence submitted comprises two affidavits or statutory declarations, with supporting photographs. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross-examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits), which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.
7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

From the evidence submitted the two Statutory Declarations carry most weight. The photographs appended to each Statutory Declaration are snapshots of various activities taking place within the yard area only. Whilst dates have been given as to when the photographs are purported to have been taken, the dates are not verified or the photographs themselves specifically dated and therefore they carry only limited weight.

The Council does however have its own archive of aerial photographs dating 1991,1999, 2005, 2006 and 2008/2009 and these will be referred to in the analysis section below.

### **Analysis**

- 7.7 The planning history confirms that consent (N1884/3) was granted in Jan. 1983 for the erection of a house and integral garage at Eastfield Nursery. In Sept. 1983 consent (N1884/4) was also granted for an extension to the garage and utility room. The submitted evidence states that it was in 1983 that Mr & Mrs Stephen Forder bought the site and began using the outbuildings and yard for the storage of commercial vehicles, plant, machinery and materials in association with their building business when they built the house. These uses appear to have continued in various guises to the present day.
- 7.8 The evidence indicates however that over time the business has diversified as the three sons became involved. This involved the use of the main shed as a joinery workshop and in part, the use of the barn for storage of sports clothing and equipment; one of the brothers Damien having played cricket for Gloucestershire County Cricket Club. It is stated that an office was introduced in the period 1988-1991.
- 7.9 Having visited the site, officers concluded that the use of the site was complex, with the various activities being interrelated. As such officers requested a more detailed plan to clarify which parts of the site were used for what. As regards the so called office within the barn, it was evident that this was merely being used for storage purposes and as such was deleted from the description. The applicant confirmed that office work is conducted from the main house using computers.
- 7.10 The revised plan DDNF1 indicates that in addition to the main barn and shed there is a caravan and storage container on site, that are also used for storage purposes. The area of yard immediately to the front of the house is used for both storage and parking of vehicles whilst the rest of the yard is used for storage of primarily builders materials and materials associated with the joinery business. The main shed and barn houses the joinery workshop and associated storage, plus the storage of various amounts of sports equipment and clothing together with some plant and agricultural machinery. The overall site is considered to be one planning unit with a sui generis use.
- 7.11 The submitted evidence indicates that the uses, with the exception of the sports business, have been long established. The applicant has confirmed that Damian Forder set up his Cricket Coaching business in 2003 and prior to that first played cricket for Gloucestershire in 2000. Cricket equipment was first stored in the barn in 1997. The suite of supporting photographs taken between 1983 to 2007 show various activities within the yard which, whilst not conclusive, do accord with the uses described above.
- 7.12 An inspection of the Council's Aerial Photographs confirms that the main shed and barn were in existence in 1991 and have remained so since. The caravan and storage container are clearly visible in the 2005, 2006 and 2008/9 photographs, being located to the north of the main shed, where they remain to-day. None of the Council's Photographs contradict the submitted evidence and there is no contradictory evidence from any other source.

7.13 Was there Deliberate Concealment?

Although the site is well concealed from view there is nothing to suggest that there was any attempt to deliberately conceal the various uses applied for. The submitted evidence confirms that various employees or delivery people have regularly visited the site over a long period of time. Officers are therefore satisfied that on the balance of probability, the uses applied for have been continuous as described for a continuous period of at least 10 years prior to receipt of the application and as such a certificate should be granted.

**8. CONCLUSION**

- 8.1 The submitted evidence covers the relevant 10- year period prior to receipt of the application and beyond.
- 8.2 The evidence submitted by the applicant is considered to be sufficiently precise and unambiguous. There is no contradictory evidence from third parties or from the Council's own aerial photographs to make the applicant's version of events less than probable.
- 8.3 It is the considered view therefore that on the balance of probability the applicants have provided the evidence to support the claim and a certificate should be issued.

**9. RECOMMENDATION**

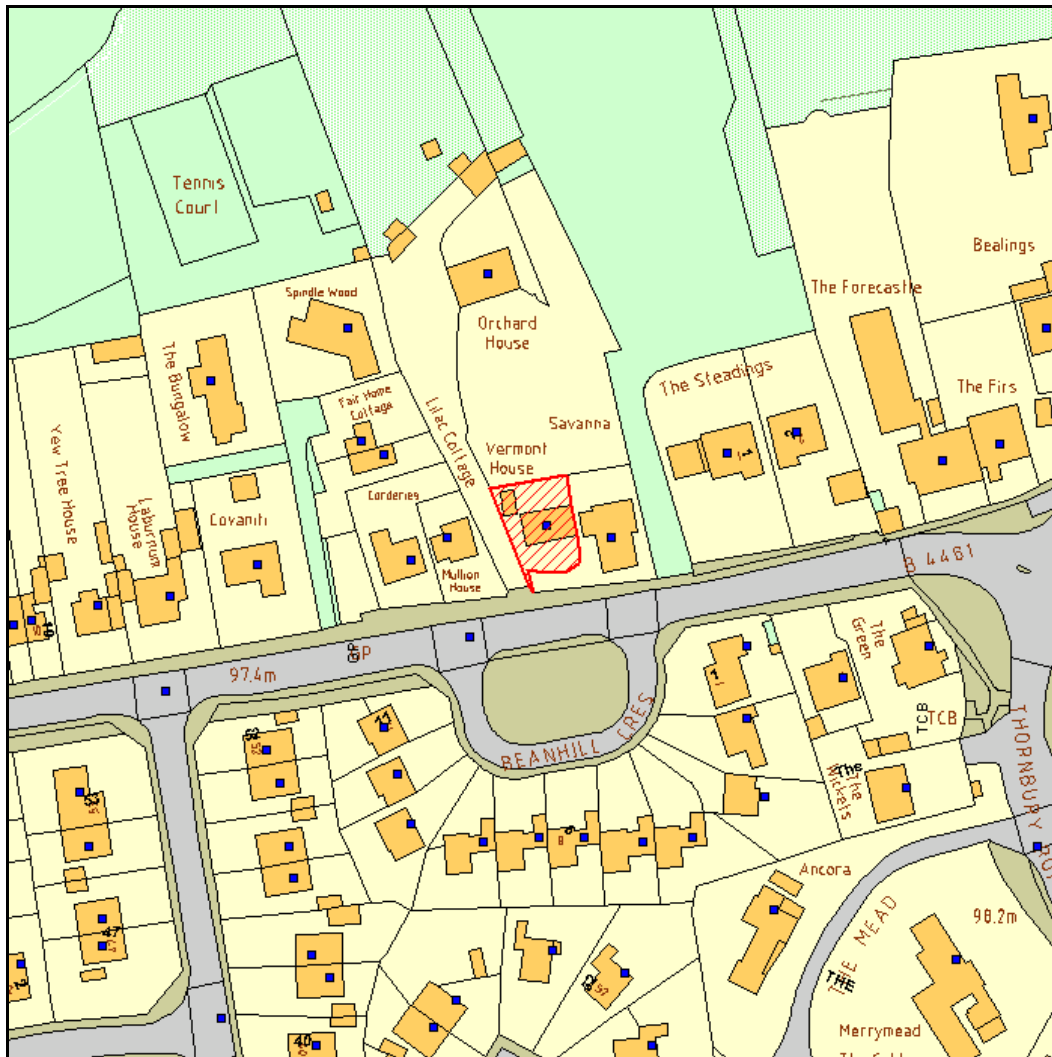
- 9.1 That a Certificate of Lawful Development should be GRANTED for the use of land and barns as a mixed business use (Sui Generis) in accordance with the site plan DDNF1 received by the Council 21 Oct 2014 and shown as follows: A (cross hatched) : siting of caravan for general storage purposes; B (cross hatched) : siting of shipping container for general storage purposes; C (cross hatched) : parking area for up to 5 commercial vehicles; D (coloured blue) : joinery workshop and associated storage, storage and distribution of sports equipment and storage of agricultural equipment; Area coloured green : builders yard with associated storage of plant and materials to a maximum height of 5.0m; for the following reason:

*Sufficient information has been submitted to demonstrate that, on the balance of probability, the land and buildings and associated caravan and storage container, shown enclosed in red on the submitted plan DDNF1 have been used for the uses described (sui generis) for a continuous period of 10 years or more immediately prior to the submission of the application.*

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

**CIRCULATED SCHEDULE NO. 02/15 – 9 JANUARY 2015**

<b>App No.:</b>	PT14/3827/F	<b>Applicant:</b>	Mrs Pauline Newland
<b>Site:</b>	Vermont House Down Road Alveston South Gloucestershire BS35 3JE	<b>Date Reg:</b>	15th October 2014
<b>Proposal:</b>	Erection of single storey rear extension, and first floor front extension to form additional living accommodation. Installation of french doors to front elevation (resubmission of PT14/3030/F)	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	363354 188321	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Householder	<b>Target Date:</b>	26th November 2014



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

Members may recall that this application was circulated on the 31<sup>st</sup> December 2014. This application was referred to the Circulated Schedule because Alveston Parish Council object to the scheme contrary to the officer recommendation.

The application is circulated again as a result of errors found and in addition the agent has been asked to omit green line detailing from the Location and site plan and to clarify the area owned by the applicants. The Location and site plan have now been amended and the agent maintains that a narrow spur of land to the south of the house is indeed owned by Vermont House. This clarification has not increased the site area outlined in red and the application is valid and appropriately considered below.

### **1. THE PROPOSAL**

- 1.1 This application seeks consent to erect a single storey rear extension, a first floor front extension above the existing porch and seeks to change a window to a door opening on the front elevation. The proposal creates an additional reception room and a large en-suite bathroom.
- 1.2 The property is located in the Green Belt in the 'washed over' settlement of Alveston.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012

#### 2.2 Development Plans

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

H4 Development within Existing Residential Curtilages, including extensions and new dwellings

L1 Landscape

##### South Gloucestershire Local Plan Core Strategy adopted December 2013.

CS1 High Quality Design

CS5 Location of Development

CS9 Managing the Environment and Heritage

CS34 Rural Areas

##### Supplementary Planning Guidance

South Gloucestershire Council Residential Parking Standards SPD adopted December 2013.

Trees on development sites Nov 2005

South Gloucestershire Council Green Belt SPD adopted May 2007

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

- 3.1 PT14/3030/F Erection of single storey rear and first floor front extension to form additional living accommodation. Installation of French doors to front elevation. Withdrawn
- 3.2 PT03/3234/RM Erection of 2 dwellings Approved 2004
- 3.3 PT03/0014/F Erection of 2 dwellings Approved 2003

### **4. CONSULTATION RESPONSES**

- 4.1 Alveston Parish Council  
Objection- erection of single storey rear extension and first floor front extension to form additional living accommodation and installation of French doors to front elevation due to over development of what is considered to be a restricted site.
- 4.2 Highway Drainage  
No objection
- 4.3 Transportation  
No objection -sufficient parking space for two cars
- 4.4 Tree Officer  
No objection but a tree report is required in relation to a tree in the neighbours garden (Savanna). This can be attached as a condition of works.

#### **Other Representations**

- 4.5 Local Residents  
One comment from a neighbour advises that there is an Acer Griseum (Paperbark Maple) within 0.8m from boundary which from original drawing had to be retained, PT03/3234/RM, being rock is close to ground level, roots would have spread outwards.

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

- 5.1 Principle of Development  
The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved and where relevant policies are absent, silent or out-of-date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole. There is therefore a presumption in favour of development subject to further consideration in relation to the policies of the development plan.

In assessing applications for residential extensions, planning policy H4 of the adopted Local Plan and CS1 of the Core Strategy are particularly relevant.

Policy H4 specifically relates to residential development, including extensions, and considers issues such as design, residential amenity and highway safety. CS1 seeks that the 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. As the site is also in the Green belt, within a washed over settlement policies CS34 and CS5 are also relevant.

## 5.2 Green Belt

Policies CS34 and CS5 refer to Green belt and the NPPF sets out that disproportional extensions are inappropriate in the greenbelt. In this case the modest single storey extension, would equate to an extension well below a third increase in volume of the original house. This is not considered to be disproportionate to the scale of the original house and is appropriate scale of development within the washed over settlement. Neither does it have a material impact on the openness of the Green Belt in this location.

## 5.3 Design

This proposal extends the house forwards at two storey level, adding an appropriately sized hipped feature to the front elevation and reflects the hipped roof on the rest of the house. The proposal is to be finished in brick and tiles to match existing materials which is appropriate. The extension would be located at the rear where it would not have a material impact on the street scene. The design is considered acceptable subject to a matching material condition.

## 5.4 Residential amenity

The house is located behind a brick wall on Down Road which screens the lower halves of this site and the neighbouring house from the street. Neither the modest first floor extension at 0.8m deep, nor the rear extension is of a scale liable to affect the non-adjacent neighbouring houses by overshadowing or being overbearing. Similarly the windows proposed in the extensions and the new doors to the front elevation would cause no overlooking.

Owing to the tight nature of the site the original planning permission removed permitted development rights from this house and the neighbouring house, Savanna. This does not mean that development may never happen; simply that planning permission is required in order to enable the Local Authority to consider the merits of the case. In this case the first floor extension which stands directly over the 0.8m deep porch would have no effect on the footprint of the site and being this modest depth would have negligible impact on neither the neighbouring house nor the streetscene. In terms of the rear extension an area of the rear garden would be removed leaving a useable regular area of 6m by 8m as an enclosed courtyard. An area of lawn to the front of the house is also shown to be seating area with direct access from the dining area. The Council currently has no adopted minimum amount of outdoor space to be provided for such a four bedroomed house and as the rear outdoor space available is a useable shape, which has only single storey walls to three of the sides and is not cramped by other houses or overlooked, it is considered adequate for the current and future inhabitants of the house.



Notwithstanding that the proposal is not considered to affect the neighbouring properties once built, given the close proximity of the neighbour a working hours condition would be necessary whilst the building works are undertaken.

5.5 Transportation

The site currently has vehicular access off Down Road which provides two parking spaces which will continue to provide adequate parking under the Councils parking standards. There is no reason to increase parking provision as no additional bedrooms are being sought.

5.6 Trees

The site has trees at the rear behind the rear garden wall. There is also a smaller tree in the corner of the neighbours garden which would be closest to the proposed single storey rear extension. This would be the only tree reasonably affected by the proposal. This tree is not of sufficient size to offer public amenity and not worthy of a TPO. The tree is connected to planning application PT03/3234/RM as it is noted to be retained on the approved plan. Some disturbance to its roots is likely to occur by being close the applicant's garden and the agent has suggested that the detail of foundations are submitted. Regard should be given to the retention of the tree given its conditioned status and that it belongs to the neighbour but specially designed foundations may not be necessary and as such a tree report is the most appropriate way forward in order to establish whether mitigation, perhaps in regard to particular foundations, is required in the interests of the long term health of the tree.

5.7 Archaeology

The proposal is not considered to affect archaeological effects. As such there is no objection to the application.

**6. CONCLUSION**

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan and the Core Strategy 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 conditions set out on the decision notice.

**Contact Officer: Karen Hayes**  
**Tel. No. 01454 863472**

## **CONDITIONS**

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

### Reason

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

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

### Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

3. The hours of working on site during the period of construction shall be restricted to 7.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays 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 interests of protecting the amenity enjoyed by those living in the locality to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of the ground floor rear extension a Tree Survey shall be submitted to and agreed in writing by the Local Planning Authority to establish whether mitigation measures in relation to the tree within the garden of Savanna are required. Development shall be carried out in accordance with any mitigation measures so agreed.

### Reason

In the interests of the health of the tree located immediately next door at Savanna, and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

**CIRCULATED SCHEDULE NO. 02/15 – 9 JANUARY 2015**

<b>App No.:</b>	PT14/4091/F	<b>Applicant:</b>	Mr Ben Tennear
<b>Site:</b>	38 Beach Avenue Severn Beach South Gloucestershire BS35 4PB	<b>Date Reg:</b>	3rd November 2014
<b>Proposal:</b>	Demolition of existing conservatory to facilitate erection of rear extension and installation of side dormer window	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	354116 185188	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>	Householder	<b>Target Date:</b>	26th December 2014



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 100023410, 2014. N.T.S. PT14/4091/F

## 1. THE PROPOSAL

- 1.1 This application seeks planning permission to demolish an existing conservatory and to erect a rear extension, and to erect a mono-pitched roof on the side elevation with a dormer at No. 38 Beach Avenue, Severn Beach, which is a bungalow within a residential area of Severn Beach.
- 1.2 The proposed rear extension would be one and a half storey, and measure 5.7 metres wide by 6 metres deep and 5 metres to its ridge. The mono pitched roof is proposed above the existing flat roof to the side of the property, and there would be 4 no. rooflights on the new roof. The new dormer would be approximately 7.6 metres long by 1.5 metres wide, and would be set back from the eaves by approximately 1.5 metres.

It is noted that there would be new high level bedroom windows, which are of triangular shaped, on an existing gable of the side south elevation of the property. The applicant has confirmed that these windows will be obscured glazed and non-opening.

The proposal would provide a dining room, a bedroom on ground floor and additional bedroom in the loft area. The rear elevation of the bedroom on the first floor would be set back in order to provide a terrace / balcony.

- 1.3 During the course of the application, revised drawings were submitted and they show the original proposed external gutter removed from the north east boundary and replaced with parapet / hidden gutter.
- 1.4 The dwelling is located in flood zones 2 and 3.

## 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)  
EP2 Flood Risk and Development  
H4 Residential Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T12 Transportation Policy for New Development
- South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS5 Location of Development
- 2.3 Supplementary Planning Guidance  
Residential Parking Standard SPD (Adopted) December 2013  
South Gloucestershire Design Checklist SPD (Adopted) August 2007

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

- 3.1 N268 Extension to bungalow to form additional bedrooms and living room. Approved 15.08.74
- 3.2 N268/1 Use of land at rear of existing dwelling for stationing a residential caravan. Approved 11.03.76
- 3.3 N268/2 Use of land at rear of existing dwelling for stationing a residential caravan. (Renewal of temporary consent). Approved 14.06.79
- 3.4 N268/3 Use of land at rear of existing dwelling for stationing a residential caravan. (Renewal of temporary consent). Approved 22.07.82
- 3.5 P87/1854 Erection of detached single garage and single storey rear extension to form conservatory. Approved 15.07.87

### 4. **CONSULTATION RESPONSES**

- 4.1 Pilning and Severn Beach Parish Council  
No comment and no objection to the revised plan.

4.2 Other Consultees

Highway Drainage

No comment as an Environmental Agency flood mitigation form has been provided.

Transport Development Control

No objection.

#### **Other Representations**

4.3 Local Residents

One letter of objection has been received and the local residents raised the following concerns:

- The Development would be excessive for the plot size
- The roof extension would overlook my bedroom windows to the side of my property, which is elevated somewhat from the ground to delay water encroachment so the Installation of the new roof with sky lights would make it possible for persons to look into my bedrooms as the existing property (38) is of 1930's construction which has been gradually extended over the years.
- How these building works would address the issue of surface waters leaving the property, at the moment I have had considerable damage caused to my drive and parking area due to water leaving the roof of 38 although the previous owners did attempt to modify pipework it does not run away the way it should, the previous owners built tight to my boundary so water

escaping can only be to the front or rear of the property, this problem was so severe it caused the collapse of a 5' breeze block wall onto my property.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Development within existing residential curtilages is supported, in principle, by the saved Policy H4 of the Local Plan, subject to an assessment of design, amenity and transport. Further design considerations should be made using Policy CS1 of the adopted Core Strategy. Therefore, the proposed development is acceptable subject to the considerations set out below.

### 5.2 Design

The proposed rear extension would be large in scale, however it is considered that the proposed extension would not be out of proportion given that the size of the host dwelling. The ridge of the new extension and the new mono-pitched roof would not be higher than that of the host dwelling and the proposed side dormer would be set back from the eaves of the existing roof as such it would not create a dominant feature.

The area is characterised by a group of bungalows with a mix of different design and styles, therefore it is considered that the mix of gable roof and hipped roof on this property would not be out of characters of the locality. Additionally, the replacement of flat roof with a mono-pitched roof is considered to be an improvement to the appearance of the dwelling.

The external materials for the proposed extension would match those of the existing dwelling as such would help the new extensions to integrate with the host dwelling.

Officers therefore consider that proposal achieve good quality design and would satisfy policy CS1 of the adopted Core Strategy.

### 5.3 Residential Amenity

The nearest neighbouring property to the proposed extensions and alterations would be No. 40 Beach Avenue and the residents have raised objections to the proposal.

The proposal would install 4 no. roof lights and a dormer to the side elevation of the property and there would be no window on the side elevation of the proposed dormer. Due to their locations, it is considered that the proposed rooflights would not cause unreasonable loss of privacy to the neighbouring residents. However, officers consider that it would be necessary to impose a condition to ensure that no window will be installed on the side elevation in order to protect the amenity of the neighbouring property.

The new patio door on the first floor rear extension would be set back from an overhanging roof. Officers acknowledge that the terraced patio door may cause a degree of overlooking over the residents of No. 40, however the impact would not be significant to be detrimental to the living conditions given that the opening would not directly overlook a primary private garden of No. 40.

It is also proposed to install a pair of triangular windows to the side south elevation of the property. The applicant has confirmed that these windows would be obscured glazed and non-opening. Officers have no objection to the proposed windows subject to a planning condition to ensure that these would be the case.

Overall, officers consider the proposal would not cause unreasonable overlooking or overbearing impact upon the neighbouring properties.

5.4 Highways

The proposal would not affect existing parking spaces and it would provide sufficient level of parking which accord with the Council's Residential Parking SPD. Therefore there is no highway objection.

5.5 Drainage

The applicant submitted a flood mitigation details and the Highway Drainage Engineer has no objection to the proposal.

Officers noted that resident's concerns regarding the issue of surface waters leaving property as there are already damage caused to the neighbour's drive and parking area due to the water leaving the roof of No. 38.

It would be applicant's responsibility to install adequate and appropriate drainage system and to carry out maintenance regularly. Regarding the existing drainage issues, it would be private civil matter between the applicant and the adjoining owners to resolve such matter and this is not planning material consideration.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 That the application is **APPROVED** subject to the following conditions.

**Contact Officer: 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

3. The colour of the weatherboarding to be used in the construction of the external surfaces of the proposed dormer hereby permitted shall match to the colour of the roof tiles used in the host dwelling.

Reason

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

4. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side north east elevation of the property.

Reason

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

5. The glazing on the southwest elevation shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position

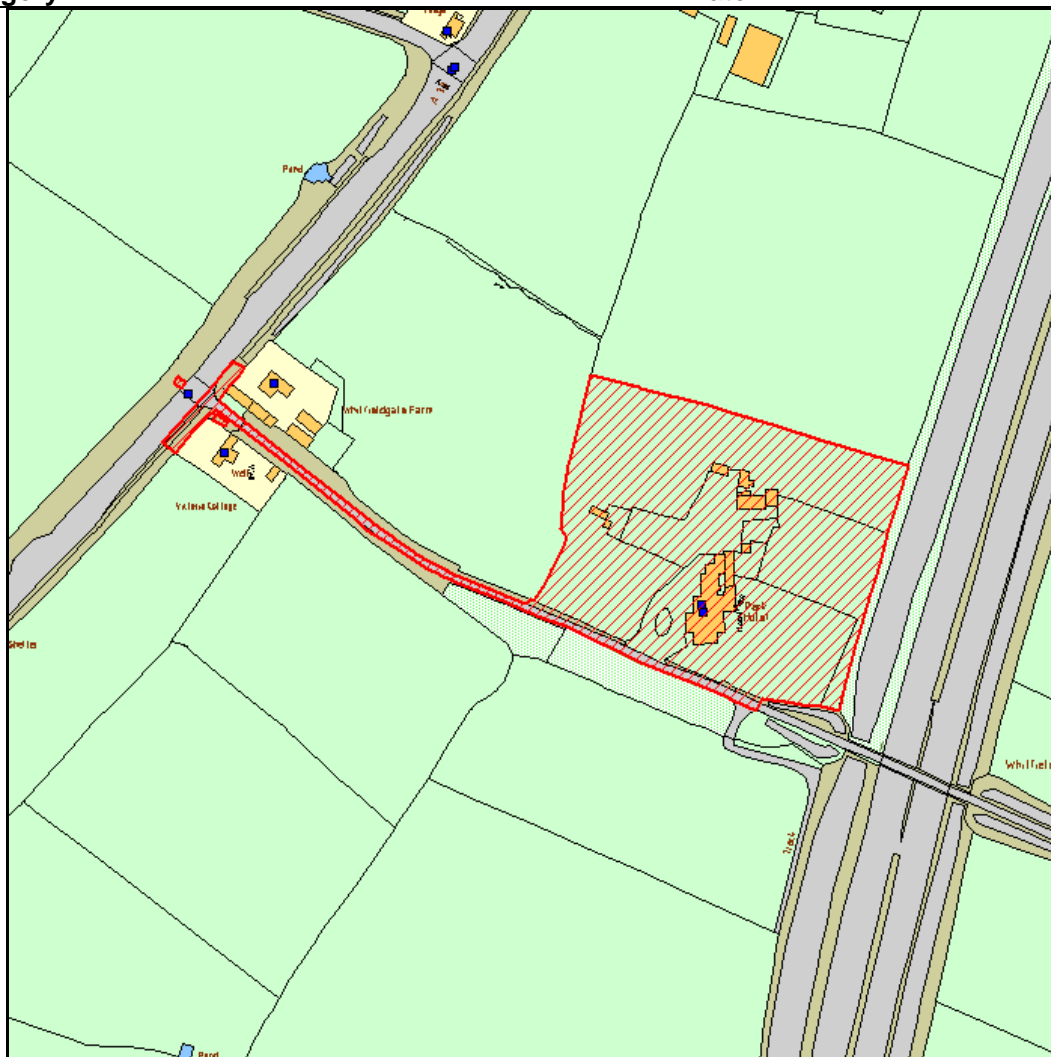
Reason

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



**CIRCULATED SCHEDULE NO. 02/15 – 9 JANUARY 2015**

<b>App No.:</b>	PT14/4261/ADV	<b>Applicant:</b>	Debonair Hotel And Leisure Ltd
<b>Site:</b>	Park Hotel Gloucester Road Whitfield Wotton Under Edge South Gloucestershire GL12 8DR	<b>Date Reg:</b>	2nd December 2014
<b>Proposal:</b>	Display of 3no. non-illuminated A frame signs, 1no. non-illuminated seasonal banner and 1no. externally illuminated hanging sign.	<b>Parish:</b>	Falfield Parish Council
<b>Map Ref:</b>	368028 191783	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st January 2015



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 100023410, 2014. **N.T.S.** **PT14/4261/ADV**

## **REASON FOR REFERRAL TO CIRCULATED SCHEDULE**

This application appears on the circulated schedule due to the receipt of a letter of objection from a local resident. Also as the applicant is related to a Council member of staff.

### **1. THE PROPOSAL**

- 1.1 This application for advertisement consent seeks permission to display a total of 4 signs – 3 no. non illuminated A frames, 1 no. illuminated hanging sign, and 1 no. non illuminated banner.
- 1.2 The 3 no. A frames and 1 no. hanging sign are all to be located adjacent to the A38. No information has been submitted regarding the location of the seasonal banner. The application is partly retrospective in that the hanging sign is already in place. The 3 no A frames all used to be displayed but have been removed pending the outcome of this application.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
The Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
L12 Conservation Areas  
T12 Transportation  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS9 Managing the Environment and Heritage
- 2.3 Supplementary Planning Guidance  
Shop fronts and Advertisements (Adopted) April 2012

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

There is a long history to the site. The most recent application being:

- 3.1 PT14/4261/ADV Erection of detached building to form 3 no. disabled bedrooms and detached building to form gym, therapy and beauty rooms. Erection of 6 no. self catering chalets, kennels and erection of rear conservatory to hotel.  
Approved May 2014

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

4.1 Falfield Parish Council  
No response received

4.2 Transportation DC  
No objection

#### **Other Representations**

4.3 Local Residents

One letter of objection has been received from a local resident. A summary of the main points of concern raised is as follows:

- The hanging sign and the brown tourist board should be sufficient
- The A frames block visibility from the lane onto the A38
- Danger to highway safety by blocking vehicle refuge area
- A frames block over and block the walk way
- Where is the banner to be located?
- The greater the number of signs, the greater the traffic distraction
- Make the village untidy

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

5.1 Principle of Development

Guidance within the National Planning Policy Framework states that advertisements should only be controlled in the interests of amenity, public safety and cumulative impact. Design and design quality is assessed in terms of visual amenity and cumulative impact using policy CS1 and public safety is assessed against policy T12 to ensure that the signage is not detrimental to highway safety or presents a traffic hazard.

5.2 Design and Visual Amenity

Design considerations should assess both the visual appearance of the proposed signage and the placement of the signs within the rural environment. The signs should be considered both on their own and cumulatively.

5.3 The Hotel is set back from the main A38 and your officer understands that signage is important to alert potential customers to its existence. There is a brown tourist sign (not part of this application) already on the A38 alerting passing vehicles to the existence of the hotel. The proposed other signage is in addition to the tourist sign. Each of the three elements will be discussed in turn.

5.4 Illuminated Hanging Sign

The hanging sign is of substantial size (0.97 x 1.12 metres) attached on a large bracket to the gable end of a neighbouring property. It is illuminated via small down lighters. Although the sign is large, it is still attractive, using materials that blend quite successfully with the stone wall to which it is attached.

The sign, on its own, is of an appropriate visual appearance in keeping with the character of the area. No objection is raised to the hanging sign in terms of visual amenity.

5.5 A Frames

The application seeks consent for 3 A frames – two to be located on the eastern side of the A38 and the second on the western/opposite side of the A38. Two of the A frames are of considerable size being 1.82 metres in height -the third a frame is smaller at only 1.21 metres in height. The submitted plan does not distinguish between the three A frames and it is assumed therefore that their positioning is interchangeable.

5.6 This part of the A38 is cluttered with an array of both authorised and unauthorised signs – although it is important to note that these other signs are not related to the hotel. The highway in the vicinity is visually cluttered and the amount of existing signage on the verge is detracting from the aesthetic quality of the area. While it is important to ensure that the applicant is not unfairly disadvantaged by the unauthorised actions of others, it is also important to ensure that the character of the area is protected.

5.7 Although mindful of the need to attract passing trade, your officer fails to understand the need for such a collection of signs all relating to the hotel. Given the existing tourist sign, and the hanging sign (to which no objection is raised), the need for 3 A frames is queried. On the basis of the photographs provided, one A frame advertises the availability of fresh food, one advertises the facilities available within the hotel, and the third appears to say the same as the second but in a different format. The front on each of the A frames is small and unlikely to be clearly visible to passing cars travelling at the speed limit and therefore their purpose is queried.

5.8 Cumulatively, the three A frames, taken with the existing brown tourist sign and the proposed hanging sign, have a cluttering effect detracting from the rural character of the area. In accordance with the NPPG, when considering impact on amenity, local planning authorities should consider whether the signage in in scale and in keeping with the character of the area. In this instance, the 3 A frames taken together, both because of their number and size and the other approved signage, would have a detrimental impact on the character and visual appearance of the area.

5.9 Banner

The application also seeks consent for the display of a seasonal banner. Although the dimensions of the banner are given, no details of its proposed location are known. It is not possible therefore to assess the visual impact of the banner.

5.10 Public Safety

Given the location of the proposed signage on a relatively straight section of road, it is not considered that the proposed signage would be overly distracting or confusing for motorists. Although a neighbour has expressed concern that the A boards block visibility splays, the submitted plan shows the boards to be set back sufficiently from the edge of the highway so not to cause obstruction.

With regards to the signs falling over causing pedestrian safety issues, in the event that the recommendation was for that of approval, further details could be requested to show how the frames are to be secured to prevent this happening again in the future. Further, there has been no objection from the Transportation Officer to the proposal and in this respect it is considered acceptable in terms of public safety.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **issue a split decision** 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 a split decision be issued granting approval for the 1 no. externally illuminated hanging sign and refusing permission for the 3 no. A boards and 1 no. banner.

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

## **PART REFUSAL**

1. The 3 no. non illuminated A boards, by virtue of their scale and siting, is considered excessive. The A boards, when considered cumulatively in the locations proposed, would result in unnecessary clutter having a negative impact on the visual amenity of the area. The proposal is therefore considered contrary to Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Shopfronts and Advertisements (Adopted) SPD April 2012 and the provisions of the National Planning Policy Framework 2012.
2. Insufficient information has been submitted to allow an assessment to be made of the proposed banner. The applicant has failed to demonstrate that the banner would not have any adverse impact on visual amenity (either individually or cumulatively) and that it would not impact detrimentally on public safety. The proposal is therefore considered contrary to Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Shopfronts and Advertisements (Adopted) SPD April 2012 and the provisions of the National Planning Policy Framework 2012.

## **PART APPROVAL**

1. The display of 1 no. externally illuminated hanging sign in accordance with the application and accompanying plans, but subject to the standard conditions prescribed by the above mentioned Regulations for a period of 5 years, commencing with the above date of decision.

**CIRCULATED SCHEDULE NO. 02/15 – 9 JANUARY 2015**

**App No.:** PT14/4400/PDR  
**Site:** 18 Foxcroft Close Bradley Stoke  
 South Gloucestershire BS32 8BJ

**Applicant:** Mr Simon Cox  
**Date Reg:** 5th December 2014

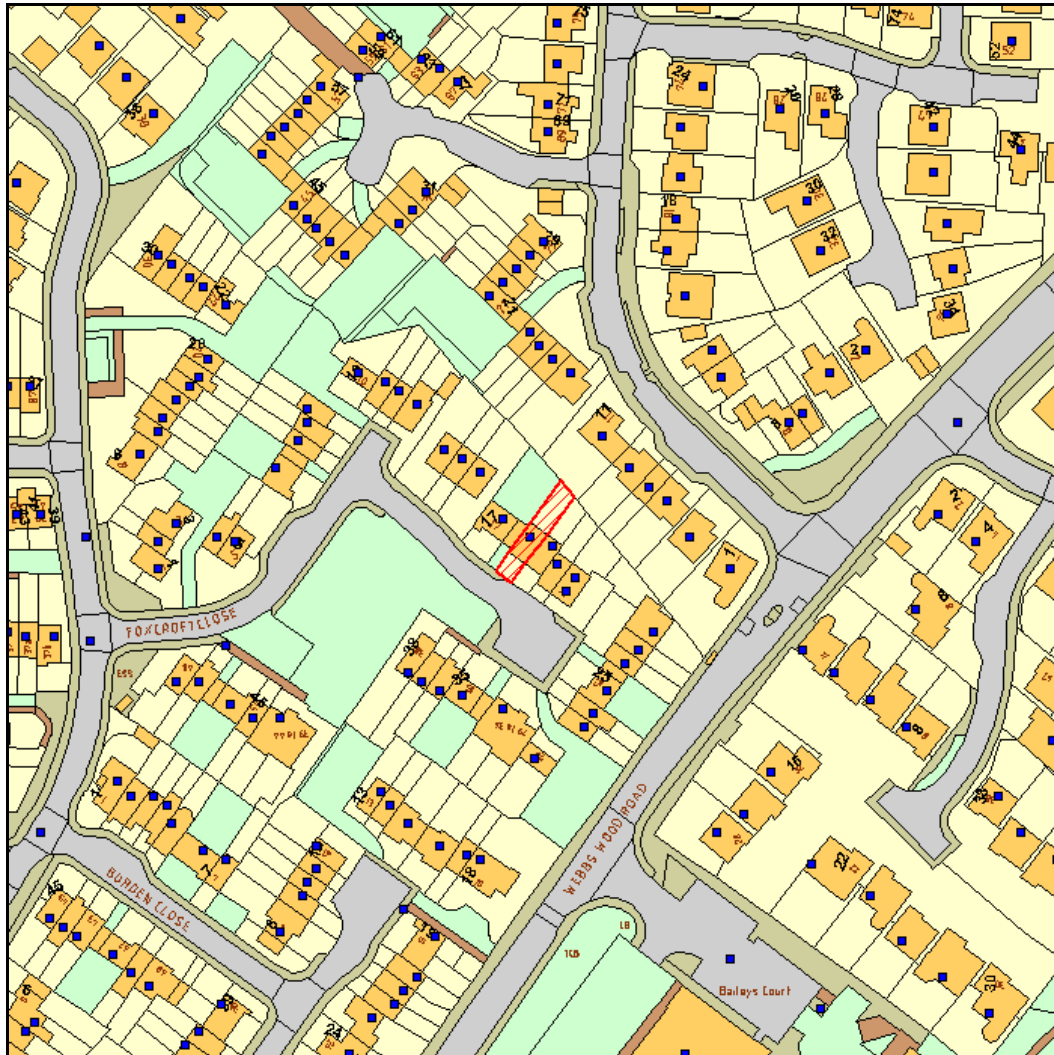
**Proposal:** Erection of rear conservatory

**Parish:** Bradley Stoke  
 Town Council  
**Ward:** Bradley Stoke  
 South

**Map Ref:** 362598 181004

**Target Date:** 27th January 2015

**Application Category:** Householder



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 100023410, 2014. **N.T.S.** **PT14/4400/PDR**

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

The application has been reported to the circulated schedule because an objection has been received from an adjoining neighbour.

### **1. PROPOSAL AND SITE DESCRIPTION**

- 1.1 The applicant seeks full planning permission to erect a conservatory to the rear elevation of No. 18 Foxcroft Close, Bradley Stoke. The application site relates to a two storey attached dwelling within an established residential area of Bradley Stoke where permitted development rights have been removed.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

#### **2.2 Development Plans**

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

South Gloucestershire Local Plan (Adopted) January 2006

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

#### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist (Adopted 2007)

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

- 3.1 No relevant planning history on site.

### **4. CONSULTATION RESPONSES**

#### **4.1 Bradley Stoke Town Council**

No objection

#### **4.2 Other Consultees**

##### **Highway Drainage**

No objection in principle subject to the applicant contacting Wessex Water regarding the proximity of the works to a public foul sewer.



## **Other Representations**

### 4.3 Local Residents

One letter of objection has been received from No. 19 Foxcroft Close which states that the comment is not wholly an objection but is not supportive for the following reasons:

- An expectation of privacy
- The plans look as though the conservatory would be entering our garden

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. The proposal therefore accords with the principle of development subject to the consideration below.

### 5.2 Visual Amenity

The proposal consists of a lean to conservatory spanning the width of the existing dwelling to the rear elevation. The conservatory would have a typical design and scale, commonly found in residential estates. As such, it is not considered to not harm the character or appearance of the area and as such, is considered acceptable in terms of visual amenity.

### 5.3 Residential Amenity

The dwelling is located in a cul-de-sac with neighbouring dwellings either side which retain a uniform building line. To the northwest is a coach house on the first floor with vehicular access to a parking area below. Therefore, there are no ground floor windows immediately affected to the northwest. To the southwest the attached dwelling (No. 19) has a matching building line. The occupier of No. 19 has raised concerns of privacy, however given the proposed conservatory is single storey in height and would have a lean-to roof, it is not considered to result in a loss of privacy or a loss of light to the neighbouring dwelling. Overall, it is considered that the proposal would not harm the living conditions currently enjoyed by neighbouring dwellings and as such, is considered acceptable.

### 5.4 Other Issues

It is noted that the occupier of No. 19 Foxcroft Close has raised further concerns that the proposed plans appear to show the conservatory encroaching into their garden. To clarify, this is not the case and there would be a small gap between the proposed conservatory and existing garden fence. Furthermore, the resident at No. 19 expressed concern that the applicants may need access into their garden to carry out the works. As this is not a planning matter we cannot provide comment and it does not form part of the consideration for the application.

## **6. CONCLUSION**

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

**Contact Officer: Hannah Minett**  
**Tel. No. 01454 862495**

## **CONDITIONS**

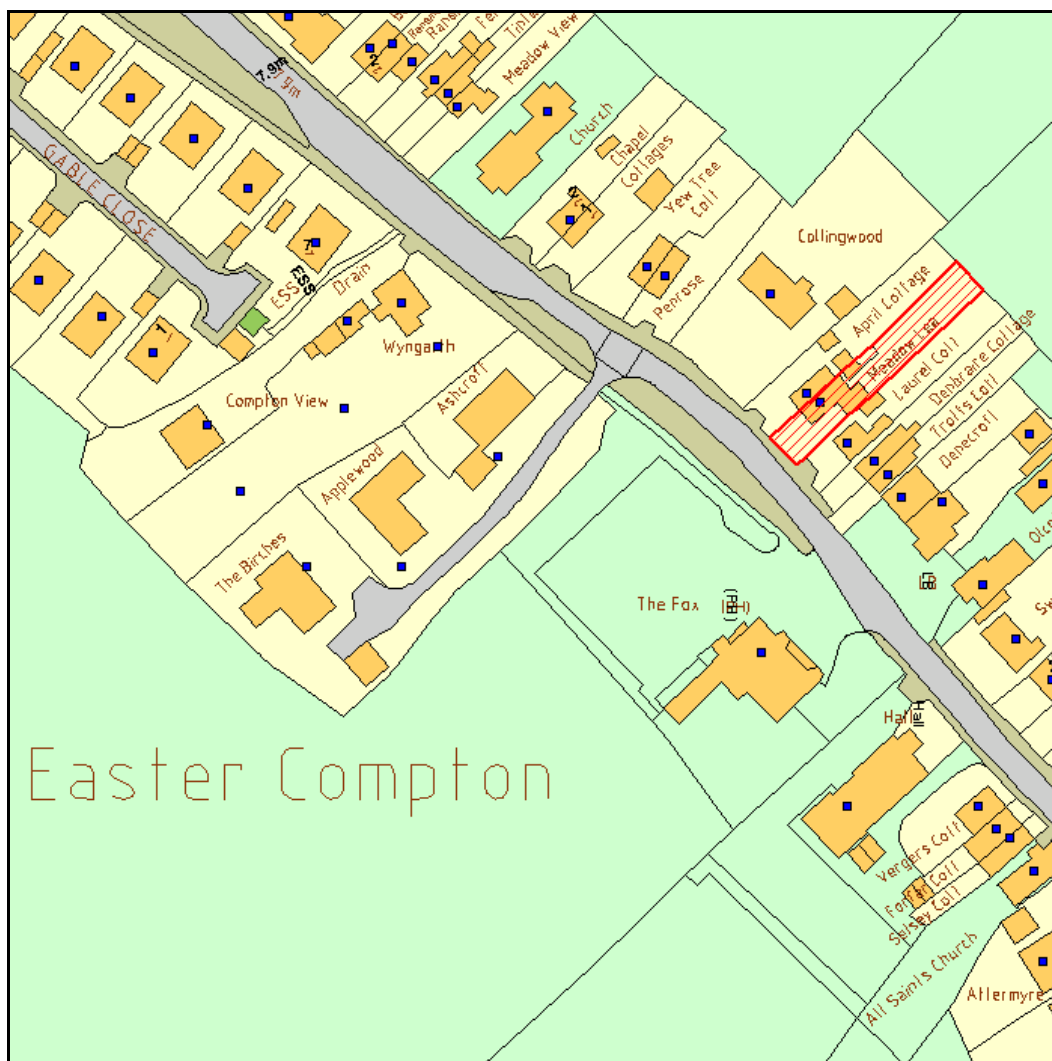
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 02/15 – 9 JANUARY 2015**

<b>App No.:</b>	PT14/4422/NMA	<b>Applicant:</b>	Mr J Gorin
<b>Site:</b>	Meadow Lea Main Road Easter Compton Bristol South Gloucestershire BS35 5RE	<b>Date Reg:</b>	26th November 2014
<b>Proposal:</b>	Non Material Amendment to application PT14/0308/F to change the rear bedroom window to a full height window	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	357206 182503	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>		<b>Target Date:</b>	23rd December 2014



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 100023410, 2014. **N.T.S.** **PT14/4422/NMA**

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

This application appears on the Circulated Schedule as a result of comments received, contrary to Officer recommendation.

### **1. PROPOSED CHANGES TO ORIGINAL PERMISSION**

To change the size of the rear first floor bedroom window to a full height window.

### **2. PLANNING HISTORY (including consultation replies received)**

P86/1777 – Erection of single storey rear extension to form kitchen. Approved 2<sup>nd</sup> July 1986.

PT04/0698/F - Construction of pitched roof over existing flat roof on two storey extension. Approved 25<sup>th</sup> March 2004.

PT14/0308 - Approved 1<sup>st</sup> July 2014.

There were 2 objection responses to the application on a number of grounds, in particular overbearing impact, impact upon light and overshadowing of adjacent properties, heights and distance of extension not in keeping with surrounding properties, and inappropriate design.

Although not formally consulted, two objections have also been received to this NMA application the first on the basis of increased overlooking associated with the window as proposed and health and safety issues associated with a full height window. The second related to no frosted glass on the bathroom window.

### **3. ASSESSMENT**

The proposals to the approved scheme sought by this NMA application are essentially limited to replacing the existing square window with a larger 'full length' window. There are no conditions specifically associated with windows at this orientation. Objections were received to the original planning application, including objections on the basis of overbearing impact mainly due to the impact, location and scale of the proposal in relation to surrounding properties and subsequently to the NMA application on the basis of additional overlooking issues as well as health and safety issues. The proposed increase in size of the window however would not in its own right give rise to a materially greater overlooking impact. The window would be of the same orientation to that previously proposed i.e. first floor rear facing and the outlook would therefore be the same. The proposed changes are not considered to give rise to any additional significant or material issues of design or amenity impacts. Given the nature, size, orientation and location of the proposals it is not considered that any material changes to the amenity considerations of the previous planning decision would result. It is not therefore considered that the proposals have a material increase in amenity impact or significance upon the nature of any objections received to the previous consent. It is therefore considered that the non material changes would not result in an amendment, which would require planning permission in its own right. Health and safety issues associated with a full length window would be dealt with at Building Regulations stage. In respect of the correspondence received regarding the use, or not, of frosted glass in the bathroom window, this was not a matter covered by the scope of this NMA application and this would therefore require to be addressed separately.

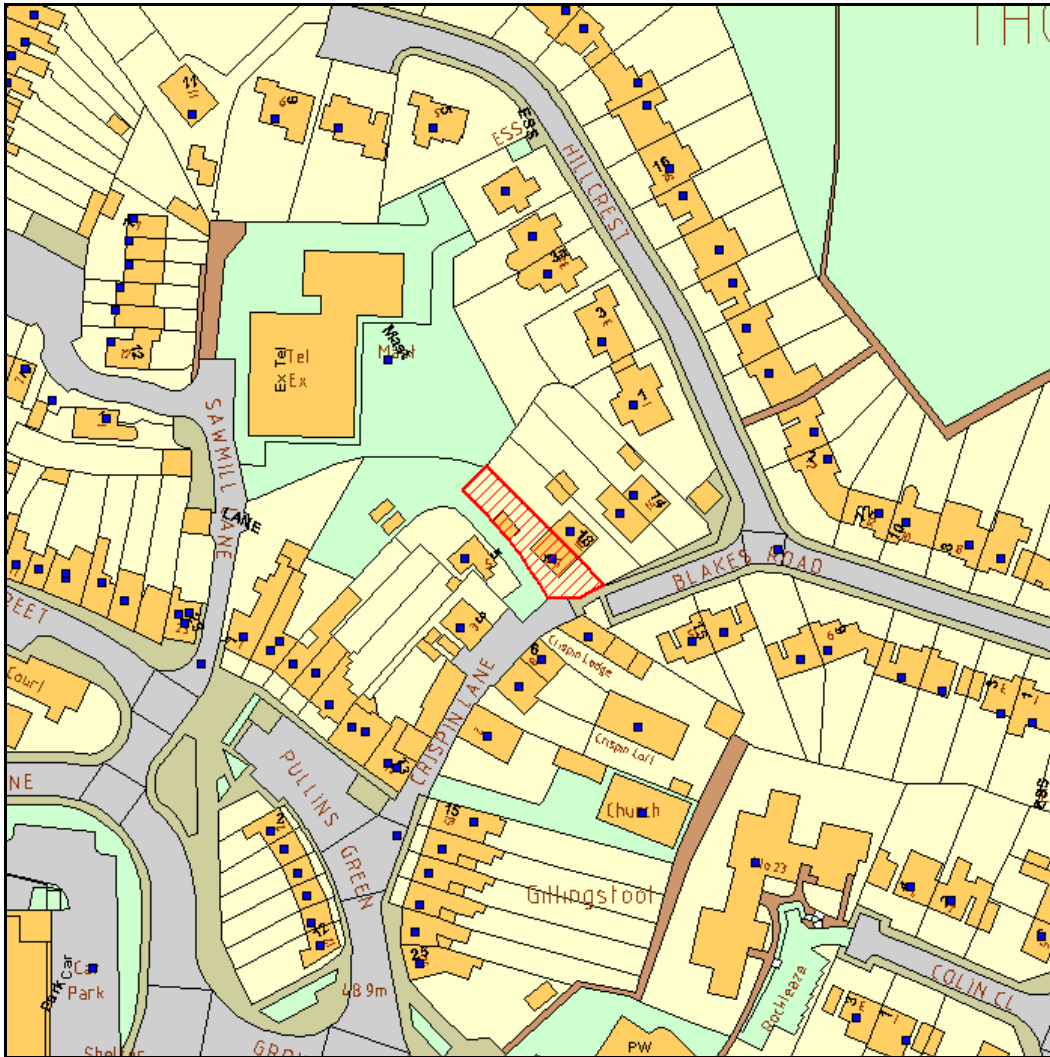
4. **RECOMMENDATION**

No objection

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

**CIRCULATED SCHEDULE NO. 02/15 – 9 JANUARY 2015**

<b>App No.:</b>	PT14/4534/F	<b>Applicant:</b>	Mr Nicole Harding
<b>Site:</b>	7 Crispin Lane Thornbury Bristol South Gloucestershire BS35 2AY	<b>Date Reg:</b>	21st November 2014
<b>Proposal:</b>	Erection of two storey side extension to form garage and additional living accommodation. (Resubmission of PT14/2510/F).	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	363918 190133	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	15th January 2015



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 100023410, 2014. **N.T.S.** **PT14/4534/F**

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

This application is to appear on circulated schedule due to the receipt of three objections from local residents and Thornbury Town Council, contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a two storey side extension to form a garage and additional living accommodation (resubmission of PT14/2510/F). The application proposes to erect a side extension to create a kitchen and garage on the ground floor and two additional bedrooms and a bathroom on the first floor.
- 1.2 The application site lies close to the town centre of Thornbury and is within close proximity of the boundary of Thornbury Conservation Area. Neighbouring properties to the south and west are located within the Thornbury Conservation Area.
- 1.3 Amendments to the scheme have been made following the refusal of the previous application. The ground floor now includes a single garage which will contribute towards the parking provision within the curtilage.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012

#### **2.2 Development Plans**

##### **South Gloucestershire Local Plan Core Strategy Adopted December 2013**

CS1 High Quality Design  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage

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

H4 Development within Existing Residential Curtilages  
L11 Archaeology  
L12 Conservation Areas  
T12 Transportation Development Control

#### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist (Adopted) SPD 2007  
Residential Parking Standards (Adopted) SPD 2013

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

- 3.1 PT14/2510/F                      Erection of two storey side extension to form additional living accommodation  
Refused 18.09.14

Refusal reason 1:

*The proposed off-street parking is considered inadequate and substandard in terms of the ease of access and number of parking spaces and would fail to provide sufficient levels of parking to meet the needs arising from the development. The proposal would result in a reduction in the parking area, whilst the number of bedrooms increases from 3no. to 5no. In addition, the proposed parking layout would result in a cluttered appearance at the front of the property. The proposed development is therefore contrary to the Council's Residential Parking Standard (Adopted) SPD (2013) and fails to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Saved Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006 (Saved Policies).*

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

- 4.1 Archaeology  
No objection, but there does need to be careful consideration to the impact to the Medieval wall to the north-west.
- 4.2 Conservation  
No objection. Existing wall is not Medieval or historic.
- 4.3 Drainage  
No comment.
- 4.4 Open Spaces Society  
No comment received.
- 4.5 PROW  
No comment.
- 4.6 Thornbury Town Council  
Objection to removal of wall and proposed design.
- 4.7 Transportation  
No objection.

#### **Other Representations**

- 4.7 Local Residents  
Three objections have been received:
- The boundary wall on the side of the drive adjoining Crispin Lane is owned by No. 3 Pullins Green and there is an objection to the demolition of part of this property;
  - Access to the veterinary surgery and customer car park will be affected by the proposal by scaffolding;



- There will not be enough off-street parking for the existing vehicles;
- Site location plan is incorrect;
- Over-development of the site;
- Garage will be later converted into living accommodation;
- Proposal infringes on depleted Medieval Town Wall;
- Scaffolding will encroach on access to car park and land not in ownership;
- What is the rooflight for?

General comments received from two local residents:

- If permission is granted, should be subject to a condition requiring the garage remains for parking and not living accommodation;
- Concerns about vehicles parking at the end of Crispin Lodge (adjacent to No. 7) would impact on access to the driveway at Crispin Lodge, reducing light into kitchen and restricting access to the window, damage to the storm drain at corner of Crispin Lodge may be damaged, potential placement of refuse for collection and restrictions to PROW from Blakes Road.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy CS1 of the Core Strategy (Adopted) 2013 states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives.

5.2 Saved policy H4 of the adopted Local Plan (2006) is supportive in principle of proposals for alterations and extensions to existing dwellings within the curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. The proposal is considered to accord with the principle of development.

5.3 The proposed development is considered to comply with the principle of development and is therefore considered acceptable, subject to a detailed assessment of the relevant criteria below.

### 5.4 Appearance/Form

The application site consists of a modest two storey semi-detached dwelling, within an established residential area of Thornbury. The property is a 1960s house that is located adjacent to a number of historic buildings, which are located within the Thornbury Conservation Area. The surrounding properties to the south and south-west are generally historic buildings of modest proportions, with a more modern detached house No. 5 directly adjacent to the application site. The rear garden currently has an existing garage, shed and large outbuilding. The proposal would remove vehicular access to the rear of the property completely. The proposed extension would match the host dwelling, being built in reconstructed stone, spar render and concrete inter locking tiles.

- 5.5 The proposed layout of the extension would include 2no. small bedrooms with a 'Jack and Jill' bathroom set up on the first floor and an extended kitchen and single garage on the ground floor. A small rooflight will be inserted in the rear elevation to provide light to the first floor landing. The proposed two storey side extension would measure approximately 3.7 metres wide by 9.5 metres in length, with a maximum ridge height of 6.9 metres. The proposed extension would be wider at the front (3.7 metres) than the rear narrowing to 2.65 metres, to account for the tapered shape of the curtilage. The first floor of the proposal is set back and remains suitably subservient. It is considered that the proposal respects the character of the host dwelling and surrounding properties.
- 5.6 The Officer expressed concerns about the proposed size and scale of the extension in the previous application (Ref. PT14/2510/F). The applicant has made amendments to the layout of the ground floor to include a single garage providing adequate parking for a larger family-sized house. Whilst the size and scale of the proposed two storey extension have not been reduced, it is considered on balance that the proposal is acceptable and remains suitably subservient and in keeping with the host dwelling. As such, the proposal is considered appropriate and complies with Policy CS1 of the adopted Core Strategy.
- 5.7 Impact on Conservation Area  
The application site is not located within the Thornbury Conservation Area, although it lies directly adjacent to it and other traditional buildings. Crispin Lane comprises a pleasant mix of traditional 18<sup>th</sup> and 19<sup>th</sup> century cottages, former workshops and outbuildings leading up to the more modern 20<sup>th</sup> century developments to the north, including the application site and beyond along Blakes Road.
- 5.8 The application site is bound on the south-western side by stone walling, parts of which have been re-built in different materials and styles with fence panels attached to the top. The proposal includes the removal of the wall in line with the rear elevation extending to the front of the property in order to accommodate the extension. The Officer has consulted with Archaeology and Conservation Officers who agree that although the existing wall may be on the alignment of an historic medieval wall, it has clearly been much altered and little historic material is thought to remain intact. In this respect, it is unlikely that the proposal would affect the remains of the 'Medieval Town Wall' and the removal of this section of wall is not considered to be harmful or unacceptable.
- 5.9 Residential Amenity  
The proposal would be located on the south-west elevation of the property. The nearest neighbouring property on this is No. 5 Crispin Lane, which is set back behind the rear elevation of the application site. These two properties are separated by an existing access lane into the car park that serves Rowe's veterinary practice on Pullins Green. Whilst concerns have been raised that the proposed construction works will block the access and infringe on land not within the ownership of the applicant, these are not reasons to prevent new development and are civil matters that should be resolved between the respective parties, should they occur.

An informative will be added to the decision notice to advise the applicant that consent needs to be obtained on any works carried out on land not within their ownership.

- 5.10 There is one small window proposed in the side elevation to serve the new shower room. Whilst the elevation plans omit the window, the plans indicate that this window will be obscurely glazed and it is considered unlikely to impact in terms of overlooking or a reduction in existing privacy levels.
- 5.11 Currently, there is an existing rear conservatory, single detached pre-fabricated garage, wooden shed and large lodge-style outbuilding in the rear garden. Whilst the garden appears cluttered, there is considered to be adequate private amenity space remaining to serve the dwelling and the proposed extension. Overall, the proposal is not considered to impact on residential amenity and complies with saved policy H4 of the adopted Local Plan (2006).
- 5.12 Transportation  
The application site can only be accessed via Crispin Lane, which is a narrow lane and no-through road which serves a number of neighbouring dwellings and the veterinary surgery car park. The location of the proposed two storey extension on the side elevation would remove the applicant's pedestrian and vehicular access to the rear garden, thereby rendering the existing single pre-fabricated garage redundant in terms of contributing towards off-street parking spaces.
- 5.13 There are two considerations to note in relation to the proposed off-street parking and access arrangements. Firstly, the Council's Residential Parking Standard SPD introduced a minimum parking provision in December 2013; secondly, local residents have raised concerns about the current and proposed levels of parking provision provided within the curtilage of the site.
- 5.14 Under the Residential Parking Standard SPD, adequate off-street parking is directly related to the size and scale of the development. The number of parking spaces required is defined by the number of bedrooms in a property. The proposal involves the creation of 2no. additional bedrooms, resulting in a 5no. bedroom dwelling. The Council's Residential Parking Standards SPD requires a 5no. bedroom dwelling to provide a minimum of 3no. off-street parking spaces within the curtilage of the site. The submitted plans indicate that 2no. vehicles can be comfortably accommodated on the existing hardstanding at the front of the property and 1no. vehicle within the proposed garage. The proposed parking layout is an improvement on the previous application which proposed 3no. vehicles parking at the front of the property, which could potentially overhang onto the public highway and lead to manoeuvring taking place on the highway (Crispin Lane), in order for vehicles to enter and leave the site. The Transportation Officer has confirmed that the proposed parking arrangements are of sufficient size and can be safely accessed and has suggested a condition is attached to ensure parking is provided in accordance with the submitted plan and retained for that use. It would unreasonable to require additional parking in excess of the minimum standards required by the Council's adopted Residential Parking Standards SPD for a two storey side extension that includes an integral garage.

5.15 Local residents have raised further concerns that there are already several vehicles that park at the property and the proposed off-street parking provision would not accommodate all of the existing vehicles and vehicles would park at the end of Crispin Lodge as a result. Planning cannot control parking on the highway, and in this instance there are no parking restrictions in the immediate area. As the minimum number of parking spaces have been proposed, there is no transportation objection to the parking arrangements. Overall, the proposal complies with the Residential Parking Standards SPD and CS8 of the adopted Local Plan (2013) and Officers are satisfied that adequate off-street parking facilities have been provided.

5.16 Other matters

A local resident is concerned that the submitted red edged plan is different to the Land Registry documents. The red edge outline is in line with the Council's mapping system and there does not appear to be an error with the site location plan submitted.

## 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 attached conditions.

**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).

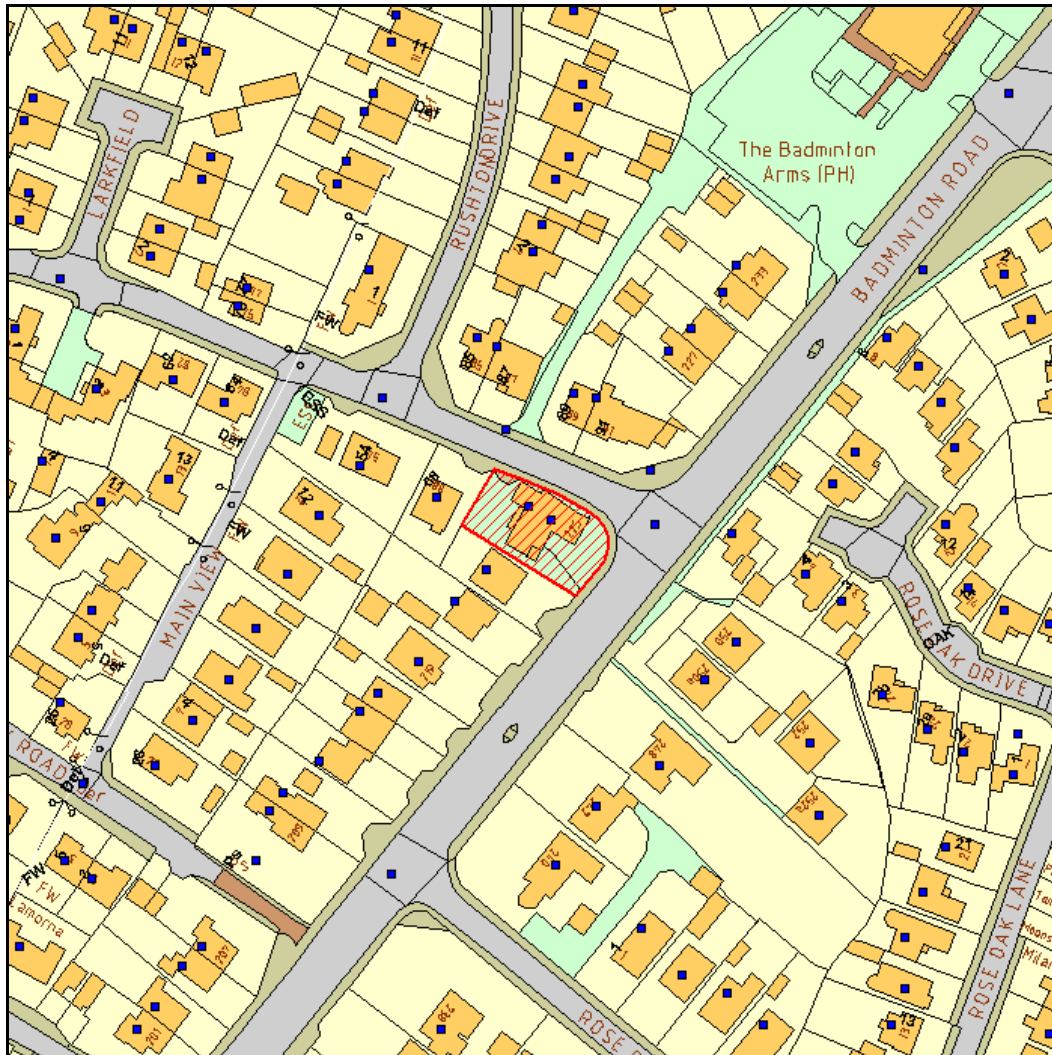
2. The development shall not be occupied until the 3no. off-street parking spaces have been provided in accordance with drawing no. 946 .AL(0) 02 A and thereafter retained for that purpose. For the avoidance of doubt, the off-street parking provision includes the integral garage.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) and the Council's adopted Residential Parking Standards SPD (December 2013).

**CIRCULATED SCHEDULE NO. 02/15 – 9 JANUARY 2015**

<b>App No.:</b>	PT14/4558/F	<b>Applicant:</b>	Mr Andy Somerset
<b>Site:</b>	225 Badminton Road Coalpit Heath Bristol South Gloucestershire BS36 2QQ	<b>Date Reg:</b>	25th November 2014
<b>Proposal:</b>	Change of use from shop (Class A1) to cafe (Class A3) and residential (Class C3) to form cafe and 1no. flat as defined in the Town and Country Planning (Use Classes) Order 1985 (as amended)	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367732 181180	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	19th January 2015



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 100023410, 2014. **N.T.S.** **PT14/4558/F**

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

This application is referred to the circulated schedule for determination to take into account the comments of objection received which are contrary to the officer recommendation for approval.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the change of use of a hair dressers and flooring showroom (Class A1) into one residential flat (Class C3) and one café (Class A3). The application site is situated on Badminton Road in Coalpit Heath.
- 1.2 Externally, the only operational development would be the insertion of two windows into the south east elevation. This elevation looks out onto The Causeway. The three-bedroom flat on the first floor would be unaffected by development.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

- i. National Planning Policy Framework March 2012
- ii. Town and Country Planning (General Permitted Development) Order 1995 (as amended)

#### **2.2 Development Plans**

##### **South Gloucestershire Local Plan Core Strategy Adopted December 2013**

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS13 Non-safeguarded Economic Development Sites  
CS14 Town Centres and Retail  
CS16 Housing Density  
CS17 Housing Diversity  
CS34 Rural Areas

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

T12 Transportation  
H5 Residential Conversions  
RT8 Small Scale Retail Uses  
RT11 Retention of Local Shops  
RT12 Use of Upper Floors

#### **2.3 Supplementary Planning Guidance**

- (a) Residential Parking Standard Adopted December 2013

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

- |     |  |                              |            |
|-----|--|------------------------------|------------|
| 3.1 | PT00/2254/F  | Refusal                      | 28/09/2000 |
|     | Change of use from A1 shop to A3 Restaurant.   |                              |            |
| 3.2 | P89/2970   | Approval of Full Planning    | 06/12/1989 |
|     | Erection of front extension to existing shop.  |                              |            |
| 3.3 | P86/2288   | Approval of Outline Planning | 28/10/1996 |
|     | Erection of two detached dwellings; construction of new vehicular accesses (outline) |                              |            |
| 3.4 | N2612  | Approve with Conditions      | 17/06/1976 |
|     | Erection of single storey extension to shop premises.                                |                              |            |

### 4. **CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
No objection but have reservations over parking arrangements
- 4.2 Frampton Cotterell Parish Council  
Agree with comments of Westerleigh Parish Council
- 4.3 Environmental Protection  
Further details required

*N.B. Officers consider this information is most appropriate to be secured by condition.*

- 4.4 Transportation DC  
No objection

#### **Other Representations**

- 4.5 Local Residents  
Two letters of objection have been received which raise the following points –
- Access to and from main road is dangerous
  - Concern over food odour and cooking smells
  - Concern over operation hours/deliveries
  - Development may affect air quality
  - May lead to outdoor seating areas in the future
  - No control over the operation of the café or the likely customer base
  - No mention of table covers
  - Object to the location of bin storage
  - Parking is an issue
  - Query whether drainage would be able to cope with extra demand
  - Venue may sell alcohol
  - Visibility is obscured
  - Waste from café may attract pets/vermin



## 5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the change of use of a retail unit into a café with rear ground floor flat.
- 5.2 Principle of Development  
The application site is within the settlement boundary of Coalpit Heath, which falls into the rural areas as defined on the adopted proposal maps. Small scale retail uses in rural settlements and villages are acceptable; this includes the use of a unit for A3 purposes. Paragraph 28 of the NPPF seeks to support economic growth in rural areas, particularly with regard to conversion of buildings and the provision of local services and community facilities. New residential development is directed towards existing settlements and therefore the principle of residential use is acceptable. However, there are also policies that seek to retain local shops and therefore the application must be determined against the analysis set out below.
- 5.3 Retention of Local Shops  
Policy RT11 seeks to retain local shops to service the needs of the settlement and therefore resists development unless certain circumstances can be shown. A policy of similar aim was used to refuse a previous application for an A3 use on this site.
- 5.4 It should be noted in 2000 the shop provided some form of convenience store. Since then the unit has changed to be a flooring showroom and hairdressers. Both the showroom and hairdressers would fall into use Class A1 and therefore a planning application was not required for the change.
- 5.5 As the site now no longer provides a convenience store, it cannot be argued that the loss would have a significant impact on the services offered to local residents. In addition to this, the local planning authority has recently granted planning permission for a new Sainsbury's store within a two minute walk of the application site. It is not considered that the change of use to a non-shop use would be detrimental to the area and that there is satisfactory alternative provision in the locality.
- 5.6 Assessment of Development  
Policy RT8 allows for small scale retail uses subject to an assessment of traffic and parking, residential amenity, impact on the character of the area, and the impact on the provision of services in the locality. Furthermore, policy RT12 would allow the use of upper floors for residential purposes (which is considered to be similar in approach to the rear of the retail unit) subject to an assessment of the environmental and transportation impacts of the proposal.
- 5.7 Traffic and Parking  
The proposed change use of to a relatively modest mixed A3 use and residential is considered acceptable. Parking for the residential units is segregated from the A3 use which is solely contained at the front of the site. Three parking spaces are provided for the residential element of the development.

Within the site there would be a one-bedroom flat and a three-bedroom flat. The one bedroom flat requires the provision of one parking space to accord with the Residential Parking Standard SPD and the three-bedroom flat two spaces. The proposed parking provision is therefore in accordance with the requirements of the SPD.

- 5.8 With regard to the café, there has been concern expressed in relation to the parking arrangement, but this is identical to what is currently permitted, on a larger A1 footprint which could have generated a similar number of vehicle movements.
- 5.9 This development in transportation terms is therefore considered to be neutral given the extant uses on the site. As such there is no transportation objection to this application. A condition will be attached that requires the provision of the parking spaces as shown on the submitted plans.
- 5.10 Environmental Impacts  
The most significant environmental impacts would be odours and noise. The applicant has provided proposed hours of operation. These are: 0900-1700 Monday to Sunday. There is no readily available evidence of any current restrictions of opening hours on the current operations of the site. Therefore it is considered necessary to condition the opening hours of the A3 use to protect residential amenity. The condition will be applied in accordance with the opening hours as proposed by the applicant.
- 5.11 The Environmental Protection officer has requested a condition relating to sound insulation testing between the flat and the commercial premises and that this should demonstrate that it accords with Building Regulations. Such a condition is not necessary as the development would be required to comply with Building Regulations. This condition shall not be applied as it would fail the tests of a condition as set out in the NPPF.
- 5.12 Details of the proposed extraction and odour abatement systems are required and these will be secured by condition. A condition will also require their maintenance and cleaning schedule. Through such a condition, the impact of cooking smells and kitchen processes on nearby residential properties can be minimised.
- 5.13 Residential Amenity  
Development should not be permitted that has a detrimental impact on the living conditions of nearby occupiers and new development should benefit from a good standard of amenity.
- 5.14 Local residents will be protected from noise and smell by the conditions listed above. Two new ground floor windows are proposed that overlook The Causeway and therefore these are not considered to impact on residential amenity.
- 5.15 The proposed flat would have access to a small garden for use as amenity space. Whilst small, this is considered to be acceptable and therefore the proposed flat would benefit from a good standard of amenity.

- 5.16 It is not considered that the proposed development would have a harmful impact on residential amenity levels in the locality. Concern has been raised about the placement of bins and the potential this has to lead to problems of vermin. The bins have been located away from neighbouring properties in locations easily accessible from the units that they serve. Separate environmental health legislation would cover the management of the premises (including the disposal of waste).
- 5.17 Character of Area  
The site is on a busy arterial road that links Yate and Chipping Sodbury to the Ring Road (leading to the motorway network and central Bristol) and eastern fringe of Bristol. It is a wide street which is predominantly residential in nature. Yet within close walking distance of the site is a public house and adjacent to that planning permission has been granted for a new Sainsbury's convenience store. Slightly further away on Woodend Road is a doctors surgery and a number of shops and services.
- 5.18 It is not considered that the change of use to residential and a café would have an adverse impact on the character of the area.
- 5.19 Drainage  
Concern has been raised that the existing drainage is insufficient to cope with additional demand placed on the infrastructure by the development. The Council's drainage engineer has reviewed the proposal and as the site is in an area where mains sewers are available, it is a matter for the applicant and Wessex Water.
- 5.20 Other Matters  
Comments have been received that have not been discussed above. This section will respond to them.
- 5.21 A change of use would permit the use of the site for A3 purposes. Under A3 the site could be used as restaurants and cafes. No further planning control, such as the type of restaurant or café can be imposed. Likewise, it is considered unreasonable for planning to restrict the number of covers. This would be self-stipulated by the size of the unit. As for outdoor seating, there is very limited space for any outdoor seating to be provided. This is particularly the case as a condition has been attached that secures the retention of the parking spaces.
- 5.22 With regard to the sale of alcohol, a licence would be required. This is outside of control under the planning system.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

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

**Contact Officer: Griff 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. The use hereby permitted shall not be open to customers outside the following times 0900 to 1700 Monday to Sunday.

Reason

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

3. Prior to the commencement of development, full details of the proposed extraction and odour abatement system shall be submitted to and approved in writing by the Local Planning Authority. The approved extraction and odour abatement system shall be installed prior to the first use of restaurant/café unit hereby approved. For the avoidance of doubt, the details should include the specification and location of all fans, filters, plant and flues, including a detailed schematic diagram of the ventilation system and its location inside and outside the building. The plan should also show scaled details of where the flue will terminate in relation to adjoining premises (residential and commercial). To ensure dispersion and dilution of odours, it is recommended that the flue should not terminate less than 1m above the roof ridge of any building within 20m of the building housing the commercial kitchen, and discharge vertically upwards. If this cannot be complied with for planning reasons, then the extracted air shall be discharged not less than 1m above the roof eaves or dormer window of the building housing the commercial kitchen and additional odour control measures may be required. If neither of these can be complied with for planning reasons, then an exceptionally high level of odour control will be required.

Reason

To protect the amenities of the occupiers of nearby dwelling houses and to minimise any impact on the environment, and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy RT8 and RT11 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

4. Alongside the details required by condition 3, a maintenance and cleaning schedule of the proposed extraction and odour abatement system, written in accordance with the manufacturers' instructions and recommendations shall be submitted to and approved in writing by the Local Planning Authority. The extraction and odour abatement system shall be maintained in accordance with the approved schedule.

Reason

To protect the amenities of the occupiers of nearby dwelling houses and to minimise any impact on the environment, and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy RT8 and RT11 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

5. The rating level of noise from extraction system shall not exceed the background level LA90 60minutes by 0dB as measured and determined at the nearest noise sensitive premises. The measurements and assessment shall be made in accordance with the provisions of BS4142. For the avoidance of doubt, flues should be well insulated and sited to minimise the effects of vibration transmission and noise to any adjacent building. It may be necessary to install anti vibration mounts, flexible couplings, silencers etc. Full details should be provided to show how any potential noise nuisance will be prevented through the design.

Reason

To protect the amenities of the occupiers of nearby dwelling houses and to minimise any impact on the environment, and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy RT8 and RT11 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

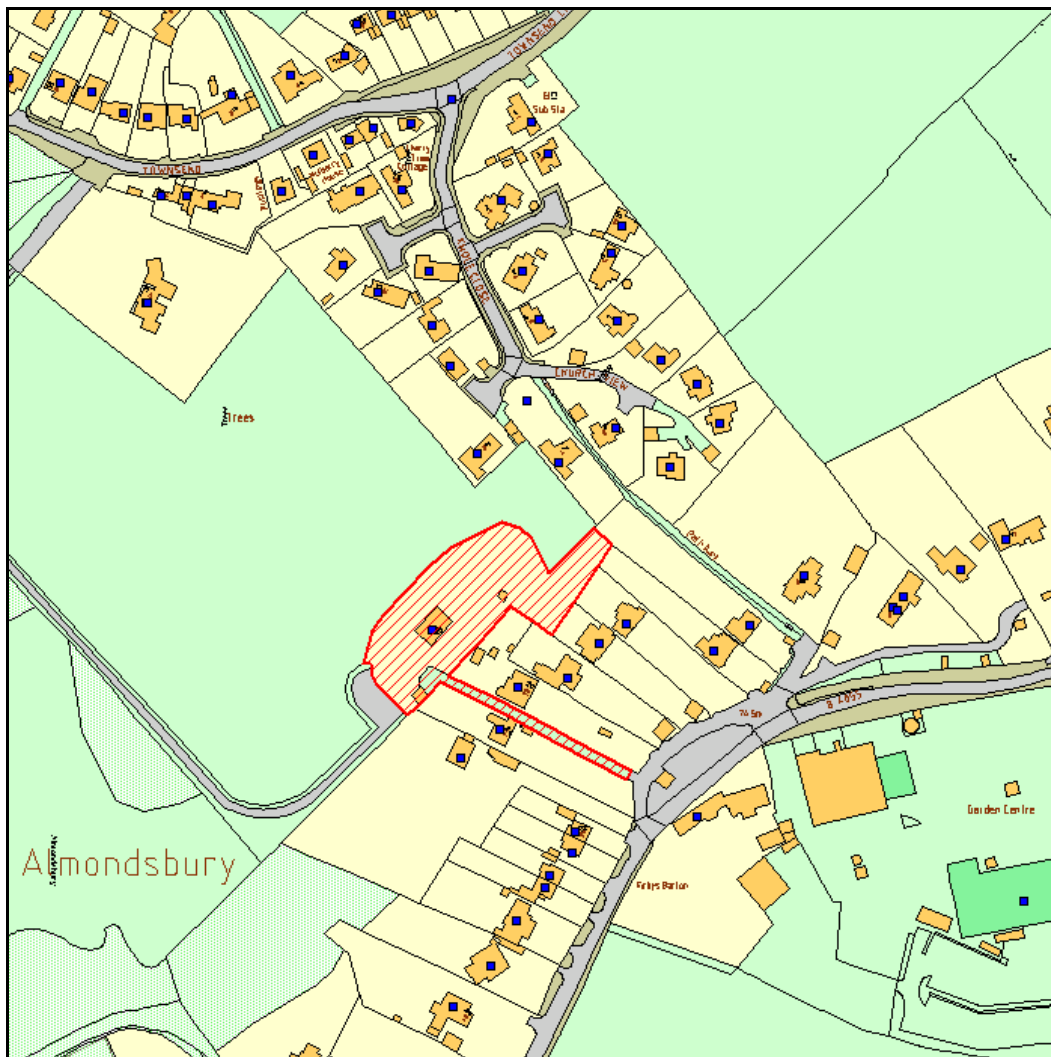
6. The off-street parking facilities shown on the plan hereby approved shall be provided before the uses hereby permitted commence, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the Residential Parking Standard SPD (Adopted) December 2013.

**CIRCULATED SCHEDULE NO. 02/15 – 9 JANUARY 2015**

<b>App No.:</b>	PT14/4566/CLP	<b>Applicant:</b>	Mr John Davies
<b>Site:</b>	Sundown 22 Over Lane Almondsbury South Gloucestershire BS32 4BP	<b>Date Reg:</b>	27th November 2014
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed erection of 2 single storey side extensions and a detached garage	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	359828 183669	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>		<b>Target Date:</b>	20th January 2015



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 100023410, 2014. **N.T.S.** **PT14/4566/CLP**

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

This application is referred to the circulated schedule in accordance with the scheme of delegation; the application is for a certificate of lawfulness for a proposed development.

### **1. THE PROPOSAL**

- 1.1 This application seeks a formal decision as to whether or not the proposed development would be permitted under the Town and Country Planning (General Permitted Development) Order 1995 (as amended). This application is not an analysis of planning merit; instead it is an assessment as to whether the development accords with the above regulations.
- 1.2 The proposed development consists of the erection of two single-storey side extensions and the erection of a detached garage building.
- 1.3 Having reviewed the planning history of the site, the property's permitted development rights remain intact and are therefore exercisable.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - i. The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
  - ii. Permitted Development for Householders: Technical Guidance, April 2014.

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

- 3.1 PT05/1018/F Approve with Conditions 11/08/2005  
Demolition of existing garage to facilitate erection of new detached garage.
- 3.2 P95/1893 Approval of Full Planning 15/08/1995  
Erection of detached building to form covered swimming pool, gymnasium and associated facilities, together with erection of replacement garage.
- 3.3 P94/2212 Approval of Full Planning 09/10/1994  
Erection of first floor over existing single storey dwelling to form 4 bedrooms and lounge and a conservatory

### **4. CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council  
No objection
- 4.2 Drainage  
Unable to comment as there are no details of surface water disposal

## **Other Representations**

- 4.3 Local Residents  
None received

## **5. SUMMARY OF EVIDENCE**

- 5.1 The following evidence has been submitted to the local planning authority:
- Drawings: 1481W/LP, PC1481W/101, PC1481W/102, PC1481W/103, PC1481W/202, PC1481W/203, and PC1481W/204; and,
  - Summary for reasons for grant.

## **6. ANALYSIS OF PROPOSAL**

- 6.1 This application is seeking a certificate of lawfulness for a proposed garage and a number of extensions to the existing dwellinghouse.

6.2 Principle of Development

An application for a certificate of lawfulness must be determined solely on an assessment of evidence submitted to establish whether the proposed development would be implemented lawfully without the need to apply for planning consent. The decision is based on a test of the evidence presented. Should the evidence submitted demonstrate, that on a balance of probabilities, the proposed use is lawful then a certificate must be issued confirming the proposed development can be lawfully implemented.

- 6.3 To ascertain if the development is lawful, it must be assessed against Schedule 2 Part 1 Class A (for the side extensions) and Class E for the garage. The demolition of the existing garage should be assessed against Schedule 2 Part 31 Class A.

6.4 Assessment: Side Extensions

Schedule 2 Part 1 Class A allows for the extension of a dwellinghouse subject to meeting the following criteria:

**A.1**

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

**(za) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use);**

**The dwellinghouse was not permitted by Part 3 of the Schedule.**

**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);**

**Less than 50% of the curtilage of the dwellinghouse would be covered by buildings as a result of the development.**



- (a) 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;

No extension over the highest part of the existing roof is proposed.

- (b) 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 proposed eaves would not exceed the height of the eaves on the existing dwellinghouse.

- (c) 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 distance from the property to the highway makes it unlikely that any elevation ‘fronts’ a highway. Notwithstanding this, no development extends beyond the elevation that does front the highway.

subject to paragraph (ea), the enlarged part of the dwellinghouse

- (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 proposed extension does not extend beyond the rear wall of the dwellinghouse.

**(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 does not extend beyond the rear wall of the dwellinghouse.

- (e) *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 proposed extension does not have more than one storey.

- (f) ***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 proposed extensions are not within 2 meters of the boundary of the curtilage. Nevertheless the eaves height does not exceed 3 metres.

- (g) ***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 extensions would:

- have a proposed eaves height of 4 metres;
- would be single storey only; and,
- would each be 6.5 metres in width. The original dwelling is 14.3 metres wide; half the width of the original dwelling would be 7.15 metres. As each extension is half the width of the original dwelling, the proposal is compliant with this criteria.

- (h) ***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 items.

**In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if –**

- (a) **it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, 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 on article 1(5) land and therefore these criteria do not apply in this instance.

- 6.5 Under Class A, development is only permitted subject to the proposal; according with the following conditions:

**A.3**

**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 materials to be used as stated on the submitted plans would match the materials used on the main dwelling.*

- (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**

No upper-floor windows are proposed. This condition therefore does not apply.

- (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 enlarged part of the dwelling does not have more than one storey. This condition does therefore not apply.

- 6.6 The proposed side extensions are considered to comply with Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and is therefore permitted development.

6.7 Assessment: Detached Garage

Schedule 2 Part 1 Class E allows for development that is of an incidental nature to the enjoyment of the dwellinghouse. A double garage would be of an incidental nature and therefore may be permitted under the provisions of this Class, as set out below:

**E.1**

**Development is not permitted by Class E if –**

- (za) **permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use);**

Permission for the use of the site as a dwelling was not granted by virtue of this Schedule.

- (a) **the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**

the total area of ground covered would not exceed 50% of the curtilage

- (b) **any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;**

In this instance, the principal elevation faces to the northwest. It is on this application that the main door is located as well as bay windows and a portico. The garage is set behind this elevation and therefore accords with this stipulation.

- (c) **the building would have more than one storey;**

*The building does not have more than one storey.*

- (d) **the height of the building, enclosure or container would exceed –**  
(i) **4 metres in the case of a building with a dual-pitched roof,**  
(ii) **2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or**  
(iii) **3 metres in any other case;**

The building is not within 2 metres of the boundary of the curtilages and has a dual-pitched roof. The proposed structure does not exceed four metres.

- (e) **the height of the eaves of the building would exceed 2.5 metres;**

The height of the eaves does not exceed 2.5 metres.

- (f) **the building, enclosure, pool or container would be situated within the curtilage of a listed building;**

The site is not within the curtilage of a listed building.

- (g) **it would include the construction or provision of a veranda, balcony or raised platform;**

The proposal does not include any of the above.

- (h) **it relates to a dwelling or a microwave antenna; or**

The proposal does not relate to a microwave antenna

- (i) **the capacity of the container would exceed 3,500 litres.**

The proposal does not relate to a container.

- 6.8 Paragraphs E.2 and E.3 related to development within a World Heritage Site, a National Park, an area of outstanding natural beauty, the Broads, and article 1(5) land. These designations do not apply to this application site and therefore are not relevant.
- 6.9 The proposed garage accords with the provisions of Schedule 2 Part 1 Class E and is therefore permitted development.

## **7. CONCLUSION**

- 7.1 The evidence submitted has been assessed against the regulations set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 7.2 The erection of two side extensions has been found to comply with Schedule 2 Part 1 Class A of the abovementioned Order.
- 7.3 The erection of a detached garage has been found to comply with Schedule 2 Part 1 Class E of the abovementioned Order.

## **8. RECOMMENDATION**

- 8.1 It is recommended that a certificate of lawfulness for a proposed development be GRANTED for the following reason:

Evidence has been provided that demonstrates that the proposed development meets the criteria set out in Schedule 2 Part 1 Classes A and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and is permitted development.

**Contact Officer: Griff Bunce**  
**Tel. No. 01454 863438**

## **REASON FOR GRANT**

1. Evidence has been provided that demonstrates that the proposed development meets the criteria set out in Schedule 2 Part 1 Classes A and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and is permitted development.