



**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. 13/15**

**Date to Members: 27/03/15**

**Member's Deadline: 02/04/15 (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 Environment of Community Services 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.

**No Publication of Circulated Schedule Friday 20 March**

**Please be advised that due to a major planned upgrade our database will be unavailable from 17 – 20 March therefore there will be no Circulated Schedule No:12/15 published on Friday 20 March.**

**Dates and Deadlines for Circulated Schedule During Easter Bank Holiday 2015**

<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline</b>
13/15	Friday 27 March 2015	Thursday 02 April 2015 5pm
14/15	Thursday 02 April 2015	Friday 10 April 2015 4.30pm
15/15	Friday 10 April 2015	Thursday 16 April 2015 5pm

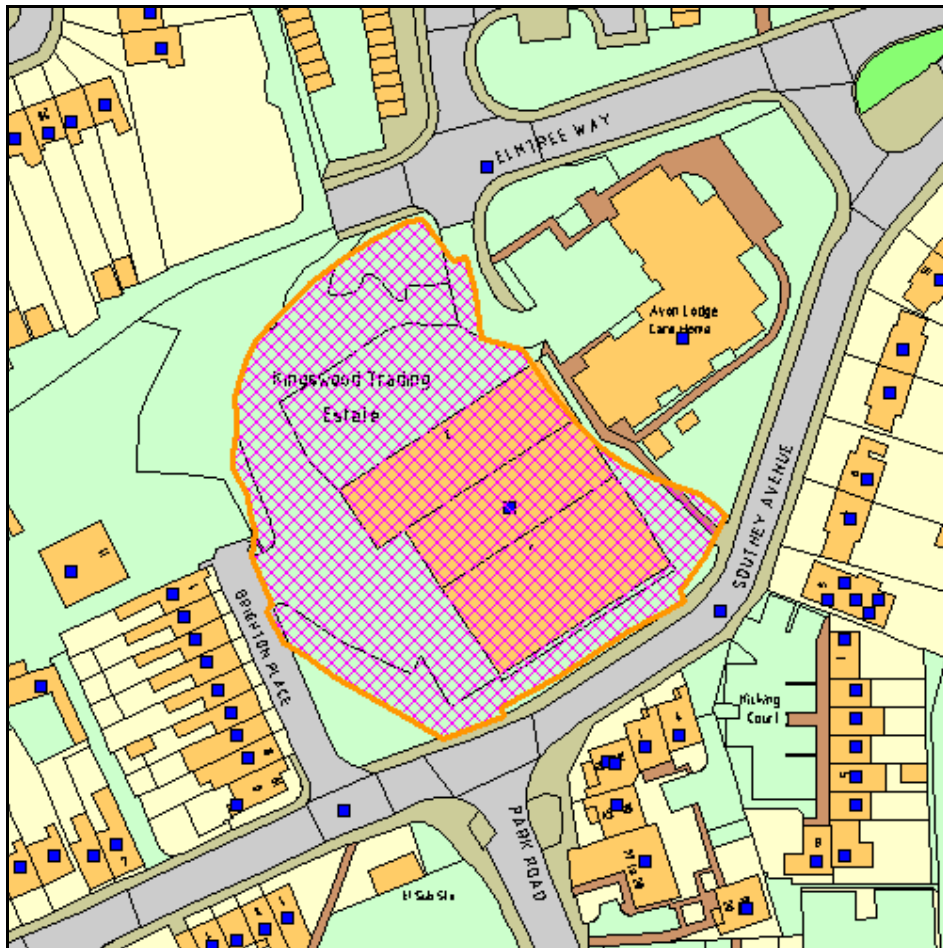
For clarity I have highlighted changed deadlines in **RED**.  
All other dates remain as usual.

# CIRCULATED SCHEDULE 13/15 - 27 March 2015

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>MODK15/0001</b>	Approve	Kingswood Trading Estate Elmtree Way/Southey Avenue Kingswood South Gloucestershire BS15 1QT	Kings Chase	None
2	<b>PK14/4932/F</b>	Approve with Conditions	Lilliput Farm Lower Hamswell South Gloucestershire BA1	Boyd Valley	Cold Ashton Parish Council
3	<b>PK14/4937/RV</b>	Approve with Conditions	Hollybush Inn 29 Bath Road Bridgeway BS30 5JP	Oldland	Bitton Parish Council
4	<b>PK15/0255/F</b>	Approve with Conditions	Greenaways Land At Woodmans Road Chipping Sodbury South Gloucestershire BS37 6DW	Chipping	Sodbury Town Council
5	<b>PK15/0489/F</b>	Approve without conditions	Ladys Wood Shooting School Mapleridge Lane Yate South Gloucestershire BS37 6PW	Ladden Brook	Wickwar Parish Council
6	<b>PK15/0528/F</b>	Approve with Conditions	6 Abbots Avenue Hanham South Gloucestershire BS15 3PN	Hanham	Hanham Abbots Parish Council
7	<b>PK15/0726/F</b>	Approve with Conditions	Coalpit Heath Village Hall 214 Badminton Road Coalpit Heath South Gloucestershire BS36 2QB	Westerleigh	Westerleigh Parish Council
8	<b>PT12/3510/F</b>	Approve with Conditions	Hicks Farm Cloisters Road Winterbourne South Gloucestershire BS36 1LL	Winterbourne	Winterbourne Parish Council
9	<b>PT15/0082/F</b>	Approve with Conditions	390 Church Road Frampton Cotterell South Gloucestershire BS36 2AB	Frampton Cotterell	Frampton Cotterell Parish Council
10	<b>PT15/0271/RVC</b>	Approve with Conditions	6 Lower Stone Close Frampton Cotterell South Gloucestershire BS36 2LG	Frampton Cotterell	Frampton Cotterell Parish Council
11	<b>PT15/0368/F</b>	Approve with Conditions	6 Green Court Olveston South Gloucestershire BS35 4DL	Severn	Olveston Parish Council
12	<b>PT15/0534/F</b>	Approve with Conditions	Omega Bristol Road Frenchay South Gloucestershire BS16 1QS	Frenchay And Stoke Park	Winterbourne Parish Council

## CIRCULATED SCHEDULE NO. 13/15 – 27 MARCH 2015

<b>App No.:</b>	MODK15/0001	<b>Applicant:</b>	Strongvox Ltd
<b>Site:</b>	Kingswood Trading Estate Elmtree Way/Southey Avenue Kingswood Bristol South Gloucestershire BS15 1QT	<b>Date Reg:</b>	24th February 2015
<b>Proposal:</b>	Modification of S106 Agreement attached to planning application PK08/1530/F to amend the affordable housing provision.	<b>Parish:</b>	None
<b>Map Ref:</b>	364955 174038	<b>Ward:</b>	Kings Chase
<b>Application Category:</b>		<b>Target Date:</b>	16th April 2015



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100023410, 2014.

N.T.S.

MODK15/0001

### **Reasons for Referring to the Circulated Schedule**

The application seeks to vary an existing S106 Agreement under the new legislation relating to Section 106BA of The Town and Country Planning Act 1990. The legislation only allows the Council 28 days in which to make a determination, unless both parties agree, in writing, to extend this period. In this case it has been agreed to extend the period for determination until the 15<sup>th</sup> April 2015.

## **1. THE PROPOSAL**

- 1.1 The application relates to the Kingswood Trading Estate, Southey Avenue, Kingswood. Planning permission PK08/1530/F was granted, subject to S106 Agreement, for the demolition of existing warehouses to facilitate the erection of 57no. one/two bedroom apartments in 2no. three-storey blocks with associated parking, cycle and bin stores, landscaping and associated works. The officer Circulated Schedule report for that application is appended for information purposes. Amongst other things (see section 7 of original report) the S106 sought to secure a 33.3% affordable housing provision on the site i.e. 19 units.
- 1.2 Demolition has in part been carried out and the pre-commencement conditions discharged; as such officers have confirmed to the applicant that development has commenced and the planning consent PK08/1530/F has not lapsed.
- 1.3 Unfortunately, the site has since lain dormant and been the subject of dereliction, fly tipping and anti-social behaviour. Both local residents and the Local Member have raised concerns about this situation, which is on-going. The applicant has consistently stated that the reason that the development has stalled is that the scheme is no longer viable.
- 1.4 This current application MODK15/0001 has been submitted under Section 106BA of The Town and Country Planning Act 1990. This recent government legislation allows Local Planning Authorities to re-assess the viability of affordable housing requirements only on existing permissions where development has stalled. The applicant submits that the scheme cannot support any affordable housing provision at all.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework March 2012

The National Planning Practice Guidance 2014

The Town and Country Planning Act 1990

DCLG Guidance – ‘Section 106 Affordable Housing Requirements – Review and Appeal’ April 2013.

## 2.2 Development Plans

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

LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions).

LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions).

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

CS6 - Infrastructure & Developer Contributions

CS18 - Affordable Housing

CS23 - Community Infrastructure & Cultural Activity

CS24 - Green Infrastructure, Sport and Recreation Standards

## 2.3 Supplementary Planning Guidance

South Gloucestershire Affordable Housing SPD (Adopted) 2<sup>nd</sup> Sept. 2008

## 3. **RELEVANT PLANNING HISTORY**

- 3.1 PK08/1530/F - Demolition of existing warehouses to facilitate the erection of 57no. one/two bedroom apartments in 2no. three-storey blocks with associated parking, cycle and bin stores, landscaping and associated works.  
Approved 23 Jan. 2008 - S106 signed.

## 4. **CONSULTATION RESPONSES**

### 4.1 Housing Enabling

No further comment to make

### **Other Representations**

#### 4.3 Local Residents

One response was received from a resident of 16 Pines Road, Bitton who objects and has stated the following:

I strongly object to this amendment to the planning application. Kingswood needs affordable housing and I quote from a recent article this week:

"Kingswood is the UK's low wage hotspot, with 48% of people earning less than the living wage of £7.65 an hour, it emerged today."

If the developers cannot build affordable housing in an area that needs this type of housing then they should have not been given consent in the first place. I suggest they withdraw the application until they can afford to do it.

One response was received from the occupant of nearby 2 Brighton Place who supports the proposal and has stated the following:

I am pleased to see that another planning application is being considered to redevelop the Kingswood trading estate site. I just hope that something is

actually built this time. I live on Brighton Place directly opposite the site. The site attracts groups of teenagers who regularly break in to, and vandalise the buildings. It also attracts fly-tippers. The site has become more and more dilapidated since I moved in and is an eyesore to look at. I would welcome the development of flats on this site.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Recent Government (DCLG) guidance states that: “The Government encourages a positive approach to planning to enable appropriate, sustainable development to come forward wherever possible. The National Planning Policy Framework (NPPF) establishes that the planning system ought to proactively drive and support sustainable economic development. It also requires that Local Planning Authorities should positively seek to meet the development needs of their area.”

5.2 “Unrealistic Section 106 agreements negotiated in differing economic conditions can be an obstacle to house building . The Government is keen to encourage development to come forward, to provide more homes to meet a growing population and to promote construction and economic growth. Stalled schemes due to economically unviable affordable housing requirements result in no development, no regeneration and no community benefit. Reviewing such agreements will result in more housing and more affordable housing than would otherwise be the case.”

5.3 The Growth and Infrastructure Act inserts a new Section 106BA, BB and BC into the 1990 Town and Country Planning Act. These sections introduce a new application and appeal procedure for the review of planning obligations on planning permissions which relate to the provision of affordable housing. Obligations which include a “requirement relating to the provision of housing that is or is to be made available for people whose needs are not adequately served by the commercial housing market” are within scope of this new procedure.

5.4 The guidance also makes it clear that the application and appeal procedure will assess the viability of affordable housing requirements only. It will not reopen any other planning policy considerations or review the merits of the permitted scheme.

5.5 This application contains a revised affordable housing proposal for zero affordable housing provision, based on prevailing viability and supported by relevant viability evidence prepared by Savills.

5.6 The Council has commissioned an independent assessment of the viability evidence from the Oxford District Valuer (DVS). The District Valuer has assessed the current viability of the scheme as consented with 33.3% affordable housing against an all private scheme. The assessment has been undertaken following the DVS’ own detailed research into both current sales values and current costs.



5.7 Having carried out the viability assessment, the District Valuer has concluded that the scheme is not viable with any provision for affordable housing. Officers must therefore conclude that the S106 be amended to delete any reference to affordable housing provision; all of the other contributions however would still be sought as previously agreed.

5.8 In terms of delivery, section 4 of the DCLG guidance states that:

“Section 106BC ensures that if an Inspector modifies an affordable housing obligation on appeal, that modification is valid for 3 years. If the development is not completed in that time, the original affordable housing obligation will apply to those parts of the scheme which have not been commenced. Developers are therefore incentivised to build out as much of their scheme as possible within 3 years. It will not be sufficient to commence one part of the development to secure the revised affordable housing obligation for the whole scheme. If developers are concerned about the viability of their scheme at the end of the 3 years, they can seek to modify the agreement again. This could be done through voluntary renegotiation or by making a new application under Section 106BA.”

“This 3 year period, and the need to secure as much development as possible in that period, should incentivise developers to build out. Local planning authorities may wish to make similar time-limited modifications or conditions when considering an application under Section 106BA.”

5.9 Having regard to this guidance, officers consider it necessary to include within the revised resolution a clause to limit the modification to 3 years only. If the development is not completed in that time, the original affordable housing obligation will apply to those parts of the scheme which have not been commenced.

## **6. CONCLUSION**

6.1 The application has been submitted in line with recent government legislation relating to S106 Agreements where development has stalled due to viability issues. The application relates only to the affordable housing provision. The submitted viability information has been assessed independently by an expert in this field i.e. DVS who concurs with the applicant's consultant i.e. Savills that the scheme is only viable with a zero affordable housing provision. Officers consider that in light of this conclusion the S106 should be varied to delete the affordable requirement and to do otherwise would be unreasonable.

6.2 The dormant site has become an eyesore with associated fly-tipping and anti-social behaviour. The modified agreement would be valid for 3 years only, which should incentivise the developer to build out the development within that period.

## **7. RECOMMENDATION**

- 7.1 That authority be delegated to the Director of Environment and Community Services to instruct Legal Services to agree to a Deed of Variation to the S106 agreement attached to planning permission PK08/1530/F to:
- i) Delete all references to an Affordable Housing provision.
- 7.2 The modified S106 Agreement shall be limited to a period of 3 years only. If the development is not completed in that time, the original affordable housing obligation will apply to those parts of the scheme which have not been commenced.

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

**CIRCULATED SCHEDULE NO. 41/08 – 10 OCTOBER 2008**

**App No.:** PK08/1530/F  
**Site:** Kingswood Trading Estate, Southey Avenue, Kingswood, South Gloucestershire, BS15 1QT

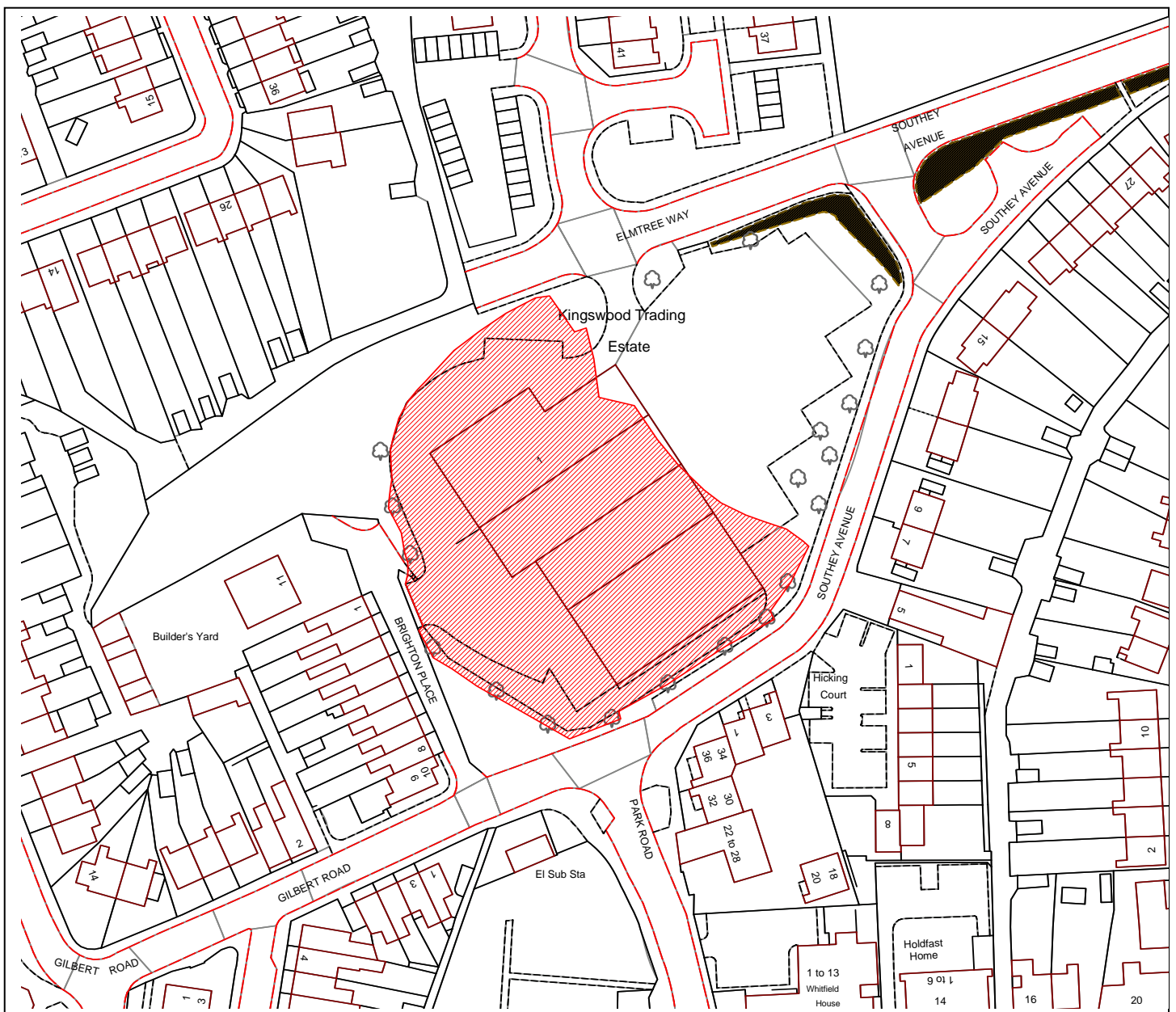
**Applicant:** Strongvox Ltd  
**Date Reg:** 5th June 2008

**Proposal:** Demolition of existing warehouses to facilitate the erection of 57 no. one/two bedroom apartments in 2 no. three storey blocks with associated parking, cycle and bin stores, landscaping and associated works.

**Parish:**

**Map Ref:** 64926 74085  
**Application Category:** Major

**Ward:** Kings Chase  
**Target Date:** 29th August 2008



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100023410, 2008.

**N.T.S**

**PK08/1530/F**

## **INTRODUCTION**

This application has been referred to the Circulated Schedule because it is a Major application; furthermore objections have been raised by local residents, which are contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to the western half of the Kingswood Trading Estate, Elmtree Way, Kingswood. A separate application PK06/0199/F, for a 3 storey 62 bed residential Care Home, to be erected on the eastern half of the Trading Estate site was recently approved; the building has now been constructed and the Care Home is now operational. This current application should still be read in conjunction with the approved application for the Care Home, there being common access arrangements to the two sites.
- 1.2 The application site is enclosed by Elmtree Way to the north, Southey Avenue to the south, Brighton Place to the west and the Care Home to the east. The land falls quite steeply from south to north and from west to east. Having been cut into this slope, the site is bowl shaped and bounded by steep grassy banks to the south and west. A number of trees currently grow on the top of the grassy banks; the trees are protected by Tree Preservation Order. Vehicular access is from Elmtree Way. The only buildings on the site are a number of Warehouses all of which would be demolished to make way for the proposed development.
- 1.3 The location lies close to the centre of Kingswood but is generally residential in character, the majority of the surrounding properties being two-storey terraced and semi-detached dwelling houses. The recently constructed Care Home is however a three-storey building.
- 1.4 The application site was recently the subject of a full planning permission PK06/0231/F, granted for the erection of 48no. one/two bedroom apartments in 2 x 2/3 storey blocks with associated underground car parking, cycle and bin stores. The access was common to both the residential development and the Care Home now implemented on the eastern half of the trading estate site. The residential units were to be contained within 2 blocks of 3-storey and 2-storey design, built of brick with render, concrete roof tiles and timber windows. A new footpath to provide a convenient link between Southey Avenue and Elmtree Way was proposed to be routed through the middle of the overall site and between the Care Home and residential dwellings proposed. The landscaping scheme included the planting of a number of new trees to the periphery of the site. The scheme was subject to a S106 Agreement to secure 33.3% affordable housing plus financial contributions towards the maintenance of bus services and improvements to public transport infrastructure, as well contributions to Community services; the S106 has recently been signed and the decision notice issued.
- 1.5 The western half of the Trading Estate site has now been sold to the current applicants who wish to revise the previously approved scheme. The new owners now wish to optimise efficiency in line with national policy guidance contained in PPS3. Furthermore, following detailed investigations, the applicant has concluded that the cost of underground parking would render the previously approved scheme unviable. The current scheme therefore now proposes the erection of 57no. flats (20 x 1 bed & 37 x 2 bed) in 2no. three-

storey blocks with 47no. on-site car parking spaces and associated cycle parking and bin stores. The blocks would be generally rectangular in shape and located on the northern and southern ends of the site with a central parking area between. The proposed vehicular access would again be from Elmtree Way and shared with the existing Care Home. A footpath link, located between the Care Home and the proposed residential blocks, is again proposed to link Southey Avenue and Elmtree Way.

## 2. POLICY CONTEXT

### 2.1 National Guidance

PPS1 - Delivering Sustainable Development

PPS3 - Housing

PPG13 - Transport

### 2.2 Development Plans

#### Joint Replacement Structure Plan

Policy 1 - Sustainable development objectives.

Policy 2 - Location of development.

Policy 3 - Landscape Protection.

Policy 33 - Housing provision and distribution.

Policy 34 - Re-use of previously developed land.

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

D1 - Design

L1 - Landscape Protection and Enhancement

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

L11 - Archaeology

L17 & L18 - The Water Environment

EP1 - Environmental Pollution

EP2 - Flood Risk and Development

EP4 - Noise-sensitive development

EP6 - Contaminated Land

T7 - Cycle Parking

T8 - Parking Standards

T12 - Transportation Development Control Policy for New Development

H2 - Proposals for Residential Development, Including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permissions for Residential development, within the Existing Urban Area and Defined Settlement Boundaries.

H6 - Affordable Housing

LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions).

LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions).

LC13 - Public Art

### 2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov 2005

South Gloucestershire Design Checklist SPD (Adopted ) 23<sup>rd</sup> August 2007.

South Gloucestershire Affordable Housing SPD (Adopted) 2<sup>nd</sup> Sept. 2008.

### 3. RELEVANT PLANNING HISTORY

- 3.1 P74/4273 - Change of use from warehouse to deep freeze centre for wholesale and retail purposes.  
Refused 12 Sept 1974
- 3.2 P74/4190 - Installation of an oil storage tank, erection of bund wall and fencing.  
Approved 1<sup>st</sup> Nov 1974
- 3.3 P76/4564 - Change of use of premises from warehouse to use for storage with ancillary maintenance area.  
Approved 11<sup>th</sup> Jan 1977
- 3.4 P79/4318 - Use of existing warehouse unit for the deboning of meat carcass, freezing, boxing and storage thereof, manufacture packing and storage of pate, wholesale distribution of both pate and meat.  
Refused 18<sup>th</sup> Sept 1979
- 3.5 P82/4445 - Change of use from warehousing to use for finishing processes for industrial fasteners.  
Approved 3<sup>rd</sup> Nov 1982
- 3.6 P86/4247 - Change of use from Class X to Class III  
Approved 19<sup>th</sup> May 1986
- 3.7 P87/4263 - Change of use from repair and finishing of plastic product to warehouse (Class X).  
Approved 22 May 1987
- 3.8 P99/4479 - Change of use of premises from storage and distribution (B8) to light industrial (B1c).  
Approved 8<sup>th</sup> Aug 1999
- 3.9 PK04/3199/F - Demolition of existing warehouses to facilitate the erection of 84no residential units with associated parking spaces, cycle and bin stores.  
Recommended Refusal 9<sup>th</sup> March 2005 on grounds of:
- Insufficient information submitted to accurately assess impact of development on residential amenity.
  - Absence of S106 re. contributions to public open space, library and youth services, sewer baiting, dog bins, and provision of public art.
  - Absence of S106 to secure affordable housing.
  - Absence of S106 to secure contributions to Education Service.
  - Absence of S106 to secure contributions towards enhancement of bus stops and provision of season tickets.
  - Inadequate pedestrian and cycle facilities.
  - Density and design would result in on-street parking to detriment of highway safety.
  - Layout and design not in-keeping with character and distinctiveness of area.
  - Shared external amenity space not properly integrated.
  - Inadequate private garden areas.
  - Detrimental to long term health of protected trees.

Appeal against Non-determination Withdrawn 12<sup>th</sup> January 2006

- 3.10 PK05/2223/F - Demolition of existing warehouses to facilitate the erection of 48no. three storey residential units with associated parking spaces, cycle and bin stores.  
Withdrawn 14<sup>th</sup> Sept 2005
- 3.11 PK05/2243/F - Demolition of existing warehouses to facilitate the erection of building to form 3 storey 62 bed residential care home (Class C2) as defined in the Town and Country Planning (Use Classes Order 1995) with car parking, access and associated works.  
Withdrawn 13<sup>th</sup> Sept 2005
- 3.12 PK06/0199/F - Demolition of existing warehouses to facilitate the erection of building to form 3 storey 62 bed residential care home (Class C2) as defined in the Town and Country Planning (Use Classes Order 1995) with car parking, access and associated works. (Resubmission of PK05/2243/F).  
Approved 1<sup>st</sup> November 2006.
- 3.13 PK06/0231/F - Demolition of existing warehouses to facilitate the erection of 48no. one/two bedroom apartments in 2no. 2/3 storey blocks with associated underground parking, cycle and bin stores and associated external works. (Resubmission of PK05/2223/F).  
Approved 31<sup>st</sup> July 2008.

**4. CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
Not a Parished area.
- 4.2 Other Consultees
- 4.3 Environment Agency  
No objection in principle subject to conditions and informatives relating to:
- Identification and mitigation of site contamination.
  - Use of SUDS.
  - Storage of oil or chemicals.
  - Disposal of excavation waste.
- 4.4 Wessex Water  
No objection. There are foul sewers of adequate capacity within the area. Surface water flows must not be connected to foul drainage. Points of connection should be agreed with Wessex Water.
- 4.5 Avon & Somerset Police Crime Reduction Officer  
Possible lack of surveillance to ground floor windows. The new footpath would increase permeability and there appears to be adequate natural surveillance. The grassed area is close to block A, there could be conflict between users and occupants. It is unclear how access is restricted to the rear of the blocks. There is no defensible space at the front of each block and the east gable end of block B. Ground floor windows should meet BS7950. Doorsets should be to PAS 24 Standard. Lighting should conform to BS 5489.

#### 4.6 South Gloucestershire Council Conservation & Design Advisory Panel

Recommended refusal on the following grounds:

- Overdevelopment.
- Negligible amenity space.
- Random elevational design.
- Awkward roof details. To Block B.
- Poorly designed external areas.

#### **Other Representations**

#### 4.7 Local Residents

There have been two rounds of consultations in all, the initial consultation and a second round following submission of a revised scheme design. In response to the initial consultation, 2no. letters of objection were received from local residents, the concerns raised are summarised as follows:

- Increased traffic will result in highway hazards.
- More congestion on Kingswood High Street.
- Inadequate parking provision.
- Increased pollution.
- Increased on-street parking.
- The site is not allocated for housing in the Local Plan.
- No tree planting is proposed.
- Loss of employment site.
- No need for further housing.
- Increased pressure on local services.
- Increased noise, especially at night.
- Increased light pollution.
- Inappropriate design.
- Local bus service is not good.

One further letter was received from a local resident who, whilst not objecting, requested that the back lane to Kingsholme Road be made more secure.

In response to the second round of consultations, letters of objection were received from the same 2no. residents' as previously wrote in. Each reiterated their objections but one added the following concern:

- Loss of privacy and light for local residents.

#### 4.8 Applicant's Supporting Information

The following documents have been submitted in support of the application:

Design & Access Statement

Planning Supporting Statement

Initial Arboricultural Impact Assessment

Arboricultural Impact Assessment

Comparative Impact of the Approved Scheme/Current Scheme on Protected Trees Along Southey Avenue.

Proposed Landscape Plan



## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The acceptance in principle of residential development on this site, in the form of a flatted scheme in large individual blocks, with the vehicular access proposed, has previously been established with the grant of planning permission PK06/0231/F. The site lies within the Urban Area and is previously developed land and can therefore be assessed as a brownfield windfall site. The Trading Estate is not a Safeguarded Employment Area and has no special designation in the South Gloucestershire Local Plan (Adopted) 6th January 2006. The existing buildings are not afforded any special protection and do not lie within a Conservation Area. There is therefore no in-principle objection to the demolition of the warehouses and the re-development of the site for residential use. PPS3 supports the generation of mixed communities in sustainable locations and at para.20 states:

*“Key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people.”*

The proposal for flats is therefore considered to be in accordance with the latest government advice contained in PPS3 and as such, there is no in-principle objection to flats being erected in the location proposed and in place of the existing warehouses. The flats would provide a valuable contribution to the low cost open market housing stock, which is increasingly in demand by single people, professional couples or first time buyers.

5.2 With regard to the adopted Joint Replacement Structure Plan, Policy 34 states that in making allocations, Councils should give priority to the re-use of previously developed land. Similarly, Policy 33 states that priority will be given to the re-use of previously developed sites *within the urban area*. Furthermore, Policy 2 of the JRSP, the locational strategy aims to concentrate development for jobs, housing and facilities within the main urban areas, in order to maintain and develop their vitality and quality as regional and sub regional centres.

5.3 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development subject to the following criteria:

- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
- B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
- C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and

- D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.

5.4 Density

Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure, the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account.

- 5.5 PPS3 (para.50) states that *“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”*

- 5.6 There would be 57 units on the 0.48ha site, which equates to a density of 118.7 units per hectare. The high density figure merely reflects the fact that the development would comprise of 57no. flats as opposed to individual dwelling houses. Having regard to the size of the plot and the scale of the buildings proposed, officers consider that the proposed density would make efficient use of the site in this urban location and in this respect alone is not considered to be an overdevelopment of the site. Due to the proximity of two-storey residential dwellings and the character of the street scene, the size and configuration of the plot and the need to retain the protected trees, it is unlikely that a larger development than that proposed could be accommodated on the site. The site is in a sustainable location, being close to the centre of Kingswood, within easy walking distance of the shopping and community facilities and main bus routes. The density is therefore acceptable.

5.7 Scale and Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 requires a good standard of design, in particular the siting, layout, form, scale, height, detailing, colour and materials should be informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

- 5.8 The site is currently developed as single/two storey warehouse/industrial units, the centre of the site having been levelled to make an area for the buildings on this strongly sloping site. The scheme involves the demolition of the existing buildings and the creation of 57 one and two bedroom apartments in two three-storey blocks. The blocks would form two linear elements aligned to face the northern and southern boundaries of the site. The car parking would be contained within a central courtyard around a communal amenity area. Following the receipt of the initial consultation responses the scheme was revised, in particular to take account of the comments of the Council’s Urban Design Officer.

- 5.9 In terms of scale, the proposed footprint of the two apartment blocks compares favourably with that of the previously approved scheme PK06/0231/F and as such, covers a smaller area than the industrial buildings they would replace. The blocks being 3-storey with a low pitched roof, would however be higher

than the existing 2 storey warehouse/industrial units. At its highest points the northern most block (C) would be 13.0m high, the southern block (A+B) would be 13.6m high. The blocks would be generally 2.0m higher than the adjacent Care Home and on average 2.5m higher than the blocks that were previously approved. Since the site however is recessed into the slope, the visual impact of the buildings would be greatly reduced. The submitted Street Elevation drawings (1948 P07 D & 1948 P08 E) show that since the houses on Southey Avenue and Brighton Place lie on elevated ground, the height of the respective roof ridges of the apartment blocks in comparison would not be significantly different, being at worst 2m higher and at best of similar level. Furthermore, the apartment blocks would be set well back into the site, further reducing the impact.

- 5.10 The buildings' mass is further broken down by the use of a variety of materials on the elevations. The roof lines are deliberately kept low by using shallow pitches, so that the overall heights of the buildings are kept as low as possible. The roof would have a standard overhang; this coupled with the various setbacks would create a play of light, shade and shape.
- 5.11 It is acknowledged that the overall mass of the buildings would be greater than the two-storey dwellings that lie in closest proximity to the site, but this is an urban location close to Kingswood Town Centre, where a mix of building sizes would be expected to co-exist. One would not have to travel far from the application site to find such a scenario, the Kings Chase Multi-Storey Car Park and the Civic Centre, High Street being such examples, not to mention the adjacent Care Home.
- 5.12 The design rationale of the proposed apartment blocks is to create buildings, which exhibit both local and contemporary elements. The proposed materials are considered to be high quality, having a mix of brick and timber boarding, which would complement the adjacent Care Home. The traditional pitched roof would be clad with roof tiles.
- 5.13 Officers acknowledge that local residents have concerns about the design of the proposed buildings not being sufficiently in-keeping with the locality. PPS1 (para. 38) in addressing design issues states that:
- “Local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design.”*
- 5.14 Officers have considered the proposal in the context of the local architectural vernacular, which is not noted for its aesthetic quality, being urban in character and exhibiting no strong local distinctiveness supported by any supplementary planning documents. Most of the buildings are two-storey brick or render with tiled pitched roofs. Exceptions to this style being the existing industrial/warehouse buildings on the Trading Estate and the recently constructed Care Home. The Care Home exhibits a high quality contemporary design, which is considered to enhance the visual amenity of the area. Officers consider that the proposed apartment blocks would be similar in appearance to the Care Home, therefore exhibiting aesthetic qualities that would be superior to

the existing industrial/warehouse units; this would outweigh any loss of character resulting from the increased mass of the building.

- 5.15 In response to the Council's Urban Design Officer comments, the scheme has been re-designed to include a landmark feature at the south-western corner of block A, thus improving the key views from London Street/Gilbert Street and Park Road. A stepped access has been introduced to allow direct pedestrian access into the site from Park Street and London Road. The revised design helps the building to 'turn the corner' using active windows and interesting design details at upper floors. This increases the opportunity for overlooking of the public realm and the building now makes a more positive statement to the public realm.
- 5.16 The scheme aims to achieve a Code for Sustainable Homes Level 3. Although the proposed blocks would be higher than those previously approved, the scheme would make a more efficient use of the site and given the topography of the site in relation to the surrounding higher land, officers consider that the proposal can be adequately accommodated within the site. On balance therefore the scale and design of the buildings is acceptable.
- 5.17 Impact Upon Residential Amenities  
A key issue is whether or not the proposal would result in a significant adverse impact on the amenities of the local residents. In particular, the matters to consider are, the level of disturbance caused by the proposed uses, compared to those of the existing use of the site; and issues of overlooking, loss of privacy and overbearing impact.
- 5.18 As regards the future occupiers of the site, amenity areas would be situated around the perimeter on the northern and southern sides of the development and these areas would be enclosed by metal railings and boundary vegetation, which together with the retained new trees, would give a sense of enclosure and privacy. There would also be a grassed communal amenity area within the central courtyard area; the site is however in a sustainable location in close proximity to Southey Avenue playing fields and other facilities around Kingswood Town Centre only 300/400m away. Furthermore the applicant has agreed to make considerable financial contributions towards the enhancement and maintenance of off-site open space within the locality of the site.
- 5.19 In terms of noise, the proposed residential use is likely to create less noise than the existing commercial uses, which have operated for some time adjacent to the residential properties and without complaint. Furthermore the proposed traffic generation can be offset against that which the employment uses already create, which includes a number of HGV movements to the site. All car parking would be contained within the site and not in close proximity to the nearest residential properties. On balance therefore there is unlikely to be any significant additional disturbance from traffic movements over and above those that already exist.
- 5.20 In terms of loss of privacy from overlooking or inter-visibility between facing habitable room windows; the only properties that could realistically be affected by overlooking from the apartment blocks would be those on Southey Avenue and Brighton Place, but the nearest of these properties are comfortably located 24m and 26m away respectively.

- 5.21 Concern has also been expressed about the proximity of the proposed 3-storey buildings to the nearest residential properties and the likely overbearing impact this may have. Contextual Street Elevations and Sectional drawings have been submitted to show the relationship of the respective apartment blocks, to the nearest residential properties in Southey Avenue, Park Road, Brighton Place, and Elmtree Way. These plans show the proposed buildings to be a more than adequate distance from the residential properties, more so than the nearest part of the recently approved Care Home. Whilst the exact height of the existing warehouse/industrial buildings is not known, any increase in height of the apartment blocks on the Southey Avenue frontage, would in part be off-set by the fact that a good proportion of the buildings would be set back further into the site, than the existing buildings. Furthermore there is a considerable ground level difference between Brighton Place and the application site. On balance therefore, having regard to the size, massing and orientation of the proposed buildings and the respective levels differences, officers are satisfied that there would be no significant loss of amenity to result from overbearing impact. The perimeter trees are already nearly twice the height of the existing buildings and are likely to mature further. These trees would remain in-situ to soften the appearance and impact of the buildings; regardless of this, in planning terms there is no right to a view.
- 5.22 Whilst there would inevitably be some disturbance during the development phase, this would be on a temporary basis only; furthermore disturbance during the development phase could in some way be mitigated for by the imposition of a condition to control the hours of working. The work would also be the subject of the normal Environmental Health legislation. Concerns about light pollution can be addressed by a condition to control any proposed external lighting. Officers are therefore satisfied that the impact of the proposed development upon neighbouring residential amenity, would be acceptable.
- 5.23 Transportation Issues  
Consideration must be given to the parking and access provision. Car parking provision should comply with the Council's maximum parking standards laid out in Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 and the scheme is required to satisfy the highway development control Policy T12.
- 5.24 Access to the site would be from Elmtree Way via a priority junction and is in approximately the same position as the current access to the Trading estate. It is proposed to improve this access, which also serves the Care Home located on the eastern half of the Trading Estate (see PK06/0199/F). The access would be 5.5m wide and there would be a 2m wide footway on each side of the access. The visibility splay from the access onto the public highway would be adequate. The internal layout provides sufficient turning and manoeuvring space for service vehicles. It is proposed to leave the internal access as private road, which would be maintained under a management company.
- 5.25 Parking for 47no. vehicles (a ratio of 82%) on the site has been included in the proposal, with all of these spaces accommodated within and around the central courtyard. There would be sufficient turning and manoeuvring space on site for all types of service vehicles that would visit the site.
- 5.26 Additional to the above, secure cycle storage is also provided in various locations within the development proposal on the basis of one space per apartment.

5.27 Existing pedestrian facilities around the site are good and these would be further enhanced by the provision of a new direct pedestrian link through the site to link Elmtree Way and Southey Avenue.

5.28 The site is close to the centre of Kingswood and public transport provision in the area is considered to be very good. The public transport services in the area are highlighted as follows:

- The bus stop at Kings Chase includes service nos. 4, 6, 41, 43, 43A, 318, 319, 532, 533, 634, 635 and 686. This bus stop is located approximately 360m from the development site.
- The bus stop near the Clock Tower is located approximately 330m from the development site.
- The bus stop on Hanham Road (outside the post office) is located some 350m from the development site.

Service	Supported by	Supported on
4	B.C.C & S.G	Mon-Sat Evenings, some early mornings, Sunday and Bank holidays
318	S.G & BANES	All the time between Kingswood and Keynsham
319	Totally commercial	
634	S.G.	Completely Supported
532/533	S.G. & BANES	Completely Supported
686	S.G. & Glos	Completely Supported
635	S.G. & Wilts	Completely Supported
6	B.C.C. & S.G.	Some Mon – Sat Evenings, some early mornings, Sun and Bank Hols.
43/43A	B.C.C & S.G.	Some Mon – Sat Evenings, some early mornings, Sun evenings and Bank Hols.
581	S.G & B.C.C	Completely Supported
41	Totally Commercial	

5.29 In order to mitigate for the shortfall in parking provision a financial contribution from the development towards public transport would be secured for the following measures:

- Towards the proposed nearby A420 showcase bus route given the proximity of the site to it and the high frequency access it will provide to central areas of Bristol and east Bristol.

- Towards the provision of the existing council supported bus services and
- The provision of more and better facilities for the disabled on the existing bus services infrastructure.

A contribution of £57,000 (equivalent to £1,000 per unit) has been agreed with the developer towards the above-mentioned measures for the proposed development, this would be secured by a S106 Agreement.

- 5.30 Additionally it has been agreed that the developer would implement a Car Club Scheme from this site. The provision of Car Club vehicles is shown to reduce the reliance on privately owned cars and therefore support residential developments. Any Car Club delivered by the proposed development would be available to the wider community. One parking space within the development would be reserved for Car Club vehicles. Included within the package of the Car Club scheme would be free first year membership to each resident on this site. The provision of the Car Club would be secured by a planning condition.
- 5.31 Subject therefore to conditions to secure the proposed car parking facilities, cycle storage, turning area, surfacing and marking of the parking spaces and implementation of the Car Club, there are no highway objections.
- 5.32 Landscape Issues  
Policy L1 seeks to conserve and enhance the character, distinctiveness, quality and amenity of the landscape. Officers must consider if there would be any significant loss of vegetation or features of the landscape and whether or not the proposed landscaping sufficiently mitigates for any loss.
- 5.33 The site currently has sloping grass verges to the southern and western sides of the site, planted with clear stem trees, which make a significant contribution to the local environment. These trees are now protected by Tree Preservation Order (TPO) and would be retained. In addition, new trees would be planted in and around the site, which would help to soften views of the proposed buildings.
- 5.34 Following the initial comments of the Council's Landscape and Tree Officers, a revised soft landscaping plan, together with arboricultural assessments, have been submitted. Officers have expressed some concern about the proximity of the existing trees to the ground floor flats in Block A, and the likely future pressure to carry out works to these trees, when they grow bigger. The trees are however protected by TPO and any future works would be strictly controlled. There are therefore no landscape objections.
- 5.35 Drainage  
PPG25 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, require that proposed development ensures that foul and surface water disposal arrangements are acceptable and incorporate sustainable drainage principles. In addition, development will not be permitted where it could increase the risk of flooding. The Council's Drainage Engineer has raised no objections to the principle of the development. The proposal would also be the subject of building Control and Wessex Water have confirmed that the public foul sewer in Elmtree Way is capable of taking flows from the proposed development. Subject therefore, to the standard drainage condition, there are no objections on drainage grounds.

5.36 Environmental Issues

Policy EP1 does not permit development that would unacceptably harm the environment, or the health, safety and amenity of users of the site or surrounding land, as a result of pollution to water, air or soil, or through noise, vibration, light, heat or radiation.

5.37 Due to the sites previous industrial uses a condition to secure a contamination survey is required. Subject to other standard conditions and informatives neither the Environment Agency or the Council's Environmental Health Officer raise any objection to the principle of the proposal.

5.38 Education

Since there is a projected surplus capacity at both primary and secondary schools within the area of the proposed development, there are no requirements for contributions towards education facilities within the locality.

5.39 Affordable Housing

There is a 33.3% on-site affordable housing requirement for this development, which equates to 19 units. The affordable housing mix would comprise 10 x 1 bed flats and 9 x 2 bed flats. The affordable housing is to be provided in line with Local Plan Policy H6 and the findings of the JHA Housing Needs Survey 2004.

- Tenure split - 77% Social Rent/23% intermediate housing, which reflects the local housing need identified in the JHA Housing Needs Survey 2004. The tenure split proposed for the affordable housing would be 15 units for social rent and 4 units for shared ownership.
- The affordable housing to be delivered without any public subsidy.
- 100% of initial occupants to be nominated by SGC.
- The affordable housing should be distributed across the site in a minimum of 2 clusters.
- All units to comply fully with the latest Housing Corporation standards applicable at the time the S106 will be signed or 6 months prior to start on site, whichever date is the latter, to include Code 3 for Sustainable Homes, building for life assessments, and compliance with the RSL design brief.
- Delivery is preferred through a partnering Registered Social Landlord (RSL)
- Phasing - The affordable housing should be built at the same time as the rest of the housing on site in line with agreed triggers as per S106 agreement.
- The Council will define affordability outputs in the S106 agreement and currently that would be:
  - Social rents to be set at target rents.
  - No more than 40% of the market value will be payable by the purchaser so that the units are affordable to those in need of intermediate housing. The annual rent on the equity retained by the RSL should be no more than 1% of the unsold equity. This approach is supported by the JHA Housing Needs Survey 2004.
  - Service charges of shared ownership units to be capped to ensure affordability.
- Social rented accommodation to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy is provided.



- Any capital receipts on intermediate housing to be re-cycled as capital expenditure on approved affordable housing schemes in South Gloucestershire.

5.40 The affordable units are to be as follows:

1 bed flat for rent : Plots 15,16, 17, 18, 19, 20, 21, 34, 38, 40

2 bed flat for rent : Plots 35, 36, 37, 39, 41

2 bed flat for shared ownership : Plots 1, 2, 3, 4

5.41 Community Services

The following contributions are required:

£7,695.00 towards the enhancement of local library facilities. Kingswood Library is within 0.8 km of the development site and would require the contributions to cater for the new residents.

£56,378.03p towards enhancement of public open space, to be spent on improving facilities within a 2km radius of the application site i.e. one or more of the following: Southey Park, Fisher Road, Tenniscourt Road, Wesley Hill, Waters Road, Syston Way, North Park/Church Road/New Cheltenham Road, or Lees Hill Playing Fields, to cater for the increased usage as a result of this development.

£50,408.33p towards the maintenance of the enhanced open space.

£3,353.00p towards the provision of Litter Bins on or near the Public Open Space that the future residents would use.

A contribution towards public art of 1% of the development cost in line with Policy LC13 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

5.42 Other Concerns Raised

Regarding concerns raised that have not been addressed above, concern has also been raised about possibly making access to the back lane to houses on Kingsholme Lane more secure. As this lane lies outside the applicant's control, a condition cannot be imposed.

5.43 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Adopted) 23<sup>rd</sup> August 2007.

5.44 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable.

In this instance, having regard to the above advice, the transportation improvements, affordable housing, and community services contributions are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 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 (1) That authority be delegated to the Director of Planning, Transportation & Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:
- (i) A contribution of £57,000 towards the provision of local bus services and improvements to public transport infrastructure in the vicinity of the site.
  - (ii) A contribution of £7,695.00 towards the enhancement of local library facilities.
  - (iii) A contribution of £56,378.03p towards enhancement of existing public open space within a 2km radius of the development site, to cater for the increased usage as a result of this development.
  - (iv) A contribution of £50,408.33p towards the maintenance of the enhanced public open space.
  - (v) A contribution of £3,353.00p towards the provision and maintenance of Litter Bins to cater for the increased usage as a result of this development.
  - (vi) The provision of on-site public art to the value of 1% of the development cost.
  - (vii) The provision of 33.3% affordable housing at nil public subsidy i.e. 19 units to meet local housing need, on the basis of 15 units for rent i.e. 5 x 2 bed and 10 x 1 bed; and 4 x 2 bed units for shared ownership.

The reasons for this Agreement are:

- (i) To improve public transport infrastructure and to ensure the adequate provision of public transport facilities within the vicinity of the development having regard to the increased population generated by the development in accordance with T12(F) of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

- (ii) To ensure the adequate provision of Library facilities within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
  - (iii) To ensure the adequate provision of Public Open Space facilities within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
  - (iv) To ensure the adequate maintenance of Public Open Space facilities within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
  - (v) To ensure the adequate provision and maintenance of Litter Bin facilities within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC4 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
  - (vi) To ensure the adequate provision of Public Art within the development in accordance with Policy LC13 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> January 2006.
  - (vii) To ensure the adequate provision of Affordable Housing within the development in accordance with Policy H6 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- (2) That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- (3) Should the S106 Agreement not be completed within 6 months, that authority be delegated to the director of Planning Transportation and Strategic Environment to refuse the application due to the failure to complete the S106 Agreement offsetting the otherwise adverse impacts of the development.

**Background Papers      PK08/1530/F**

**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 and Country Planning Act 1990 (as amended).

2. No development shall take place until drainage details proposals incorporating Sustainable Drainage Systems (SUDS), flood risk mitigation details and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that a satisfactory means of drainage is provided, and to accord with Policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The drainage scheme approved, incorporating Sustainable Drainage Systems (SUDS), shall be implemented in accordance with the approved details before the development is occupied.

Reason:

To ensure that a satisfactory means of drainage is provided, and to accord with Policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Building operations shall not be commenced until samples of the roofing and external facing materials proposed to be used, have been submitted to and approved by the Council and all such materials used in construction of the building hereby authorised shall conform to the details so approved.

Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy D1/H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The hours of working on the site for the period of demolition and construction of the development hereby approved, shall be restricted to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of the development a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
  - (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
  - (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
  - (c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.
  - (d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.
  - (e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

The approved works shall subsequently be carried out in accordance with the agreed details.

Reason:

To accord with the Council's adopted Waste Management Strategy, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

8. The development hereby permitted shall not commence until the developer has submitted to the Local Planning Authority for its prior written approval, the following information detailing any potential land contamination and a proposed scheme of works:
  1. A preliminary investigation including a desk study report detailing the history of the site and identifying risks to human health and the environment.
  2. A main investigation including a site investigation report documenting the types, nature and extent of contamination present, risks to receptors and potential for migration within and beyond the site boundary as identified in the preliminary investigation. The investigations and assessments shall be in accordance with current Government and Environment Agency guidance.
  3. A detailed remediation scheme including a method statement and measures to be taken to avoid risk to human health and the environment, as identified by the desk study and site investigation, from contaminants or gases.

The construction of buildings shall not commence until the developer has provided a validation report, which shall include confirmation that all remediation measures have been carried out fully in accordance with the scheme. The report shall also include results of the verification programme of post-remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report and appropriate validation certificates submitted for approval.

Reason:

To ensure that development can be constructed having regard to local ground conditions, and to accord with Policies EP1 and EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Before the development hereby permitted is commenced details of the proposed finished floor levels of the building relative to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To protect the amenity of neighbouring occupiers, and to accord with Policy H2/D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason:

To prevent non-point source pollution and to accord with Policies EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. Any oil or chemical storage tanks shall be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank and of a structural design approved in writing by the Local Planning Authority.

Reason:

To prevent non-point source pollution and to accord with Policies EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason:

To prevent non-point source pollution and to accord with Policies EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. Details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Development shall be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality, and to accord with Policy EP1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. Prior to the commencement of the development hereby approved, a Coal Mining Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that a satisfactory means of drainage is provided having regard to possible past coal mining activities beneath the site, and to accord with Policies L17/L18/EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. Prior to the commencement of the development hereby approved, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to the local planning authority for approval. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason:

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

16. The off-street car parking and manoeuvring facilities, and cycle parking facilities, shown on the plan hereby approved shall be provided before the buildings are first occupied, and thereafter retained as such and used only in conjunction with the occupation of the buildings purpose.

Reason:

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

17. Prior to the first occupation of the buildings hereby approved, the parking and turning areas shown on the approved plans shall be surfaced with permeable bound materials and the parking spaces marked out with white lines and maintained as such thereafter.

Reason:

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

18. Prior to the first occupation of the buildings hereby approved, the applicant shall set up a Car Club Scheme for the site, the details of which shall be submitted to and approved in writing by the Local Planning Authority. Evidence shall be provided to confirm that the Car Club shall be operational for a minimum of 3 years .

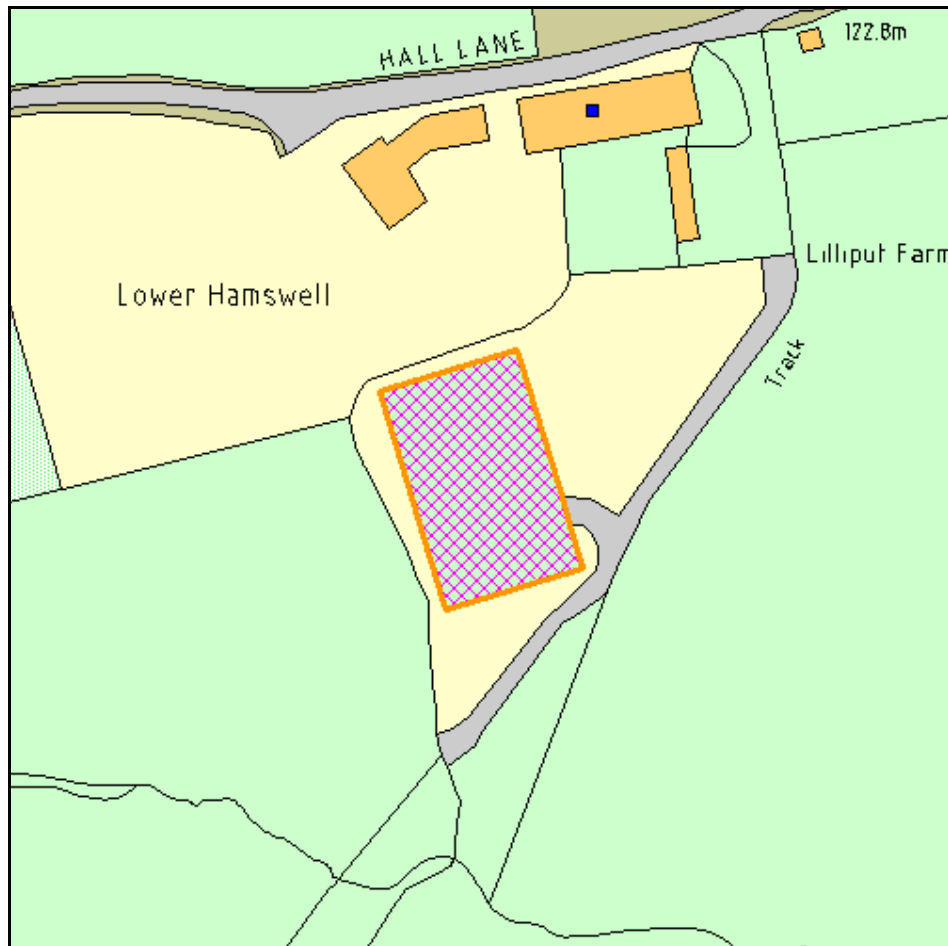
Reason:

To mitigate for the under-provision of on-site car parking spaces and to reduce on-street parking, in the interests of highway safety and the amenity of the area, in accordance with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

## ITEM 2

### CIRCULATED SCHEDULE NO. 13/15 – 27 MARCH 2015

<b>App No.:</b>	PK14/4932/F	<b>Applicant:</b>	Bath And Camerton Archeological Society
<b>Site:</b>	Lilliput Farm Lower Hamswell Bath South Gloucestershire BA1 9DE	<b>Date Reg:</b>	30th January 2015
<b>Proposal:</b>	Erection of 2no. portacabins for the storage of archeological tools and equipment.	<b>Parish:</b>	Cold Ashton Parish Council
<b>Map Ref:</b>	373190 171136	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	23rd March 2015



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100023410, 2014. N.T.S. PK14/4932/F



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

The application appears on the Circulated Schedule as it represents a departure from adopted policy.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks temporary planning permission for the period of 6 years for the erection of 2no. portacabins for the storage of archaeological tools and equipment. The portacabins would be located on an existing area of hardstanding situated to the south of Lilliput Farm. The application site lies in a remote rural location close to a group of farm buildings associated with the grade II listed farmhouse, but separated from it by fields. The site is also within the Bristol/Bath Green Belt and the Cotswolds AONB.
- 1.2 During the course of the application additional details were requested from the applicant to support the proposal in the form of very special circumstances. These were duly received and are considered acceptable.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012

#### 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS23	Community Infrastructure and Cultural Activity
CS34	Rural Areas

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

L1	Landscape Protection
L2	Cotswolds AONB
L13	Listed buildings
T12	Transportation Development Control

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire Supplementary Planning Document: Green Belt (Adopted) 2007

South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

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

3.1	PK13/3404/PNA	Prior notification of the intention to erect an agricultural building for the storage of fodder and agricultural machinery. 13.11.13
	No objection	
3.2	PK11/1641/F	Erection of an agricultural building for the storage of hay. 2.8.11
	Approved	
3.3	P95/2402/L	Removal of French doors and two windows to ground floor "family room" and replacement with window. Formation of new internal doorway between porch and proposed lobby, closure of existing doorway between kitchen and porch. 6.11.95
	Approved	
3.4	P93/1678/L	Erection of porch. Alterations to outbuildings (in accordance with amended plan (ref no LF/302/REVA) received at this authority on 22 June 1993 and the agent's letter dated 9 July 1993) 18.7.93
	Approved	
3.5	P92/2323/L	Installation of 4 no roof lights in east elevation 15.11.92
	Approved	
3.6	P92/1802/L	New and altered fenestration 26.7.92
	Approved	
3.7	P92/1140/L	Installation of gable windows in front elevation. 1.4.92
	Refusal	
3.8	P92/1139	Installation of gable windows in front elevation 1.4.92
	Refusal	
3.9	P91/2325	Demolition of existing single storey rear extension garage and outbuildings; erection of two storey rear extension to provide kitchen and study and family room with 2 bedrooms and bathroom above. (In accordance with the amended plan) 8.1.92
	Approved	
3.10	P91/2294/L	Demolition of existing single storey rear extension, garage and out buildings; erection of two storey rear extension to provide kitchen, study and family room with two bedrooms and bathroom above; internal alterations and installation of two windows to existing house (in accordance with amended plans received by the council on

the 7TH November 1991 as further amended by agents  
letter dated 19TH November 1991)

Approved

8.1.92

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

4.1 Cold Ashton Parish Council  
No objection

4.2 Other Consultees

Landscape architect  
No objections

Archaeologist  
No objections

Listed Building Officer  
No objections

#### **Other Representations**

4.3 Local Residents  
None received

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

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all other material considerations. Of particular importance is the location of the site within the Green Belt and the Cotswolds AONB (L2 and SPD: Green Belts). The impact of the proposed development on the landscape and the open countryside is a further consideration (L1 and CS34) as well as its overall design and impact on the grade II listed farmhouse (CS1). Being located within the Green Belt very special circumstances were required to support the application. A list has been supplied by the applicant and these are considered appropriate.

5.2 Green Belt

The Government attaches great importance to Green Belts. As such inappropriate development is by definition harmful and should not be approved except in very special circumstances. The NPPF provides a list of exceptions to inappropriate development and certain other forms of development provided they preserve the openness of the Green Belt.

5.3 The proposal for the erection of 2no. portacabins for a temporary period of 6 years does not fall into any of the exception categories. The proposal is therefore inappropriate unless very special circumstances can be shown to outweigh the harm by reason of inappropriateness or any other harm. The applicant has provided a list of very special circumstances as:

- The Bath and Camerton Archaeological Society was founded in 1948 and the Society provides training opportunities for students to undertake excavations as part of their degree. The Society then provides supporting information to the respective universities
- The Society is a registered charity and arranges archaeological/historical excursions and lectures in the Bath
- The Society has undertaken work on behalf of BANES, English Heritage and the National Trust
- All the archaeological activities are done in consultation with the appropriate authorities and approval is always sought whenever the Society wishes to conduct surveys or excavations of Scheduled sites. The Society was based near Norton St Philip for 10 years but has been effectively homeless for the last 3 to 4 years. The 2 portacabins containing all the tools are currently at Trowbridge courtesy of Wessex Water.
- The owner of Lilliput farm is a member of BACAS and has asked the Society to investigate the archaeology of the farm. The intention is to explore the archaeological features on the farm and consult with and inform the South Gloucestershire County Archaeological Officer. It is possible that the disturbed round barrow on the edge of the farm may in fact be part of a long barrow. In addition initial investigations have revealed the site of an eighteenth century hermitage.
- The farm is on the boundary of BANES and we would wish to extend our interests to include the greater Lansdown area and investigate adjacent sites such as the barrow field surrounding the Grenville Monument, the Iron Age hillfort (Caesar's Camp), a Romano British village and pewter manufactory. The Society is also conducting surveys and scheduled to begin digs at the Roman Temple just outside Keynsham and likely to be involved with survey work at the Roman town of Trajectus (near the chocolate factory in Keynsham). The portacabins containing our support equipment would be conveniently sited for all these ventures which lie just outside the boundary of the farm.
- Any finds will be offered in the first instance to the respective county museum/archive and then the landowner. If they are not required then some will be used as teaching aids.

5.4 The above list indicates that the charity provides a service in terms of informing other organisations such as English Heritage of archaeological finds in the area, assists students and others in the learning and education process by providing opportunities for hands on experience and lectures and provides additional assistance in other organised digs such as that to be conducted in Keynsham. It is considered that the list can be regarded as being very special circumstances and along with the limited period of time requested for the portacabins is sufficient to outweigh the harm to the Green Belt caused by the inappropriateness of the proposal and any other harm. The matter of impact on the openness of the Green Belt must be assessed separately.

5.5 The portacabins would be stationed on a large existing area of hardstanding currently used for storing and parking agricultural equipment. The site is well screened by hedges and it is considered that the green portacabins would not impact on the openness of the Green Belt over and above the existing situation sufficient to warrant a refusal. It is therefore also considered that the proposal

would not adversely impact on the Cotswold Area of Outstanding Natural Beauty and is acceptable.

5.6 Design and visual amenity

The two proposed portacabins would be of slightly different sizes. The larger would measure approximately 7.4 metres in length, 2.3 metres wide with a height of 2.7 metres, while the smaller would measure approximately 6.1 metres in length, 2.3 metres wide with a height of 2.7 metres. Each would have five windows and a door. They would be mounted on loose blocks so as to avoid any ground disturbance. Both portacabins would be of a dark green colour.

5.7 The design, scale and massing are considered to be typical of portacabins and therefore appropriate for their function and need. Although such structures would not be supported as permanent features their temporary nature makes them acceptable in this instance.

5.8 Landscape

The proposed portacabins would be situated within the Green Belt and the Cotswold AONB, to the southwest of the farmhouse and to the south of Hall Lane itself. The cabins would be screened from general view by the existing hedgerows on an area of existing hardstanding. The cabins would be painted dark green and would be in situ for a temporary period. Given the location of the portacabins and the generally hilly topography of the site it is considered that the proposal would not adversely harm the landscape or the Cotswold AONB to such a degree sufficient to refuse the application. The proposal is therefore deemed acceptable.

5.9 Residential Amenity

The siting of the temporary portacabins would be some distance away from the main farmhouse. Given this, there are no concerns regarding adverse impact on the dwelling in terms of overlooking or loss of privacy. The proposal is therefore considered acceptable.

6. **CONCLUSION**

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

6.2 The 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: Anne Joseph**  
**Tel. No. 01454 863788**

**CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
  
2. The portacabins hereby permitted shall be removed and the land restored to its former condition on or before 24 March 2021.

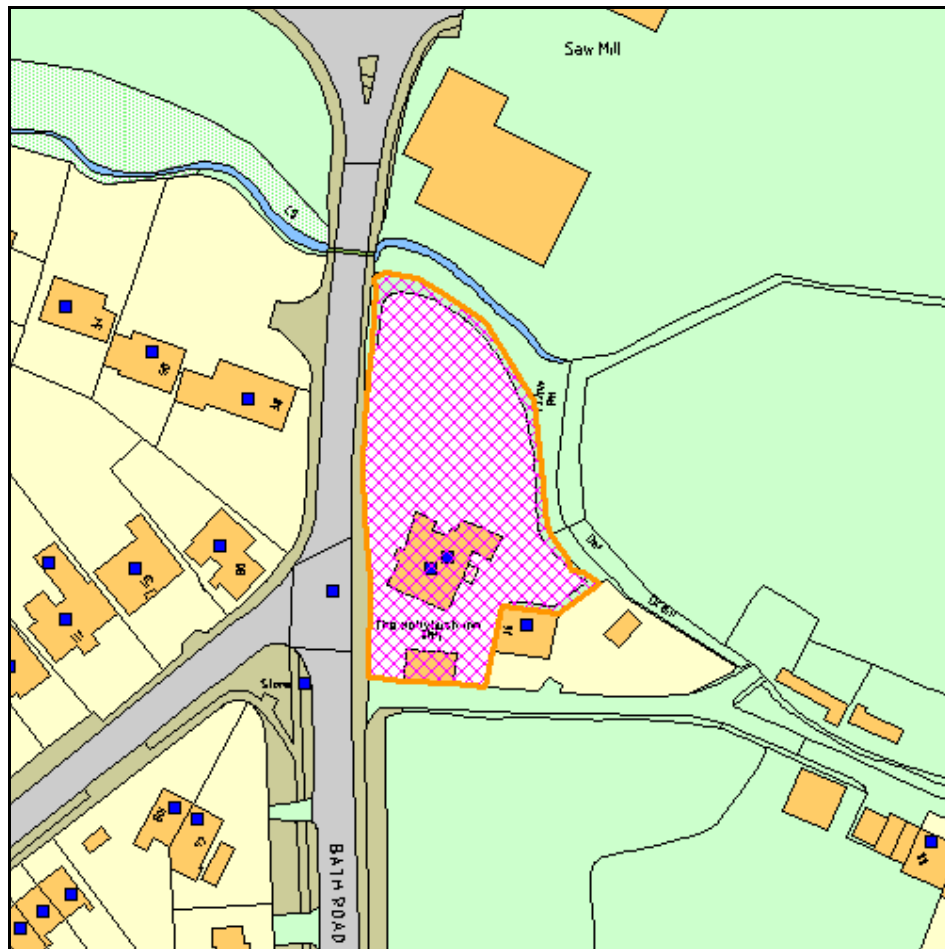
**Reason**

The portacabins are generally out of character with the surrounding area and are permitted for a limited period only because of the special circumstances of the case.

# ITEM 3

## CIRCULATED SCHEDULE NO. 13/15 – 27 MARCH 2015

<b>App No.:</b> PK14/4937/RVC	<b>Applicant:</b> Mr J Prangell
<b>Site:</b> Hollybush Inn 29 Bath Road Bridgegate BS30 5JP	<b>Date Reg:</b> 15th January 2015
<b>Proposal:</b> Variation of Condition 13 of PK11/3667/F to install Freezer Unit with screen fencing	<b>Parish:</b> Bitton Parish Council
<b>Map Ref:</b> 367914 172816	<b>Ward:</b> Oldland Common
<b>Application Category:</b> Minor	<b>Target Date:</b> 12th March 2015



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

This application is to appear on circulated schedule due to an objection from a neighbouring resident and Bitton Parish Council.

### **1. THE PROPOSAL**

1.1 This planning application is for a variation of condition 13 attached to PK11/3667/F to install a freezer unit with screen fencing. The proposal is to regularise the siting of a free-standing commercial freezer unit located at the rear of the public house building, in the 'private garden area for flat'. The application seeks to vary condition 13 attached to PK11/3667/F:

*The area marked 'Private Garden Area for Flat' as shown on the approved Proposed Site Plan Dwg. No. 1718-2 Rev E shall be used only as private domestic garden in association with the 'Landlords Flat' and for no commercial uses associated with the pub.*

#### *Reason*

*To protect residential amenity and the amenity of the area in general and to accord with Policies EP1, and E7 of the South Gloucestershire Local Plan (adopted) 6th January 2006.*

1.2 The applicant is seeking to vary condition 13 by varying the approved plan that demarcates the area marked 'Private Garden Area for Flat' in red. The plan will include the siting of a commercial freezer unit, located close to the rear elevation of the public house. The site plan in relation to condition 13 does not supersede the Site Location Plan (Ref. 1718-0im received by the Council on 18 December 2014).

1.3 The application relates to The Hollybush Inn, public house, located adjacent to the eastern side of the Bath Road leading up to Bridgegate from Oldland Common. The site lies just outside the established settlement boundary and just within the Bristol/Bath Green Belt. The site is bounded by Bath Road to the west, the North Common Watercourse to the North and North-East; a residential property (No.31 Bath Road) to the East and a track and hedge to the South.

1.4 The public house is an 18th/early 19th century coaching Inn and is locally listed. The building was previously in a poor state. In 2012 planning permission was granted for various alterations and extensions of the property to bring it back into modern use as a public house/restaurant.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
Planning Policy Guidance



## 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
- CS9 Managing the Environment and Heritage
- CS29 Communities of the East Fringe of Bristol Urban Area

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

- E7 Conversion and Re-use of Rural Buildings
- L1 Landscape Protection and Enhancement
- L15 Buildings and Structures which Make a Significant Contribution to the Character and Distinctiveness of the Locality
- T12 Transportation Development Control
- EP2 Flood Risk and Development

## 2.3 Supplementary Planning Guidance

- Development in the Green Belt SPD (Adopted) June 2007
- The Local List SPD (Adopted) February 2008

## 3. RELEVANT PLANNING HISTORY

- 3.1 PK11/3667/F Erection of 2no. Side extensions, rear extension and link extension. Alterations to existing access and car park with associated works (Resubmission of PK11/3055/F).  
Approved 12.03.12
- 3.2 PK11/3055/F Erection of single-storey front, side and rear extension to provide additional bar/lounge accommodation and single-storey infill extension to provide 2 no. W.C's. Alteration to vehicular access and car parking arrangements with associated works.  
Withdrawn 24.10.11

## 4. CONSULTATION RESPONSES

### 4.1 Bitton Parish Council

Councillors note the lack of any information about possible noise from the freezer unit. If details are not forthcoming or if noise is of any significance then they would object to the siting of the freezer unit at its current location due to adverse impact on the residential amenity of the garden area and the neighbouring property.

### 4.2 Siston Parish Council

No objection.

- 4.3 Conservation Officer  
No objection.
- 4.4 Environmental Protection  
No objection.
- 4.5 Highway Drainage  
No comment.
- 4.6 Planning Enforcement  
No comment received.
- 4.7 Sustainable Transport  
No objection.

#### **Other Representations**

- 4.8 Local Residents  
One mixed comment has been received from a neighbouring resident:  
Notwithstanding the fact that this new planning application still contravenes the original condition, reading between the lines I believe that it will be approved. This is another case where a developer agrees to all imposed conditions just to obtain approval and then breaks them and relies on stalling tactics and repeated appeals to obtain a result. If this new application is approved would it be possible to include a condition where by the proposed new fence be a continuous and unbroken fence from the back exit of the kitchen along the path, around the fridge unit and down to the existing fence? This would then obscure all the rubbish boxes, crates, used oil containers, empty beer barrels etc.

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

- 5.1 The application seeks to vary condition 13 of planning permission PK11/3667/F to allow the siting of a free-standing commercial freezer unit in the rear garden, which is conditioned to be used only as a private garden for the public house flat.
- 5.2 Principle of Development  
The principle of development is established through the planning permission PK11/3667/F. This application seeks to vary condition 13, as described above in paragraph 5.1. The nature of this application is such that the Local Planning Authority cannot re-address the principle of the development and can only consider the impact of the changes when compared to the approved development. In this instance, the nature of the changes would require an assessment in respect of residential amenity and noise impact (on the nearest neighbouring occupier No. 31 Bath Road), and design and conservation issues (the impact on the locally listed building and its setting). These issues are considered below in detail.
- 5.3 Relevant policies to consider include policy CS1 ensures development will only be permitted where the highest possible standards of design are achieved.

Policy CS9 of the Core Strategy seeks to protect the natural and historic environment, including protecting land, air and aqueous environments, buildings and people from pollution. The Officer will need to consider if the freezer unit would have a materially greater impact on the level of amenity afforded to the neighbouring occupier to the east and if any further conditions need to be attached to any new consent.

5.4 The application site is located within the Green Belt. The NPPF advises that the extension or alteration of any building is not inappropriate development in the Green Belt, provided it is not disproportionate to the size of the original building. The freezer unit is a detached and is positioned in a corner at the rear of the public house, creating an in-fill. As such, the development would integrate well within the existing built form and given its modest size, would not adversely affect the openness of the Green Belt. The proposed works are not considered to be contrary to the purposes of including land in the Green Belt and the proposal is considered to accord with principle of development.

5.5 Residential Amenity

The southern boundary of the private garden is open, with no boundary treatment. The northern boundary, adjacent to the customer car park has a wooden clad fence. The only residential property likely to be affected by the proposal is no. 31 Bath Road, which lies directly to the rear of the site. The owner has raised some concerns about the submission of the application to regularise the existing freezer unit. Whilst there is a freezer unit on site, the proposal seeks to move the unit along the rear elevation but further to the north therefore this application is not retrospective as such.

5.6 The nearest neighbouring properties ground floor lounge window looks directly over the rear garden of the public house (west elevation), as well as another lounge window on the north elevation. These windows are likely to experience the majority of disturbance from the public house use, hence the previously approved layout plan allocating the garden area at the rear of the public house to be associated with the flat. The use of the 'private garden area' as part of the public house use (i.e. as a drinking, dining and smoking area for patrons) was considered unacceptable when the initial application PK11/3667/F was considered.

5.7 Bitton Parish Council has raised a concern about the potential noise caused by the freezer unit. The Officer has visited the site on two occasions and no noise or disturbance was observed as a result of the unit. In addition, the nearest neighbouring occupier has not raised noise as an issue. It is not considered that there are any other negative impacts from the freezer unit in respect of noise or smells. The main impact being visual in respect of the siting of the unit. The proposal would not affect the retention of adequate private amenity space to serve the associated flat.

5.8 Design & Conservation

The freezer unit is to be sited on the rear elevation of the locally listed building, near the bar store room for easy access. The freezer unit is fairly compact in size (measuring approximately 2.8m x 2m in size) and because it is located at the rear of the building, out of the public realm and in a discreet location, it is

not readily visible or apparent. The freezer unit does not diminish the historic character, appearance or setting of the building in this respect. Whilst Officers have no issue with the siting of the freezer unit, it is proposed to mitigate the visual impact of the freezer unit by erecting willow fence panels to shield the unit from view.

5.9 The occupier of no. 31 Bath Road has raised a concern about the existing rubbish left in the rear garden, an issue which the Officer also noticed during their site visit. It appears that barrels, kegs, pallets and various rubbish associated with the public house are left piled at the rear of the public house. Whilst this does not affect the street scene, it does have some impact on the neighbouring occupier's outlook from their lounge out onto garden. This area is for use as private garden area for the flat, and should not be used for the storage of rubbish associated with the public house, however it is noted that the public house does have a bin storage area within the curtilage.

5.10 For the reasons above, it is considered that the freezer unit would not have an adverse impact on the amenities of the nearest neighbouring occupier and would not affect the setting of the locally listed building. The impact of the freezer unit can be mitigated against by the imposition of two additional conditions and the proposal is therefore considered acceptable.

5.11 Noise Impact

The issue of a potential noise impact from the freezer unit has been raised by the parish council. The Officer has obtained information on the type and manufacturer of the freezer unit and an Officer from the Environmental Protection team has visited the site to make an assessment. The Environmental Protection Officer has confirmed that whilst some noise can be heard from the freezer unit when next to it, the noise is not considered to have a detrimental impact on amenity or the nearest neighbouring occupier. There is no objection from the Environmental Protection Officer on the proposed siting of the freezer unit.

5.12 Changes to Condition 13

The Officer considers the following amendment to condition 13 to read as follows:

*The area outlined in red marked 'Private Garden Area for Flat' as shown on the approved plan (Site Plan Dwg. No. 1718-30 A) shall be used only as private domestic garden in association with the 'Landlords Flat' and for no commercial uses associated with the pub.*

*Reason*

*To protect residential amenity and the amenity of the area in general. To accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.*

5.13 Planning Conditions

A number of conditions attached to planning permission PK11/3667/F have already been successfully discharged. There are no outstanding conditions to be copied over from the decision notice to this 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 **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 **condition 13 be varied**.

**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 area outlined in red marked 'Private Garden Area for Flat' as shown on the approved plan (Site Plan Dwg. No. 1718-30 A; received by the Council on 6th March 2015) shall be used only as private domestic garden in association with the 'Landlords Flat' and for no commercial uses associated with the public house.

Reason

To protect residential amenity and the amenity of the area in general. To accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

3. Within 3 months of the date of the decision, the willow fencing panels as shown on the approved plans (Drg No 1718-6 Rev E; 1718-30; 1718-31) shall be erected and thereafter permanently retained.

Reason

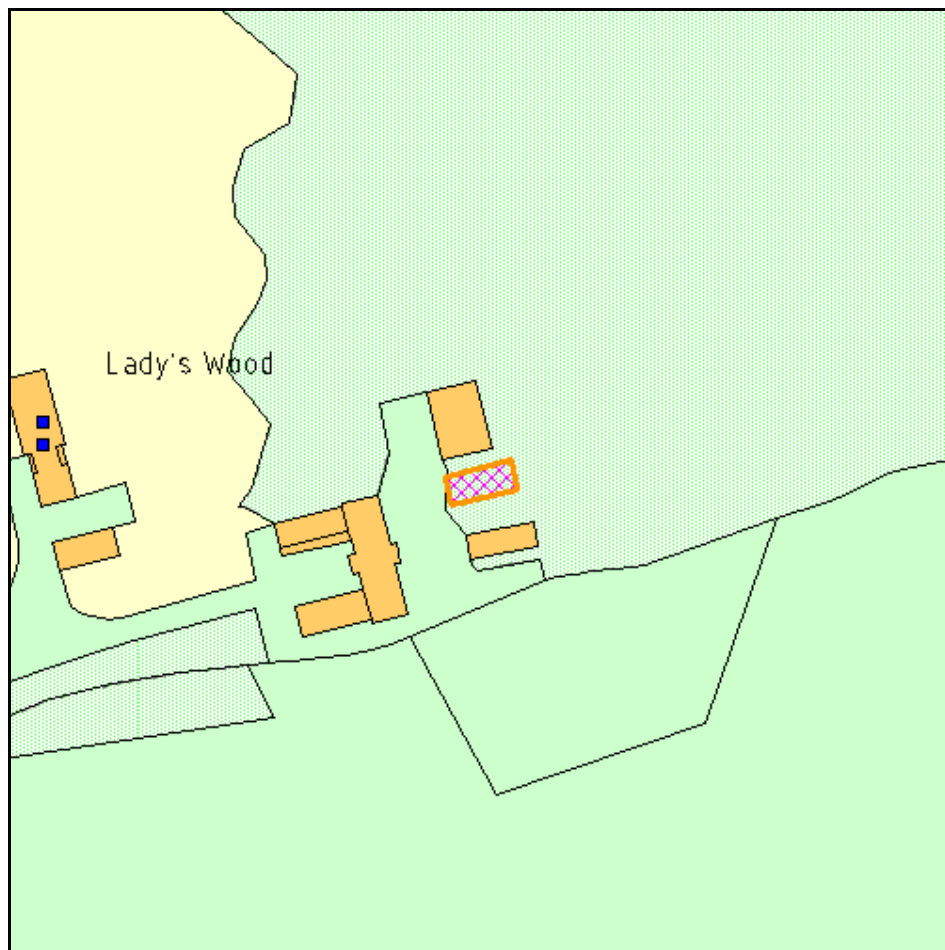
In the interests of residential amenity and the appearance of the locally listed building and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and saved policy L15 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies).

# ITEM 5

## CIRCULATED SCHEDULE NO. 13/15 – 27 MARCH 2015

<b>App No.:</b>	PK15/0489/F	<b>Applicant:</b>	Mr E Hemmings, Lady's Wood (2013) Ltd
<b>Site:</b>	Ladys Wood Shooting School Mapleridge Lane Yate South Gloucestershire BS37 6PW	<b>Date Reg:</b>	10th February 2015
<b>Proposal:</b>	Erection of a storage shed. (Retrospective).	<b>Parish:</b>	Wickwar Parish Council
<b>Map Ref:</b>	373073 185780	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd April 2015

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100023410, 2014. **N.T.S.** **PK15/0489/F**

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

This application has been added to the circulated schedule because the recommendation to approve is contrary to one letter of objection from a local resident.

### **1. THE PROPOSAL**

- 1.1 The application is for the retention of a shed built to the rear of a Clay-Shooting School. The building has been erected for approximately two years and is the replacement of a previous building in the same approximate position.
- 1.2 The site has been home to a shooting school since 1982. The school building sits adjacent to a residential property 'Ladyswood' and the two are now in separate ownership. These two buildings are large, attractive stone buildings of architectural merit but neither listed, nor locally listed. The site is in the open countryside, outside any settlement boundary.
- 1.3 The application structure is a rectangular building measuring just short of 10m in length, 4.6m width and a sloping roof that measures 3.6m at the highest point. It is of block work construction with a rendered finish, aluminium fascia's and a cement fibre roof.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
L1 Landscape Protection and Enhancement  
LC5 Proposals for Outdoor Sports and Recreation Outside Existing Urban Area and Defined Settlement Boundaries  
E10 Horse Related Development  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS5 Location of Development  
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance

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

- 3.1 N513/2 – Establishment of shooting school within existing game farm – Approved with Conditions – 29.7.1982
- 3.2 P84/1725 - Establishment of shooting school within existing game farm. (Renewal of temporary consent). – Approved – 18.7.1984
- 3.3 P84/2220 - Erection of outbuilding for uses ancillary to existing game farm & shooting school. – Approved - 17.10.1984

- 3.4 P85/2041 - Erection of tower approximately 37 metres (approximately 121 feet) in height for launching clay pigeons. – Approved – 11.9.1985

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

- 4.1 Parish/Town Council  
No comments have been received
- 4.2 Other Consultees  
Highway Drainage – No comment  
Highway Structures – No comment  
Sustainable Transport – No objection  
Ecology – No comment

#### **Other Representations**

- 4.3 Local Residents  
An objection has been received from the neighbouring residential property. Comments submitted raise the following issues;
- Applicant built stable and store as the new owner in 2013
  - The new store and stable are in full view of the kitchen/lounge/dining room/bedroom/back garden and it is very obtrusive.
  - Initially there was a metal shutter door. It was painted brown on request from the objector.
  - Objector asked for the shed to be screened naturally but laurel bushes have only been placed on the far side.
- A response from the Planning Agent and Applicant was received further to the comments above stating;
- The objector, as freeholder gave her formal permission to erect the shed at the time.
  - The objector gave permission for 4/5 trees to be removed to make way for the shed.
  - The objector agreed the dimensions and colour of render and the colour of the door and gave permission for the old shed to be scrapped.
  - The Applicant is implementing laurel planting to screen the shed from the objector's view.
  - The objector uses the shed to stable her horse.

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

- 5.1 Principle of Development – Outdoor Sports in the Countryside  
Policy LC5 of the South Gloucestershire Local Plan (Adopted) 2006 establishes the criteria for proposals for the development, expansion or improvement of outdoor sports and recreation outside the existing urban area and the boundaries of settlements. The planning history reflects the submissions from the Agent that the shooting school has existed on this site since 1982 and is an established use of the land. A separate Certificate of Lawfulness application has been submitted to consider this aspect. This application deals with the improvement / expansion of this use insofar as replacing an old storage shed with a newer, larger shed. A single stable also forms part of the building alongside a small WC.



- 5.2 The application is principally about provision of sufficient and tidy storage space. The unit does not appear to serve as a means of expanding the use and is not considered to impact on traffic generation or result in unacceptable environmental effects.
- 5.3 Policy LC5 advises that new buildings will only be permitted where the conversion or re-use of existing buildings is not practical and where they are essential for and proportionate to the use of the land for outdoor sport and recreation.
- 5.4 This building has been erected in place of a previous building that was also used for storage in connection with the outdoor sport business. Photographs have been provided of the previous building which has been described as approximately 8ft x 10ft and 6ft in height. It was constructed of wood and galvanised iron but was in a poor condition structurally and visually. The building was not capable of accommodating a forklift truck to manoeuvre clays and did not offer sufficient, safe storage space.
- 5.5 The Agent has explained that storage of clays is a key part of the operation of the school and as such, the replacement of the old building to provide a watertight building with access and height for forklift operation was essential and the only option for meeting the needs of the business.
- 5.6 It is considered that the building is a reasonable size replacement, which is proportionate to the use of the land and that there is sufficient justification that conversion or re-use of the original shed was impractical. The development is considered to be in accordance with Policy LC5.

Principle of Development – Design and Landscape

- 5.7 Policy CS1 of the South Gloucestershire Local Plan Core Strategy (December) 2013 requires development to meet the highest possible standards of design. Policy CS34 requires development to protect the character and landscape of rural areas and Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006 requires the amenity of the landscape to be conserved and where possible enhanced.
- 5.8 The development is a fairly typical garage construction, with a light buff render applied to each elevation. Although the residential dwelling and the main shoeing school building are built with high quality, traditional materials, there is no listing of the buildings and the shed is situated to the rear of the school building and between two old buildings of significantly lesser merit. The side elevation of the school building is finished in a similar render to that used on the new development. The building uses better quality, new materials in place of what appeared to be a dilapidated building and is of a size such that it should reduce the need for any outside storage of materials, which might have a detrimental impact on the character of the site. The shed is screened by the main building and the large woodland further to the rear and this screening protects the character of the landscape.
- 5.9 There is an objection from the adjoining resident on the grounds of exposed views of the new shed from the residential property. It is alleged that the

objector stables her horse in the building and agreed to the erection of the building, but whatever the circumstances of the history, the objection falls to be considered.

- 5.10 The shed is sited some 65 metres from the residential dwelling, adjacent to a large, apparently agricultural outbuilding, which is understood to be owned by the objector. The new building is not considered out of keeping with the site and with the context of the adjacent buildings. It has no greater impact on the residential amenity than the large building belonging to the objector. The building is too far away to have any overbearing impact, has no overlooking impact and is of sufficient quality that it is not detrimental to the character of the site and the landscape. There are a number of large, mature trees in the garden of the residential property, before the shed and some additional, new laurel planting has been bedded in on the boundary, in front of the shed. It is not considered reasonable or necessary to impose additional planting by way of a condition as there is not a detrimental impact to the residential amenity of the neighbouring property.

#### Horse Related Development

- 5.11 Policy E10 of the South Gloucestershire Local Plan (Adopted) 2006 establishes the criteria for horse related development and has overlapping policy with the matters already considered such as residential amenity and vehicular access.
- 5.12 The stable caters for one horse and measures approximately 3.4m x 3.4m. The use appears incidental to the primary use of the land for the shooting school. The design and size of the building is appropriate for one horse and is sufficiently in accordance with Defra and British Horse Society guidelines. It is not clear whether the previous shed was also used for stabling a horse but it seems clear that the rear part of this shed was purpose-built for such a use and there do not appear to be other suitable underused buildings, such that the development is in accordance with Policy E10.
- 5.13 Clarification has been provided from the Agent that the horse has room to graze in agricultural fields on the adjoining land.

## **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**

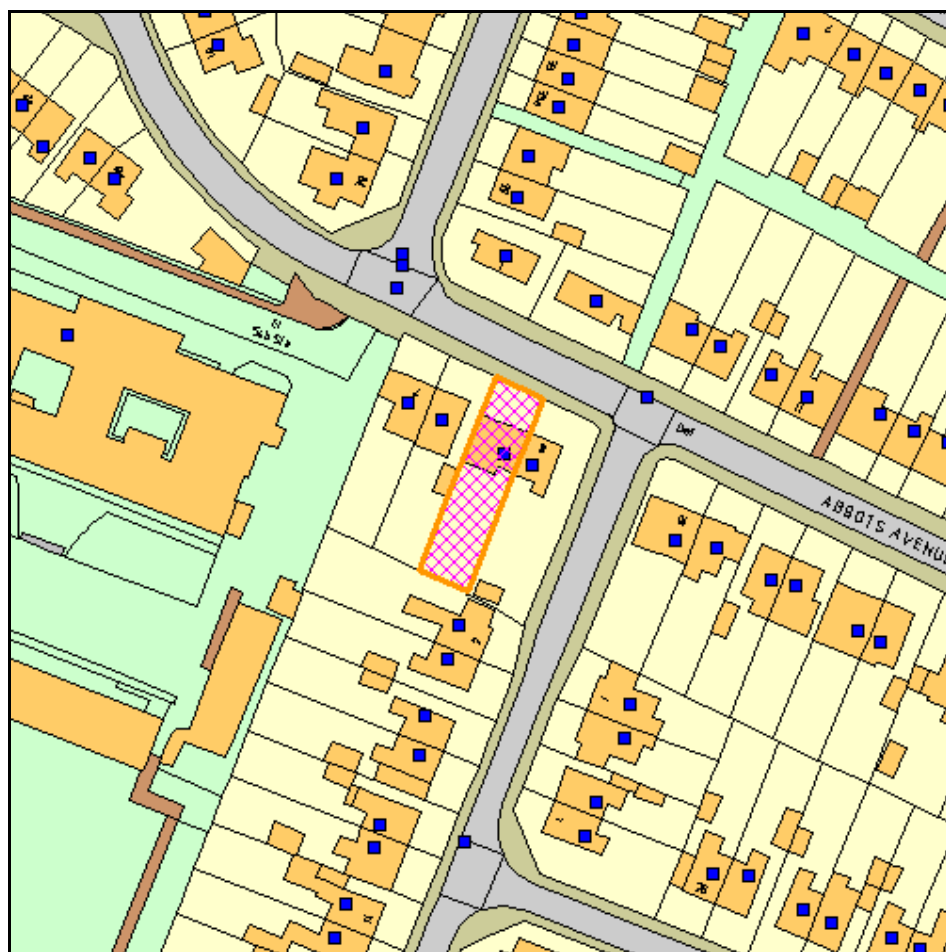
- 7.1 That planning permission be granted.

**Contact Officer: James Cooke**  
**Tel. No. 01454 863429**

# ITEM 6

## CIRCULATED SCHEDULE NO. 13/15 – 27 MARCH 2015

<b>App No.:</b>	PK15/0528/F	<b>Applicant:</b>	Mr And Mrs Ricketts
<b>Site:</b>	6 Abbots Avenue Hanham Bristol South Gloucestershire BS15 3PN	<b>Date Reg:</b>	10th February 2015
<b>Proposal:</b>	Erection of single storey front extension and canopy over porch, to facilitate bay window and garage conversion	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	364346 171960	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Householder	<b>Target Date:</b>	2nd April 2015



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100023410, 2014. N.T.S. PK15/0528/F

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

This application has been submitted to the Council's circulated schedule procedure as comments received have been contrary to the Officer's decision.

### **1. THE PROPOSAL**

- 1.1 The proposal seeks to erect a single storey front extension and a canopy to form additional living accommodation and a porch. As a result of the front extension the existing garage will be converted, this conversion does not require planning permission.
- 1.2 The host dwelling is a semi-detached two-storey property with a hipped roof. The host dwelling is located within Hanham set back from the residential road of Hanham Avenue.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
H4 Residential Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS5 Location of Development  
CS8 Improving Accessibility
- 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 K7318 Approval Full Planning 21/12/1992  
TWO STOREY SIDE EXTENSION AND REAR PORCH (Previous ID: K7318)

### **4. CONSULTATION RESPONSES**

4.1 Parish Council  
No Objections.

4.2 Other Consultees

Highway Drainage  
No comment.

Sustainable Transport

No objection, adequate vehicular parking is proposed for the size of the dwelling.

### **Other Representations**

4.3 Local Residents

One letter of objection has been received from the occupier of no. 4 Abbots Avenue, the objector made comments on the following grounds:

- An existing flue on the side elevation of the host dwelling has resulted in difficulties between the objector and the occupiers of the host dwelling;
- Due to the windows within the proposal there will be a loss of privacy and light to no. 4 Abbots Avenue;
- Is this addition going to result in a separate facility to the main house such as flats?

## **5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted if the highest possible standards of site planning and design are achieved. Meaning developments should demonstrate that they: enhance and respect the character, distinctiveness and amenity of the site and its context; have an appropriate density and well integrated layout connecting the development to wider transport networks; safeguard and enhance important existing features through incorporation into development; and contribute to strategic objectives.

5.2 Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) is supportive in principle of development within the curtilage of existing dwellings. This support is provided proposals respect the existing design; do not prejudice residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation.

5.3 Design and Visual Amenity

The proposal is a relatively modest addition which will extend the front of the dwelling by less than 1.5 metres and the extension will be single storey and have a canopy/hanging tile finish to the roof. The proposal extends no further to the front of the property than the existing bay window. The majority of the proposed materials match the materials used in the existing dwelling, although

the tiles used in the canopy will be slightly different, they will still largely match those used on the existing dwelling's roof.

- 5.4 An objection letter received has raised concerns regarding the impact upon visual amenity, suggesting this proposal will be to the detriment of existing character of the area. Whereas the majority of the houses in the area do not utilise hanging tile arrangements with front porches, the area is not considered to have a distinct character, and thus proposal is not considered to be especially incongruent with the area.
- 5.5 The same objection also expressed concerns regarding the loss of the front lawn of the host property to parking. From a site visit it was observed that this area comprises a combination of a strip of tarmac adjacent to no. 4 Abbots Avenue, and a gravelled area adjacent to no. 8 Abbots Avenue; both of these surfaces appeared to be utilised for car parking. This proposal would not result in a loss of front garden or lawn and therefore any concerns regarding a loss of a front lawn is not considered to be material to this application.
- 5.6 Accordingly, it is judged that the proposal has an acceptable standard of design and is considered to be in-keeping with policy CS1 of the adopted Core Strategy.
- 5.7 Residential Amenity  
Saved policy H4 of the South Gloucestershire Local Plan states that proposals for development within existing residential curtilages will only be permitted where they would not prejudice the amenity of nearby occupiers. The proposal will have a side elevation window adjacent to no. 4 Abbots Avenue, approximately 5 to 6 metres from the main dwelling but within a 1 metre of the boundary fence which separates no.4 Abbots Avenue and the host dwelling. This proposal will not result in a material loss of privacy to the adjacent property no. 4 Abbots Avenue, the side elevation window will have indirect views into the front garden of this property, none of which would significantly look directly into a window of the neighbouring dwelling no. 4 Abbots Avenue.
- 5.8 Due to the modest scale and position of the proposal a material loss of light to the neighbouring dwellings is not expected. In addition to this, the proposal has an appropriate scale and form and therefore the front extension will not result in a materially overbearing impact on the neighbouring occupiers.
- 5.9 Highways  
The proposal does not constitute the provision of an additional bedroom at the property nor does it disrupt the existing parking arrangement at the dwelling. Accordingly, there are no transport objections to this proposal.
- 5.10 Other Matters  
An objector referenced an existing central boiler flue on the side elevation of the host dwelling adjacent to no. 4 Abbots Avenue. After visiting the property and viewing the submitted plans, such a flue is considered to be permitted

development under Schedule 2, Part 1, Class G of The Town and Country Planning (General Permitted Development) Order 1995 (as amended). In addition to this, the existing flue does not affect this proposal in any way, and is not considered to be material to this planning application

- 5.11 Comments expressing concerns regarding the converted garage being utilised as a separate flat to the host dwelling were also submitted. As stated within the introductory section, the conversion of a garage does not require planning permission, only the external works do. Also, this application does not involve any sub-division of the planning unit, it is simply to extend the front elevation of this property.

## **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** with conditions.

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

## **CONDITIONS**

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

Reason

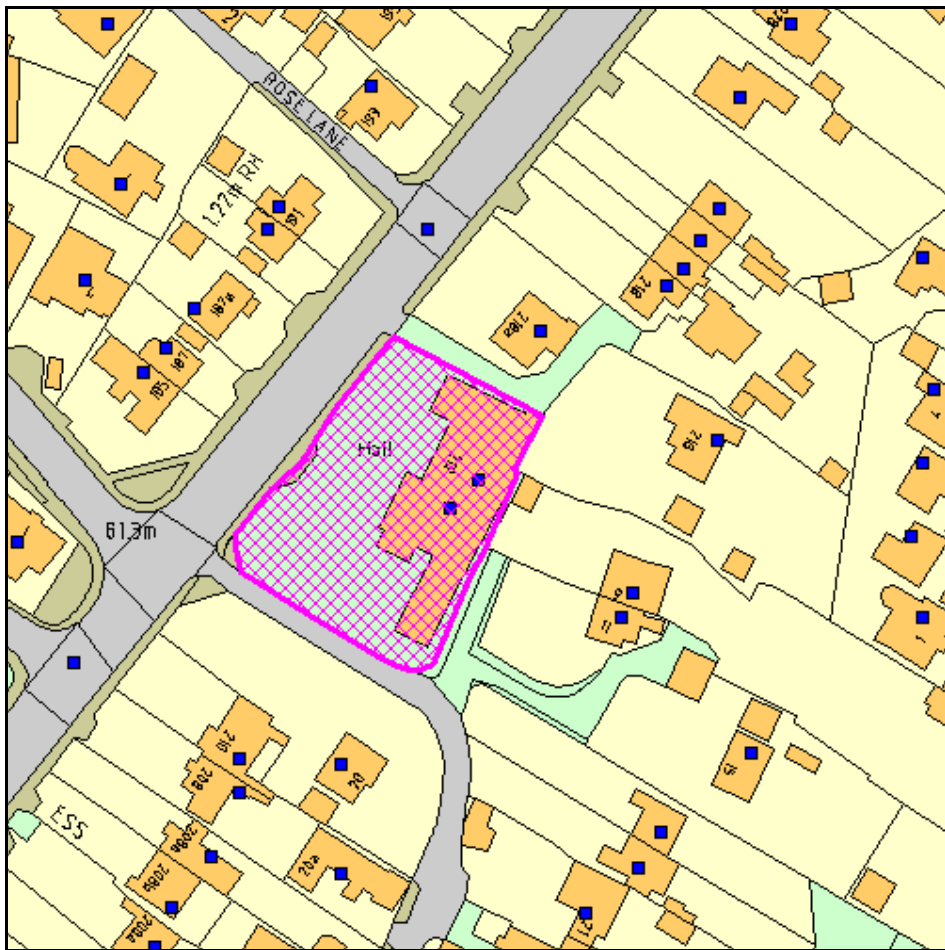
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).



# ITEM 7

## CIRCULATED SCHEDULE NO. 31/15 – 27 MARCH 2015

<b>App No.:</b>	PK15/0726/F	<b>Applicant:</b>	Coalpit Heath Village Hall
<b>Site:</b>	Coalpit Heath Village Hall 214 Badminton Road Coalpit Heath South Gloucestershire BS36 2QB	<b>Date Reg:</b>	24th February 2015
<b>Proposal:</b>	Installation of solar panels to the rear roof elevation	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367600 180915	<b>Ward:</b>	Westerleigh
<b>Application</b>	Minor	<b>Target</b>	15th April 2015
<b>Category:</b>		<b>Date:</b>	



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100023410, 2014. **N.T.S.** **PK15/0726/F**

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

This report is referred to the Circulated Schedule in accordance with procedure given that an objection has been received that is contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks consent for the installation of 40 no. solar panels on part of the rear elevation of Coalpit Heath Village Hall.
- 1.2 The panels will be 20 metres in length by 3.4 metres. At situated on the left side of the rear elevation. The application site is a large single storey building situated on eastern side of Badminton Road.

### **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  
CS3 Renewable and Low Carbon Energy Generation
- 2.3 Supplementary Planning Guidance  
Design Checklist

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

- 3.1 P85/1819 Erection of single storey extension to provide a store and enlarged lounge (Approved)  
  
P85/1337 Erection of lounge extension and skittle alley (Approved)

### **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
No objection  
  
Westerleigh Parish Council  
No objection  
  
Other Consultee  
Highway Drainage – No objection  
Highway Structures – No objection  
  
Environmental Protection  
I am not aware in South Gloucestershire or nationally that there is an issue associated with glare from domestic solar panels or of any guidance specific to

roof mounted solar panels. Glint and glare may result however solar pv panels are designed to absorb not reflect irradiation.

## **Other Representations**

### 4.2 Local Residents

Two objections have been received (by e-mail from the same address).

The grounds of objection can be summarised as follows:

- The proximity of the panels at eye level as the property is single storey next to the garden and front of our house will cause great concern
- The panels may also cause glare into our property if the sun is strong enough
- Access will not be provided to allow work to take place close to the boundary
- A site visit is requested by the Council
- Consultation did not take place

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application proposes the installation of a large array of solar panels on the rear elevation of the building.

Policy CS3 (Renewable and Low Carbon Energy Generation) of the South Gloucestershire Local Plan Core Strategy 2013 supports provision of this form of development. The policy is more applicable to large solar farm (and other large scale proposals for renewable energy) developments in terms of the assessment criteria however of relevance is the need for the installation not to cause significant demonstrable harm to residential amenity and this is assessed below. Policy CS1 seeks to ensure high quality design in all development both in relation to the site itself and its wider context.

Subject to consideration of these two issues the development is considered acceptable in principle.

### 5.2 Impact upon visual amenity

The proposed development is spread across a large part of the rear elevation of the building (on the left side). As such the panels are not visible from the front and the wider public realm but from those properties to the rear. These panels which sit within the frame of the existing roof slope are generally grey in colour when viewed from a distance and would blend to an extent with the remaining grey slate tiled roof.

Domestic solar roof panels are now common place in the built environment albeit the area of roof covered by this scheme is greater than those generally found reflecting the large footprint of the host building. It is not considered however that the panels would have a significant impact upon the visual amenity of either the site or the wider area.

### 5.3 Residential Amenity

Concern has been raised regarding the impact of the panels upon the residential amenity of the nearest occupier at 11 South View Crescent, given the close proximity, view at eye level and concern regarding glare from the sun.

No.11 South View Crescent is a residential property situated to the south-east of the application site. The village hall building is sited at the very rear of the application site such that it sits along side the boundary with No.11 (and No.9 South View Crescent and 216 Badminton Road). The panels would be sited on the area of the roof immediately adjoining No.11.

The panels sit within the frame of the roof on the left side of the rear elevation from just above the eaves level to the ridge of the single storey building, a height of between 2.4 metres and 4 metres above ground level. It was noted from the site visit that an access way to a garage and large garden to the front of the property are situated between the rear of the village Hall and the front of No.11 – a distance of approximately 22 metres. There is also a gentle drop in the ground level from the front of No11 to the rear of the village hall. It is the nature of solar panels that they are designed to absorb light rather than to reflect it in addition Environmental Protection Officers indicate that they are unaware of any issues that have resulted from domestic style solar panels. While the concerns of the neighbouring occupier are noted, given the relationship between the neighbouring properties and the application site and the nature of the panels it is not considered that any impact upon residential amenity would be significant such as would justify the refusal of the application.

### 5.4 Other Issues

Concern has been raised that notification of the nearest neighbour did not take place. This is acknowledged and the Case Officer has contacted the neighbour to explain the determination process/circulated schedule procedure.

It has been indicated that access will not be given for the installation of the panels. This is not a material planning consideration but a civil matter between the parties nevertheless an informative will be attached to the decision notice to remind the applicant that planning permission does not give a right of access in order to undertake necessary work and such consent will be needed.

## 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 Planning permission be granted subject to the conditions set out on the decision notice

**Contact Officer: David Stockdale**  
**Tel. No. 01454 866622**

### **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).

# ITEM 8

## CIRCULATED SCHEDULE NO. 13/15 – 27 MARCH 2015

**App No.:** PT12/3510/F  
**Site:** Hicks Farm Cloisters Road  
Winterbourne South Gloucestershire  
BS36 1LL

**Applicant:** MR M Coleman  
**Date Reg:** 23rd October 2012

**Proposal:** Erection of 1no. detached domestic store.

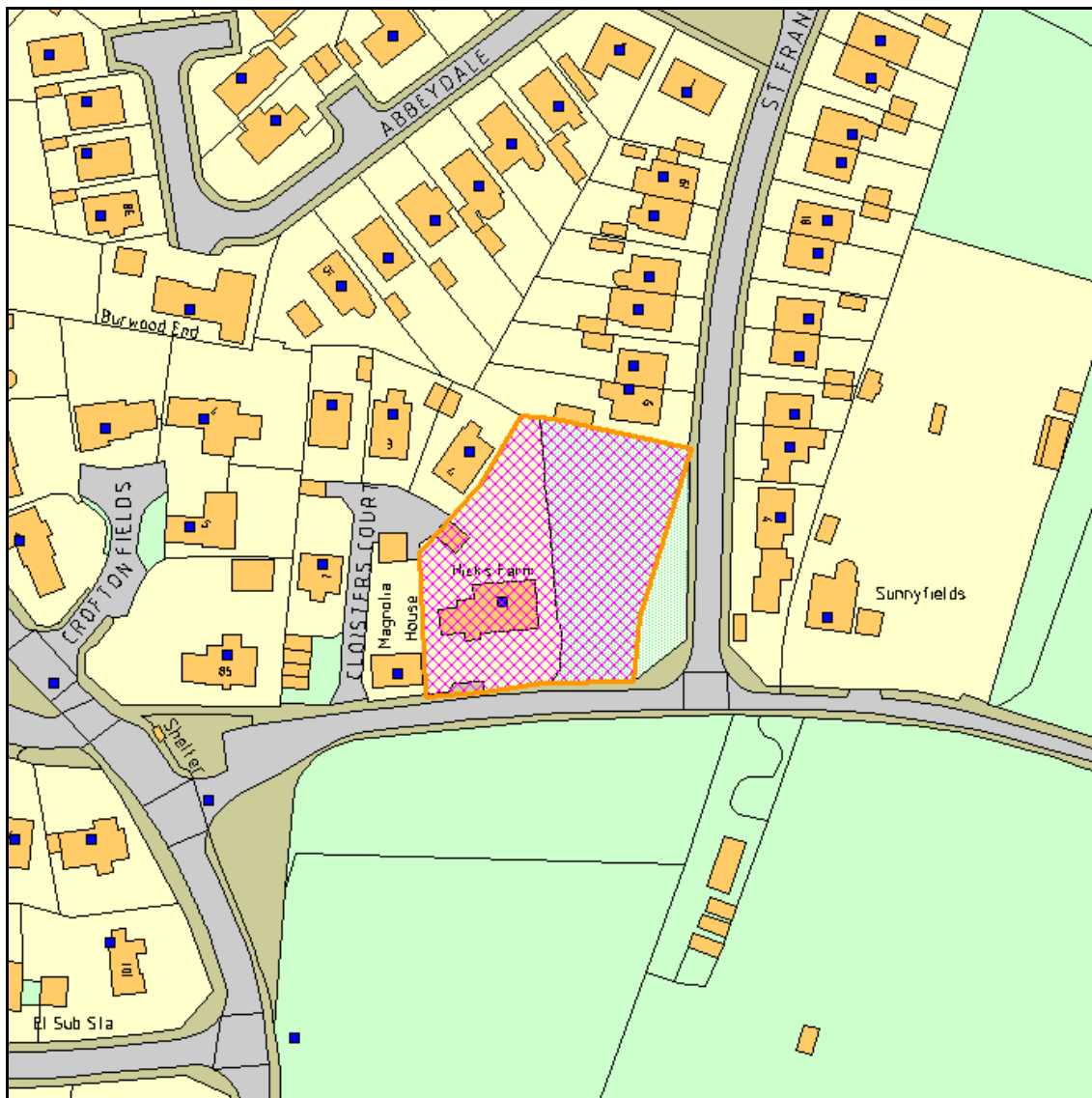
**Parish:** Winterbourne  
Parish Council

**Map Ref:** 365504 180732

**Ward:** Winterbourne  
**Target** 14th December

**Application Category:** Householder

**Date:** 2012



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100023410, 2014. N.T.S. PT12/3510/F

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

The application is circulated because the Parish Council objected to the proposal.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of a detached storage barn. The building would be approximately 11.7 in length, 5.4m in width and 5.4m in height. The barn would be sited in the north-eastern corner of the site which is adjacent to No. 6 St. Francis Drive. The scheme includes landscaping to include a stone wall and landscaped gardens.
- 1.2 The application site relates to the curtilage of a Grade II Listed farmhouse and the site boundary is surrounded on three sides by modern residential developments together with a wide grass verge to St Francis Drive. The site is situated within the Winterbourne Development Boundary.
- 1.3 This application is a resubmission of the previous application which was approved but not commenced within the three year timeframe. A recent application (PT14/2632/F) for two houses was refused and dismissed at appeal but involved a very different scheme to the application subject of this report. The other scheme which proposed two houses facing and having access from St. Francis Drive should have no bearing on the determination of this proposal which is wholly within the curtilage of the listed building and related to it's domestic use.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
in particular chapter 12 'Conserving and Enhancing the Historic Environment'  
and accompanying Historic Environment Planning Practice Guide.  
Planning (Listed Buildings and Conservation Areas) Act 1990

#### **2.2 Development Plans**

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

H4 Development within Existing Residential Curtilages  
L13 Listed Buildings  
T12 Transportation Development Control Policy for New Development

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

CS1 High Quality Design  
CS9 Managing the environment and heritage.

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

South Gloucestershire Design Checklist SPD (Adopted) August 2007  
South Gloucestershire Council Residential Parking Standards, adopted December 2013

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

- 3.1 PT09/0121/F Erection of 1 no. detached domestic store ancillary to Hicks Farm. (Resubmission of PT08/2389/F). **Approved** 06.03.2009
- 3.2 PT02/3372/F Erection of 2 no. dwellings (in accordance with amended plans received by the Council on 7 January 2003). **Refused** on 19<sup>th</sup> February 2003
- 3.3 PT08/0064/O Erection of 7 no. terraced dwellings. All matters reserved. **Refused** on 28<sup>th</sup> February 2008
- 3.4 PT08/2012/F Formation of new vehicular access. Alteration to existing Garage roof from flat roof to pitched roof. **Split Decision** on 22<sup>nd</sup> August 2008
- 3.5 PT08/2389/F Erection of detached storage barn (Class B8). **Refused** 14<sup>th</sup> October 2008
- 3.6 PT09/0121/F Erection of 1 no. detached domestic store ancillary to Hicks Farm. (Resubmission of PT08/2389/F). **Approved** 06.03.2009
- 3.7 PT14/2632/F Erection of 2no. dwellings with access and associated works. **Refused** 08.09.2014 and Appeal Dismissed.

### 4. **CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
Objection - Members feel that this is not a domestic development but a business development and therefore the application is incorrect.
- 4.2 Other Consultees [including internal consultees of the Council]  
Highways Drainage  
No objection subject to a Sustainable Urban Drainage condition.

Archeology Officer  
No comment

Conservation Officer  
No objection subject to conditions.

Highway Officer  
No objection

#### **Other Representations**

- 4.3 Local Residents  
None received



## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

This scheme is a repeat of a previously approved scheme and the considerations which lead to that scheme being approved are still valid for this application. The NPPF and new policies have been introduced since the previous approval of this proposal and it is right to consider the proposal under the current development plan policies and the NPPF.

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 Local Plan and Core Strategy.

5.2 The applicant has applied for the erection of the building for the use for storage in association with the historic residential curtilage of the listed farmhouse. The Moreover, it shows that the historic boundary treatment will be reinstated and the unauthorised fencing shall be removed. The applicant has also confirmed that the proposal would be used for purposes which are ancillary to the dwellinghouse. This shall be secured via a condition if planning permission is recommended. As such, with regard to above, it is considered that Policy H4 of the Local Plan is most relevant in this instance, with other design and environmental policies also needing to be considered.

5.3 Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the extensions to residential dwellings. This is subject to the proposal:

- respecting the character and appearance of the existing dwelling and the surrounding area;
- not prejudicing the amenities of nearby occupiers,
- maintaining highway safety; and
- providing adequate amenity space.

Policy CS1 considers general design principles to ensure new development respects and enhances the character, distinctiveness and amenity of the site and its surroundings. Policies CS9 and L13 relate to the location of the proposal given its relationship with the listed building (Hicks Farm).

### 5.4 Design Considerations

The application site comprises of a Grade II listed farmhouse which is set within an extensive open curtilage. The land is currently very open due to limited boundary enclosure, and is therefore prominent in the street scene.

5.5 The scale of the building in it's proposed location and the submitted landscaping proposals which would reinstate the historic wall and add enclosure along the eastern boundary are acceptable visually. This is because

the proposed boundary enclosure and landscaping proposals would ensure that the building would relate with the listed farmhouse. However, it is recommended that a pre-commencement condition is attached to ensure further detailed plans of the landscape scheme are submitted and agreed with the Local Planning Authority.

- 5.6 It is also considered that the materials and detailing of the proposed scheme is essential in ensuring that the development protects the architectural and historic interest of the listed building. As such, the Conservation Officer has recommended a number of pre-commencement conditions regarding materials, finishes, and joinery.
- 5.7 The proposed landscaping proposals are fundamental in the justification of the proposed storage barn and accordingly it is essential that they are successfully delivered. Thus, it is recommended that a condition is attached to ensure that the historic wall and landscape proposals are completed prior to first use of the proposed outbuilding.
- 5.8 The Conservation Officer has requested a further condition to remove domestic permitted development rights. This is not considered reasonable or necessary because most permitted rights are removed due to the listed status. Furthermore, Listed Building Consent would be required for works to the listed farmhouse itself and this can be used to manage the development.
- 5.9 Residential Amenity  
The proposed building would be situated approximately 5.4m from the adjacent property. In terms of its size, scale and siting, it is considered that the building would not cause an overbearing effect. Furthermore the development would not include any windows which would prejudice the privacy of the neighbour.
- 5.10 Winterbourne Parish Council is concerned that this is a business development rather than incidental to residential use of the house. The agent confirmed that the barn would be used for storage of the applicant's furniture and be ancillary to the main house. Use of such an outbuilding for ancillary storage for the related dwellinghouse is a use which is considered acceptable and would not materially harm the amenities of nearby occupiers. Nevertheless, if the use materially changed planning permission would be required, and this would consider the impact to the amenities of nearby neighbours. For the avoidance of doubt conditions relating to use and the wider implementation of the scheme are proposed.
- 5.11 Transportation  
No access is proposed to the development. The Highways Officer has no objection to the development.

## **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 South Gloucestershire Local Plan Core Strategy adopted 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That planning permission is granted subject to the conditions set out below.

**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 and Country Planning Act 1990 (as amended).

2. The building hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as Hicks Farm.

**Reason**

To ensure the outbuilding is used for purposes ancillary to Hicks Farm dwellinghouse and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No development shall commence until a scheme of hard and soft landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Notwithstanding Drg No. 1811/52 Rev: A, the proposed dry stone boundary wall shall match the colour and coursing of the existing wall along the eastern boundary. Development shall be carried out in accordance with the agreed details.

**Reason**

Without the sense of enclosure and containment created by the new wall, the new outbuilding would not relate well to the farmhouse, and would therefore not be appropriate in this context. It is thereby considered necessary for the boundary wall to be implemented in order that the development serves to preserve the setting and architectural interest of Hicks Farm, in accordance with national guidance set out in the National Planning Policy Guidance, policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

4. Prior to the first use of the building hereby approved, the hard and soft landscape scheme shall be implemented in its entirety in accordance with the approved details.

Reason

Without the sense of enclosure and containment created by the new wall, the new outbuilding would not relate well to the farmhouse, and would therefore not be appropriate in this context. It is thereby considered necessary for the boundary wall to be implemented in order that the development serves to preserve the setting and architectural interest of Hicks Farm, in accordance with national guidance set out in the National Planning Policy Guidance, policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

5. No development shall commence until a sample panel of new stone boundary walling, of at least one metre square, showing the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved panel, which shall be retained on site until completion of the development.

Reason

To ensure that the development is of an appropriate quality, thereby preserving the setting of Hicks Farm, which is a listed building, and to accord with the National Planning Policy Guidance, policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

6. No development shall commence until a sample panel of new facing stone walling for the proposed new building, of at least one metre square, showing the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved panel, which shall be retained on site until completion of the development.

Reason

To ensure that the development is of an appropriate quality, thereby preserving the setting of Hicks Farm, which is a listed building, and to accord with the National Planning Policy Guidance, policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

7. Notwithstanding previously submitted details, prior to the commencement of development, the detailed design including materials and finishes, of the following items shall be approved in writing by the Local Planning Authority:
  - a) all new doors including door furniture (external)
  - b) reveals
  - c) all new lintols
  - d) eaves
  - e) verges

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

Reason

To ensure that the development is of an appropriate quality, thereby preserving the setting of Hicks Farm, which is a listed building, and to accord with the National Planning Policy Guidance, policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

8. Notwithstanding previously submitted details, the development shall not commence before the finish for the joinery has been approved in writing by the Local Planning Authority. The joinery shall be finished and thereafter maintained in accordance with the agreed details. Traditionally external softwood joinery is painted whilst high quality hardwood timber may be exposed or limewashed.

Reason

To ensure that the development is of an appropriate quality, thereby preserving the setting of Hicks Farm, which is a listed building, and to accord with the National Planning Policy Guidance, policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

9. No development shall begin until a representative sample of reclaimed clay pantile shall be inspected and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved sample.

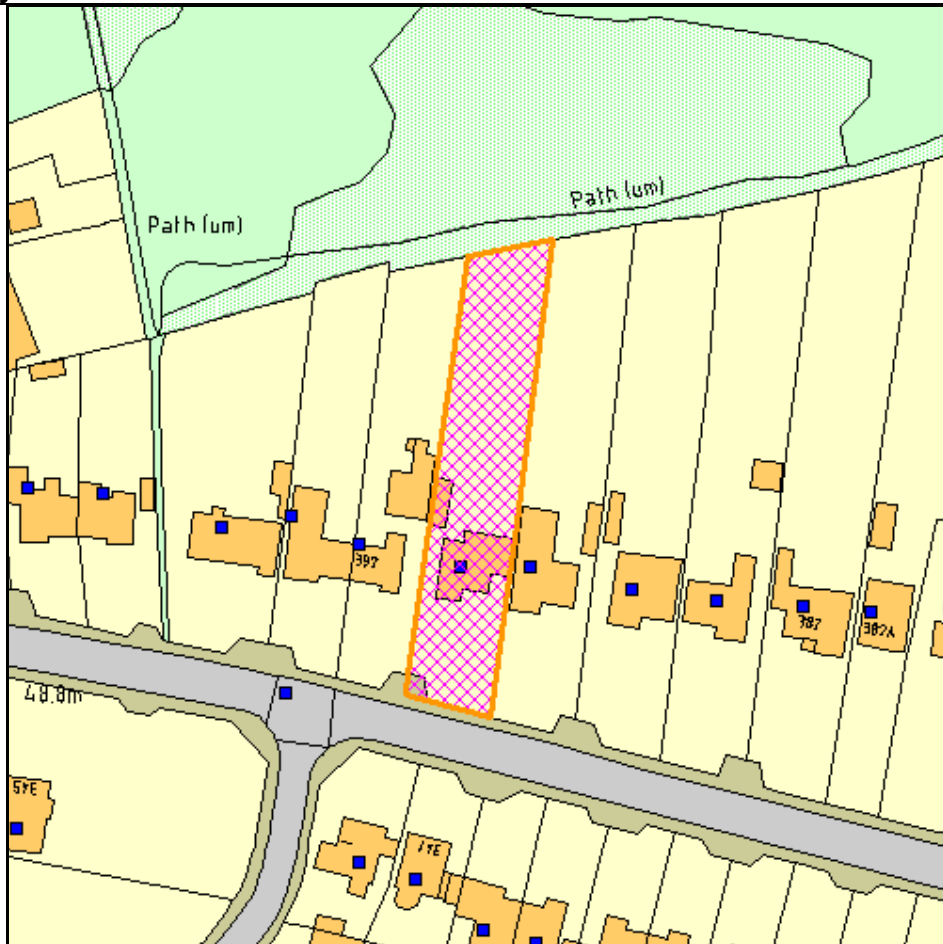
Reason

To ensure that the development is of an appropriate quality, thereby preserving the setting of Hicks Farm, which is a listed building, and to accord with the National Planning Policy Guidance, policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

# ITEM 9

## CIRCULATED SCHEDULE NO. 13/15 – 27 MARCH 2015

<b>App No.:</b>	PT15/0082/F	<b>Applicant:</b>	Mr R King
<b>Site:</b>	390 Church Road Frampton Cotterell Bristol South Gloucestershire BS36 2AB	<b>Date Reg:</b>	23rd January 2015
<b>Proposal:</b>	Erection of two storey rear extension to provide additional living accommodation. Erection of front dormers to provide additional living accommodation. Extension to existing garage to provide garage/workshop. (Resubmission of PT14/3944/F).	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366559 182049	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	18th March 2015



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## **REASON FOR SUBMISSION TO CIRCULATED SCHEDULE**

This application has been submitted to the Council's Circulated Schedule procedure, following comments from the Parish Council which are contrary to the recommendation made by the officer.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a two storey rear extension, two front dormers and an extension to the existing detached garage to form a larger garage and workshop area.
- 1.2 Extensions to the dwelling are sought to form a larger kitchen and dining area and an additional living room at ground floor level, and to enlarge and create additional bedrooms including en suite bathrooms at first floor level.
- 1.3 This application is a resubmission of PT14/3944/F, which was refused due to the scale, design and height of the proposed extension being out of keeping with the existing dwelling and the surrounding properties.

### **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 PT14/5010/PNH No objection 21/01/2015  
Erection of single storey rear extension 4.7 metres deep which would extend beyond the rear wall of the original house by 7.4 metres, for which the maximum height would be 3 metres and the height of the eaves would be 3 metres.  
*This proposal is yet to be implemented.*
- 3.2 PT14/3944/F Refusal 02/12/2014

Erection of two storey rear extension to provide additional living accommodation. Erection of front dormers to provide additional living accommodation. Extension to existing garage to provide garage/workshop.

*Reason for refusal:*

*The proposed extension, by reason of its scale, design and height would be out of keeping with the existing dwellinghouse and other nearby properties and, if allowed, would detract from the visual amenities of the locality. The proposal is therefore considered contrary to Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.*

- 3.3 PT03/3830/F Approve with conditions 11/02/2004  
Erection of pitched roof over existing flat roofed side extension and erection of first floor extension to the rear of the dwelling.

*This planning permission has not been implemented and is no longer extant.*

- 3.4 PT03/3613/F Refusal 12/12/2003  
Erection of detached double garage

*Reason for refusal:*

*The proposed garage by reason of its size, location and design would appear as an incongruous feature in the street scene to the detriment of the visual amenity of the locality, contrary to Policy RP81 of the Adopted Rural Areas Local Plan and policy H4 of the South Gloucestershire Local Plan (Revised Deposit Draft).*

- 3.5 N8009 Approve with conditions 13/05/1982  
Erection of single storey side extension to provide enlarged bedroom and new bathroom

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

- 4.1 Frampton Cotterell Parish Council  
Objection – overbearing impact on the surrounding properties, not in keeping with the existing street scene.

- 4.2 Other Consultees

Public Right of Way  
No objection.

Transportation  
No objection.

Highway Drainage  
No comment.



## **Other Representations**

- 4.3 Local Residents  
None received.

## **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**

This particular stretch of Church Road in Frampton Cotterell is characterised by single storey dwellings set back from the road with large and distinctive front gardens. The extension to the existing detached garage is considered acceptable and respects the linear and flat roof form of the building. The previously refused design under PT14/3944/F had a large expanse of flat roof at ridge height and was considered to be too bulky and out of character with the street scene. The proposed design has replaced the flat roof with two rear facing gables which is more acceptable, despite the fact that they protrude slightly above the ridge height and would be visible from the highway, it is considered that the original form of the dwelling is more legible than with the flat roof proposal previously submitted. Furthermore, the proposed front elevation does not accurately illustrate the angle that the two ridge points slope back from the existing ridge height, reducing their impact. It is worth noting that a two storey rear extension which protruded above the ridge height in a similar manner was previously approved but not implemented on this site in 2003 (PT03/3830/F). The box dormers are fairly modest in size and so are acceptable, and a condition on the decision notice will ensure that all materials match the existing dwelling in appearance.

### **5.3 Residential Amenity**

The impact on the neighbour to the east has been significantly reduced as the two storey part of the extension will slope away from their boundary. The west facing window serving an en-suite which was a concern in the previous application, is now shown to be obscure glazed, whilst the view from the proposed west window which serves a bedroom mostly faces the gable end of no. 392, and views into their garden are limited because of the positioning of the garage. The position of this window is therefore considered to be acceptable. No upper floor east facing windows are proposed, and the large rear facing windows with Juliet balconies provide only indirect views into the large neighbouring gardens. The proposal is therefore considered to be acceptable in terms of residential amenity and is in accordance with policy H4 of the Local Plan (Adopted) January 2006.

#### 5.4 Transport

The property is shown to be five bedrooms, but could potentially be up to seven bedrooms in the future if the study and second living room is utilised as such. Under the Residential Parking Standards SPD, a dwelling of this size required three off-street parking spaces. The proposed garage extension does not allow enough space for a parking space as it is subdivided into a store room and a workshop, but the large driveway and parking area to the front are considered adequate, and so there is no transportation objection to the proposal.

### 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 The application is **APPROVED** subject to the conditions 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 materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match the appearance of those used in the existing building.

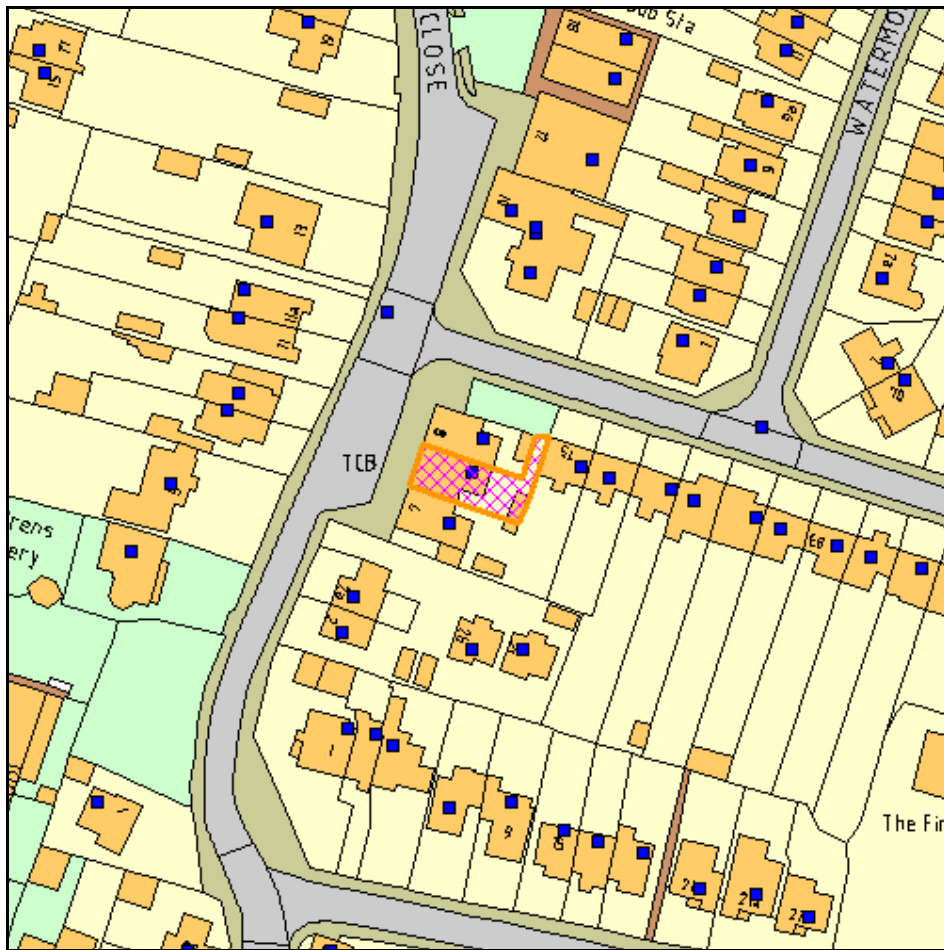
Reason

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

# ITEM 10

## CIRCULATED SCHEDULE NO. 13/15 – 27 MARCH 2015

<b>App No.:</b>	PT15/0271/RVC	<b>Applicant:</b>	Waves
<b>Site:</b>	6 Lower Stone Close Frampton Cotterell South Gloucestershire BS36 2LG	<b>Date Reg:</b>	9th February 2015
<b>Proposal:</b>	Variation of condition 2 attached to Appeal decision of PT11/1461/F to allow the premises to open on Good Fridays.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	367403 181383	<b>Ward:</b>	Frampton Cotterell
<b>Application</b>	Minor	<b>Target</b>	1st April 2015
<b>Category:</b>		<b>Date:</b>	



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100023410, 2014. **N.T.S.** **PT15/0271/RVC**

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

The application is circulated to Members because consultation responses from two households conflict with the officer recommendation.

### **1. THE PROPOSAL**

1.1 This application seeks variation of condition 2 such that, contrary to that condition, the A5 hot food takeaway can open on Good Fridays.

1.2 The unit forms part of a local shopping parade in Frampton Cotterell

### **2. POLICY CONTEXT**

2.1 National Guidance  
National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
RT11 Retention of Local Shops, Parades, Village Shops and Public Houses.  
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS9 Managing the Environment and Heritage  
CS14 Town Centres and retail  
CS34 Rural Areas

2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist Adopted August 2007

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

3.1 PT11/1461/F `Change of use from Hairdressing Salon (Class A1) to Hot Food Takeaway (Class A5) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of an extraction flue to the rear elevation. Refused 05.07.2011 but allowed on appeal

### **4. CONSULTATION RESPONSES**

4.1 Frampton Cotterell Parish Council  
No objection

4.2 Other Consultees  
Sustainable transport  
No objection

Highway drainage  
No objection

Environmental protection  
No adverse comments

### **Other Representations**

#### 4.3 Local Residents

Two objections have been received regarding the application which related to the following matters:

Cars park on pavements which rate payers end up paying for– bollards are required at the top of Frampton End Lane/Church Road to stop damage caused to pavement and inconsiderate parking.

Parking blocks local drives on Fridays and Saturdays

Noise of deliveries and doors slamming

Please consider 21.00 as closing time rather than 21.30 (In fairness the writer acknowledges that Mr Kashefi does close on time and recognises that Mr Kashefi has no control over parking and noise)

Concern about chip wrappers not disposed of properly

Concern about smell

Don't want it open on a Bank holiday

One Support comment regarding the following:

Bemused that such a trivial matter has to go through such a process just to decide if a fish and ship shop can open on a bank holiday.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The principle of this application was established at appeal. This application seeks consent to open for one additional day per year (Good Friday). The Property would remain closed on Sundays and other Bank holidays. The NPPF carries a general presumption in favour of sustainable economic development. Paragraph 2 of the NPPF makes it clear that applications for planning permission must be determined in accordance with the development plan.

5.3 The South Gloucestershire Local Plan Core Strategy was adopted in Dec. 2013 and now forms part of the Development Plan.

5.2 Given that the site is otherwise agreed in detail the only issue to consider is the additional day opening. Consideration is given to protection from pollution in policy CS9 of the Core Strategy.

5.3 Having regard to the reason for condition 2 attached to planning permission PT11/1461/F; officers consider that the key issue to consider in the determination of this application is whether or not the additional day of trading with the hours put forward on the application form (12.00 until 14.00 and 17.00 until 21.00 or 21.30) would so adversely affect the amenities of neighbouring occupiers as to justify refusal of the application.

- 5.6 Officers consider that any disturbance to local residents would manifest itself as noise from customers and their vehicles using the car parking area outside and potentially further up the street and from odours emanating from the site if the approved ventilation system were not well maintained. It is also understood that rubbish is not always courteously disposed of by customers.
- 5.7 The applicant suggests that the other takeaways locally open on Good Friday and that his premises should be able to have the same opportunity. He also advises that his opening hours would remain the same and as such the property would not open past 21.30 hours, although it is recognised that it is intended to only open 12.00 until 14.00 and 17.00 until 21.00 or 21.30.
- 5.8 Officers are mindful that the Council's Environmental Health Officer has raised no objection to the proposal for an additional day trading and that the proposed opening times offer an opportunity to limit the opening times during Good Friday. It is recognised that noise from customers and litter can be managed to some degree by times of opening and provision of bins locally but less thoughtful members of the public will invariably be louder than others or deliberately litter a locality. On this basis therefore and having regard to the existing location of the site within a parade of shops and the conditions and controls on the site, it is considered that the proposed additional day with the opening hours limited to 12.00 until 14.00 and 17.00 until 21.00 is acceptable. This is considered to balance out the desire for fair trading and service to the public with the harm noted by the two concerned residents. As such condition 2 of the previous consent should be varied to become condition 1 and include the times set out above relating to Good Friday opening. It is also appropriate to reapply other conditions if they remain relevant. As such versions of conditions 3, 4, 5, and 6 are reapplied, conditions 2,3,4 and 5 as appropriate regarding extraction facilities, grease trap, CCTV and a bin.

## **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 be granted subject to the conditions below:

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

## **CONDITIONS**

1. The use hereby permitted shall not be open to customers, no machinery shall be operated and no deliveries taken at or dispatched from the site outside of the following times: 09.00 to 21.30 hours Mondays to Saturdays, 12.00 to 14.00 and 17.00 to 21.00 on Good Friday Bank Holiday, nor at any time on Sundays or on other Bank or Public holidays.

### Reason

To protect the amenity enjoyed by those living in the locality to accord with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

2. The extraction system agreed under condition three of application PT11/1461/F shall be maintained in all respects and operated in accordance with the manufacturer's instructions.

### Reason

To protect the amenity enjoyed by those living in the locality to accord with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

3. The grease trap installed under condition four of application PT11/1461/F shall be maintained and operated in accordance with the manufacturer's recommendations.

### Reason

To protect the water environment and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013

4. The CCTV scheme agreed under condition five of application PT11/1461/F shall be maintained and operated as agreed.

### Reason

To discourage antisocial behaviour around the premises and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

5. The refuse bin scheme agreed under condition six of application PT11/1461/F shall be maintained as agreed.

### Reason

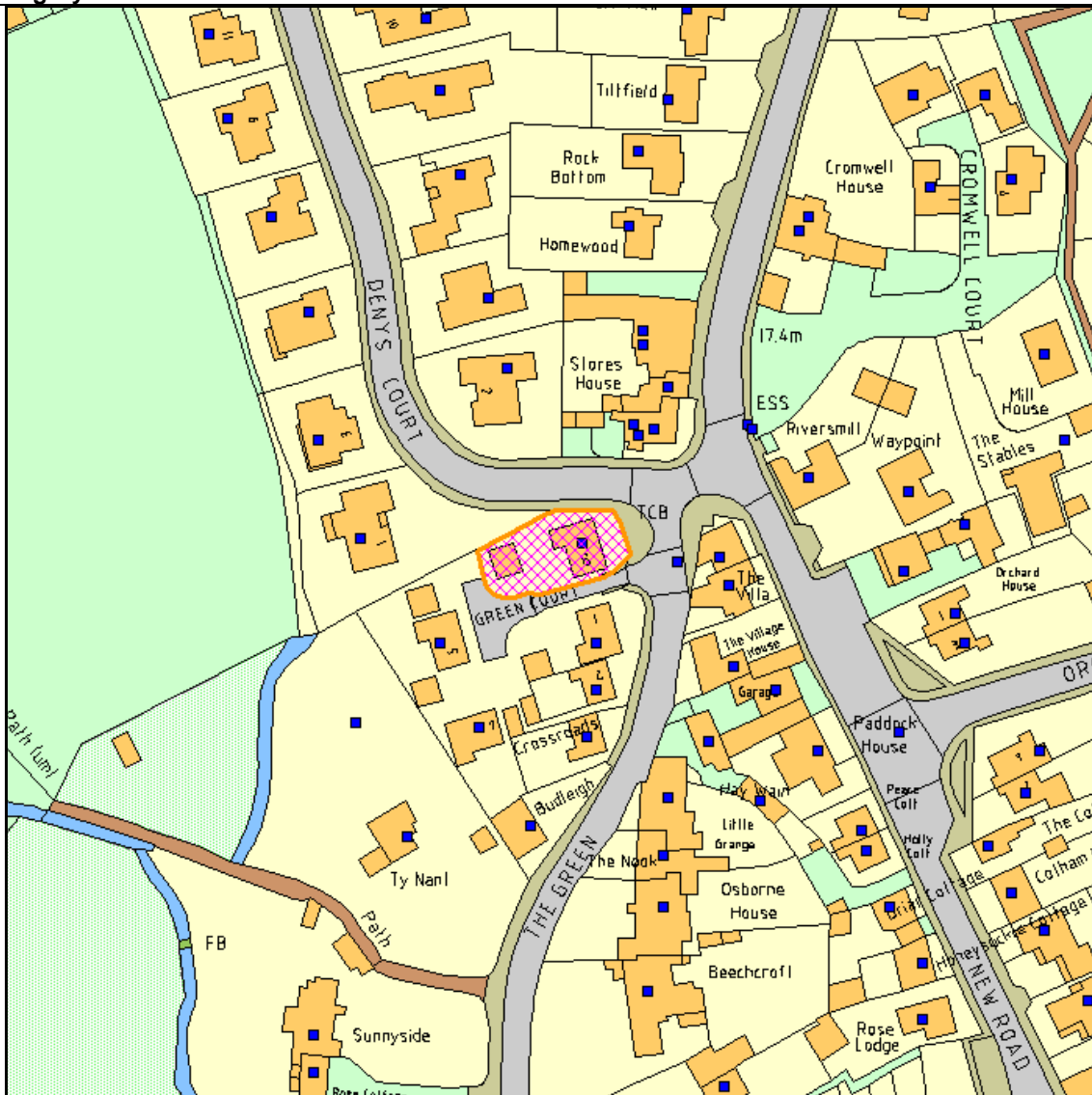
To encourage social behaviour to the environment by reducing littering and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.





**CIRCULATED SCHEDULE NO. 13/15 – 27 MARCH 2015**

<b>App No.:</b>	PT15/0368/F	<b>Applicant:</b>	Mr David Jeckells
<b>Site:</b>	6 Green Court Olveston Bristol South Gloucestershire BS35 4DL	<b>Date Reg:</b>	2nd February 2015
<b>Proposal:</b>	Demolition of existing rear extension and conservatory to facilitate erection of single storey side and rear extension to form additional living accommodation (amendment to previously approved scheme PT14/0351/F). (Partially Retrospective).	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	360061 186996	<b>Ward:</b>	Severn
<b>Application Category:</b>	Householder	<b>Target Date:</b>	26th March 2015



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 100023410, 2014. N.T.S. PT15/0368/F

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

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

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission to amend the previously approved scheme, PT14/0351/F, for the demolition of the existing rear extension and conservatory and the erection of a single storey side and rear extension at No. 6 Green Court Olveston.
- 1.2 During the course of the application, the applicant submitted revised drawings showing slight changes to the location of the bi-folding door and to remove a small kitchen window. The proposed amendments include the widening of the size of bi-folding door and the narrowing the width of the ground floor windows on the side south elevation and the first floor window on the side north elevation of the host dwelling. It should be noted that this first floor window has been installed.
- 1.3 The property is a two-storey detached dwelling, which is situated within Olveston Conservation Area, and also within the Bristol and Bath Green Belt.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
Planning (Listed Buildings and Conservation Areas) Act 1990

#### 2.2 Development Plans

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

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS9 Managing Environment and Heritage  
CS16 Housing Density  
CS34 Rural Areas

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

H4 Development within Existing Residential Curtilages  
L12 Conservation Areas

#### 2.3 Supplementary Planning Guidance

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

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

- 3.1 P94/1112 Erection of 6 detached dwellings and garages and associated works on 0.67 acres of land. Approved 18.05.94
- 3.2 P98/1289 Erection of rear conservatory. Approved 27.03.98
- 3.3 PT13/4290/CLP Application for certificate of lawfulness for the proposed installation of 16 no. solar panels to southwest facing roof slope. Approved 10.01.14
- 3.4 PT14/0351/F Demolition of existing rear extension and conservatory to facilitate erection of single storey side and rear extension to form additional living accommodation. (Resubmission of PT13/4231/F). Approved 28.03.14

### **4. CONSULTATION RESPONSES**

- 4.1 Olveston Parish Council  
No objections
- 4.2 Conservation Officer: No objection subject to planning conditions seeking detailed design and materials
- 4.3 Archaeology Officer: No comment to make.
- 4.4 Highway Drainage: No objection, and advised of the proximity of a public foul sewer

#### **Other Representations**

- 4.5 Local Residents  
One letter of objection has been received and the residents raise the following concerns:
- There was clearly no window on the side elevation, and this application which is clearly retrospective. The window was installed without planning permission. The planning agreement for the building of Green Court clearly stated that there would be no windows looking directly onto Denys Court.

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

- 5.1 Principle of Development  
The application seeks permission to amend the approved scheme for the demolition of a rear extension and conservatory and the erection of a single storey side and rear extension to a dwelling situated within Olveston Conservation Area and the adopted Bath/Bristol Green Belt. Some of works have been carried out including the installation of a new window on the first floor side elevation of the host dwelling.

National Planning Policy Framework and Saved policy H4 of the SGLP (Adopted) allows for extensions to existing dwellings in the green belt provided they do would result in disproportionate additions over and above the original dwelling, would not prejudice residential amenity or highway safety, and would achieve a high quality of design.

Saved policy L12 of the SGLP and policy CS9 of the Core Strategy seek to preserve and enhance the character and appearance of the Conservation Area, and policy L13 of the SGLP seeks to preserve the setting of listed buildings.

## 5.2 Green Belt

The proposed amendments are to change the size and locations of windows and bi-folding door and to install a new window retrospectively on the first floor side north elevation. The proposed changes would not affect the size of the proposed extensions, as such there are no harm caused to the openness and visual amenity of the Bristol / Bath Green Belt, Accordingly there are no concerns in green belt terms.

## 5.3 Conservation Area

The property is a modern detached house within a small scale modern housing development at the junction to Denys Court and The Green, at the heart of Olveston village, which is a designated conservation area. The house is built in a traditional design, with rendered elevations, pitched gabled tile roof and casement windows. The buildings are laid out with sensitive landscaping, and are surrounded by natural stone walling. The wall to the northern boundary, facing Denys Court is a tall historic stone wall. It is considered highly likely that this wall was associated historically with Olveston Court.

The application proposes a number of the design and size of the fenestration, it is considered that the proposed changes are acceptable and also do not adversely affect any physical alteration of the historic wall, and it will remain possible to maintain this wall from the north west side.

The applicant also submitted a structural methodology statement relating to the construction of the new foundations to ensure that no damage is caused to the wall, and officers considered the submitted details are acceptable.

In this instance, it is considered that the proposed changes would not cause harm to the character and appearance of the Olveston Conservation Area and the locality. Officers are therefore satisfied with the proposal subject to planning conditions seeking detailed design and materials.

## 5.4 Residential Amenity

Officers acknowledge that the local resident of 2 No. Denys Court objects the proposed window to the first floor side elevation of the host dwelling as it was suggested that a planning agreement states that no windows looking directly onto Denys Court.

The window has been retrospectively installed at the first floor side north elevation of the host dwelling, and this window is smaller than the approved plan under PT14/0351/F. Officers note that permitted development rights for householder development have been removed from this development at Green Court under Condition 4 of P94/1112 in the interests of visual amenity. However, the removal of permitted development rights does not preclude the applicant from submitting a formal application for the proposal nor does not necessarily mean that this application needs to be refused. Every application needs to be determined on its own merit.

This window would be looking over the adjacent public highway, Denys Court, and the garden of 2 No. Denys Court. Nevertheless, the window would be a secondary window to 'Bedroom 2' and it would be situated approximately 15 metres away from the neighbouring boundary wall. Officers acknowledge that the window would cause a degree of overlooking upon the neighbouring garden, however the impact would not be so significant to be detrimental to the living conditions of the neighbouring residents and to warrant a refusal of this application.

Most of the proposed alterations are relating to the approved ground floor windows and bi-folding doors, as such, there is no overlooking impact upon the neighbouring properties.

5.5 Highway Safety

The proposed amendments do not affect the approved parking arrangement, and therefore there is no highway objection to the proposal.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

- 7.1 That planning permission be granted 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 works shall be completed strictly in accordance with the approved detailed methodology statement and specifications dated 27 January 2015 relating to the creation of the foundation of the side studio extension.

Reasons

(i) In order that the development serves to preserve the character and appearance of the Olveston conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at the NPPF and the Adopted Olveston CA SPD.

(ii) To protect the visual amenity of the locality, in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

3. The render shall match the existing in texture and colour finish.

Reasons

(i) In order that the development serves to preserve the character and appearance of the Olveston conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at the NPPF and the Adopted Olveston CA SPD.

(ii) To protect the visual amenity of the locality, in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

4. Prior to the commencement of development the detailed design of the following items shall be submitted and approved in writing by the local planning authority.
  - a. eaves, verges, ridges (including rainwater goods)
  - b. all new roof including rooflights and lantern light
  - c. all new windows and doors.

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

Reasons

(i) In order that the development serves to preserve the character and appearance of the Olveston conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at the NPPF and the Adopted Olveston CA SPD.

(ii) To protect the visual amenity of the locality, in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

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

## Reasons

(i) In order that the development serves to preserve the character and appearance of the Olveston conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at the NPPF and the Adopted Olveston CA SPD.

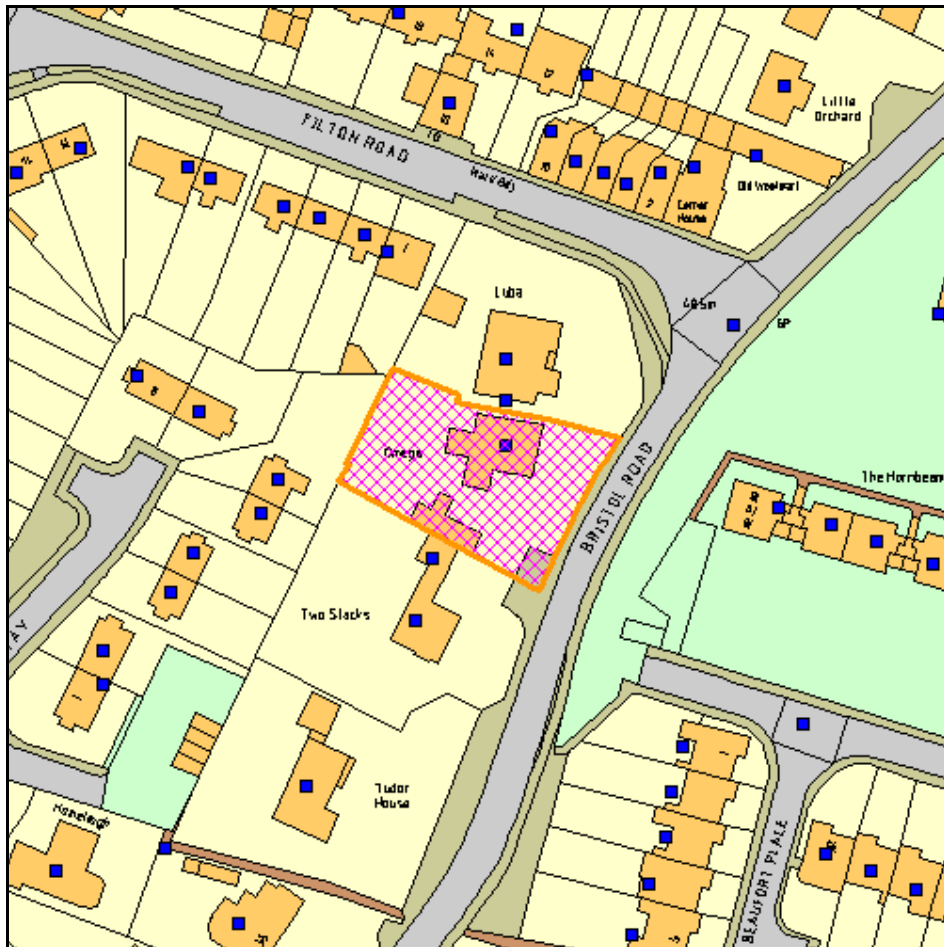
(ii) To protect the visual amenity of the locality, in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

ITEM 12

**CIRCULATED SCHEDULE NO. 13/15 – 27 MARCH 2015**

<b>App No.:</b>	PT15/0534/F	<b>Applicant:</b>	Mr And Mrs D Slattery
<b>Site:</b>	Omega Bristol Road Frenchay South Gloucestershire BS16 1QS	<b>Date Reg:</b>	16th February 2015
<b>Proposal:</b>	Conversion of existing garage and store to form residential annexe.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	363759 178237	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>	Householder	<b>Target Date:</b>	6th April 2015

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100023410, 2014. N.T.S. PT15/0534/F



## **REASON FOR APPEARING ON CIRCULATED SCHEDULE**

The reason this application is appearing on Circulated Schedule is due to the receipt of an objection from a local resident and Winterbourne Parish Council, contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application relates to the conversion of existing garage and store to form residential annexe.
- 1.2 The application site consists of a detached bungalow and existing detached garage/store, which is proposed to be converted. The property is located off Bristol Road, Frenchay, which is an area of mixed architectural styles and sizes.
- 1.3 The property is located within an established residential area of Frenchay and within the settlement boundary.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
Planning Policy Guidance
- 2.2 Development Plans  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS5 Location of Development  
CS17 Housing Diversity  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
H4 Development within Existing Residential Curtilages  
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance  
Residential Parking Standard (Adopted) December 2013  
South Gloucestershire Design Checklist (Adopted) August 2007

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

- 3.1 P86/1936 Conversion of loft space into flat  
Approved 23.07.86

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
Objection. This is a back door development of a separate dwelling.

#### 4.2 Highway Drainage

No objection.

#### 4.3 Sustainable Transportation

No transportation objection to this proposal in principle. However, prior to commenting further a revised site plan is required that shows both visibility from the site entrance of 2.4m x 43m and car parking together with turning head to enable vehicles to enter and leave in a forward gear.

### **Other Representations**

#### 4.4 Local Residents

One comment of objection has been received:

- Object to the proposal unless sewage and drainage of the extra building and the existing house is re-routed away from our sewage and drainage pipes, we have had many problems with clearance of the sewage pipes which run through our grounds. This incurs expense to us.

## **5. ANALYSIS OF PROPOSAL**

#### 5.1 Principle of Development

Development within existing residential curtilage is supported, in principle, by saved policy H4 of the adopted Local Plan subject to design, residential amenity and transportation assessment, which are discussed below. The conversion of the garage/store as a residential annexe to the main dwelling is not considered to give rise to any specific issues and is considered acceptable. A condition will be attached that restricts the annexe being used not in conjunction with the main dwelling and as a separate planning unit.

#### 5.2 Design

The existing garage/store is proposed to be converted into an ancillary residential use. The main house and the garage/store are constructed in red brick. As part of the conversion, there are no operational works proposed to extend the building. The building already has a number of window and door openings on the north and west elevations. It is proposed to replace the garage door on the east elevation, facing Bristol Road and the entrance to the application site, with a large window and installing double patio doors on the west (rear) elevation. The proposed minor alterations would not materially affect the appearance of the building and are considered acceptable in design terms.

#### 5.3 Residential Amenity

Development should not have a prejudicial impact on residential amenity. The application relates to an existing building within the existing residential curtilage of the dwelling. There is a boundary concrete block wall with large conifer trees behind separating the annexe and the nearest neighbouring property 'Two Stacks' is located on the southern boundary. The conversion to a residential

annexe is not considered to negatively impact on the existing amenity levels afforded by the nearby occupiers.

5.4 Due to the modest nature of the proposal, the development is not considered to prejudice the retention of adequate private amenity space for the main dwelling or the annexe. Both the main house and the annexe will share an existing access, driveway and private rear garden. Overall, the proposed development is not considered to have a detrimental impact on residential amenity in respect of the application or the locality.

5.5 Transportation

There is an existing access, which is set back from Bristol Road, directly in front of the annexe building. The parking area is to the south of the main house and is considered large enough to accommodate at least 3-4 vehicles, with the possibility of extending the extending gravelled driveway into the front garden area. The Transportation Officer has requested a revised site plan that shows both visibility from the site entrance (2.4m x 43m), parking spaces and turning head. The application site access and existing parking/turning area appear to be acceptable. Officers have agreed that the visibility and parking plan can be confirmed via a 'prior to commencement' condition.

5.6 The proposal does not include a separate access or parking area for the main house and annexe; it is considered that an additional access or moving the access further along the eastern boundary of the property would be unacceptable. The application site is near to the corner of Filton Road and to move the access would likely be unacceptable in highway safety terms. As both the main house and the annexe will share the existing access and parking area, the annexe will remain as part of the same planning unit and is unlikely to be used as a separate dwelling. Overall, the proposal is considered acceptable in terms of highway safety.

5.7 Use as an Annexe

The existing garage/store is proposed to be converted into ancillary residential accommodation. Although the proposed layout includes two bedrooms, as well as a bathroom, kitchen/living room space, this is considered an acceptable and efficient use of the existing space. The existing building is large and L-shaped and can therefore accommodate the proposed rooms. The garage/store is situated at the entrance to the application site and has a close relationship with the main house. It is therefore considered that it would be difficult to formally separate the two buildings and form separate curtilages.

5.8 Winterbourne Parish Council has raised a concern that this is a 'back door development' to create a separate dwelling. The agent has advised me that the annexe will be used by the owner's son. There are several factors involved when assessing an ancillary residential annexe vs. a separate dwelling. The key factors in respect of this proposal is that this is an existing building being converted into an ancillary residential use; the owner's son will inhabit the annexe, thereby maintaining a familial link with the main house; there is only one vehicular access; and the two buildings have a close physical relationship. The proposal is considered to represent an ancillary residential annexe.

5.9 Considering the above, it is considered reasonable to attach a condition reinforcing the ancillary residential status of the annexe building by conditioning it to be used in conjunction with the main dwelling and not as a separate dwelling.

5.10 Drainage

Subsequent to an objection from the Drainage Engineer, the Officer requested confirmation of the foul or surface water drainage to be utilised. The agent submitted additional information confirming the proposed foul water connection is to the existing drain and there will be no changes to the surface water drainage. The Drainage Engineer has confirmed that their earlier objection has been withdrawn and the proposal is acceptable.

5.11 In respect of the local resident's objection concerning the sewage and drainage pipes. The Council's Drainage Engineer is satisfied with the proposed foul and surface water drainage. However, sewage drainage is a civil matter than cannot be dealt within under the remit of this 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 **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 ancillary residential annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Omega.

Reason

The development has been permitted on the particular circumstances of the case and the development would be unsuitable for use as a separate residential dwelling because further consideration would need to be given to the impact on design, residential amenity and transportation in accordance with Saved Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006; CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; and South Gloucestershire Council's Residential Parking Standards SPD (Adopted) March 2013.