



**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. 48/16

Date to Members: 02/12/2016

Member's Deadline: 08/12/2016 (5.00pm)

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 providing details of

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

Dates and Deadlines for Circulated Schedule
Christmas & New Year Period 2016/17

Schedule Number	Date to Members 9am on	Members Deadline 5pm
50/16	Thurs 15 Dec 2016	Weds 21 Dec 2016
51/16	Thurs 22 Dec 2016	Weds 04 Jan 2017
01/17	Fri 06 Jan 2017	Thurs 12 Jan 2017
Timetable back to normal.		

Highlighted in Red above are details of the schedules that will be affected by date changes due to the Bank Holidays at Christmas & New Year 2016/17.

CIRCULATED SCHEDULE - 02 DECEMBER 2016

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK16/5962/F	Approve with Conditions	Crossman Residence Broad Street Staple Hill South Gloucestershire BS16 5LS	Staple Hill	None
2	PK16/6149/CLP	Approve with Conditions	110 Badminton Road Downend South Gloucestershire BS16 6ND	Downend	Downend And Bromley Heath Parish Council
3	PT16/2919/F	Approve with Conditions	6 The Burltons Cromhall Wotton Under Edge South Gloucestershire GL12 8BH	Charfield	Cromhall Parish Council
4	PT16/4626/RVC	Approve with Conditions	B And Q Fox Den Road Stoke Gifford South Gloucestershire BS34 8SP	Frenchay And Stoke Park	Stoke Gifford Parish Council
5	PT16/5233/F	Refusal	Cedar Cottage New Road Tytherington South Gloucestershire GL12 8UP	Ladden Brook	Tytherington Parish Council
6	PT16/5382/CLE	Approve	Barnes Court Whitley Mead Stoke Gifford South Gloucestershire BS34 8XT	Frenchay And Stoke Park	Stoke Gifford Parish Council
7	PT16/5701/F	Approve with Conditions	288 Badminton Road Coalpit Heath South Gloucestershire BS36 2NN	Westerleigh	Westerleigh Parish Council

CIRCULATED SCHEDULE NO. 48/16 – 2 DECEMBER 2016

App No.: PK16/5962/F

Applicant: Scammells Barber Shop

Site: Crossman Residence Broad Street
Staple Hill South Gloucestershire BS16
5LS

Date Reg: 28th October 2016

Proposal: Installation of air conditioning unit.

Parish: None

Map Ref: 365116 175930

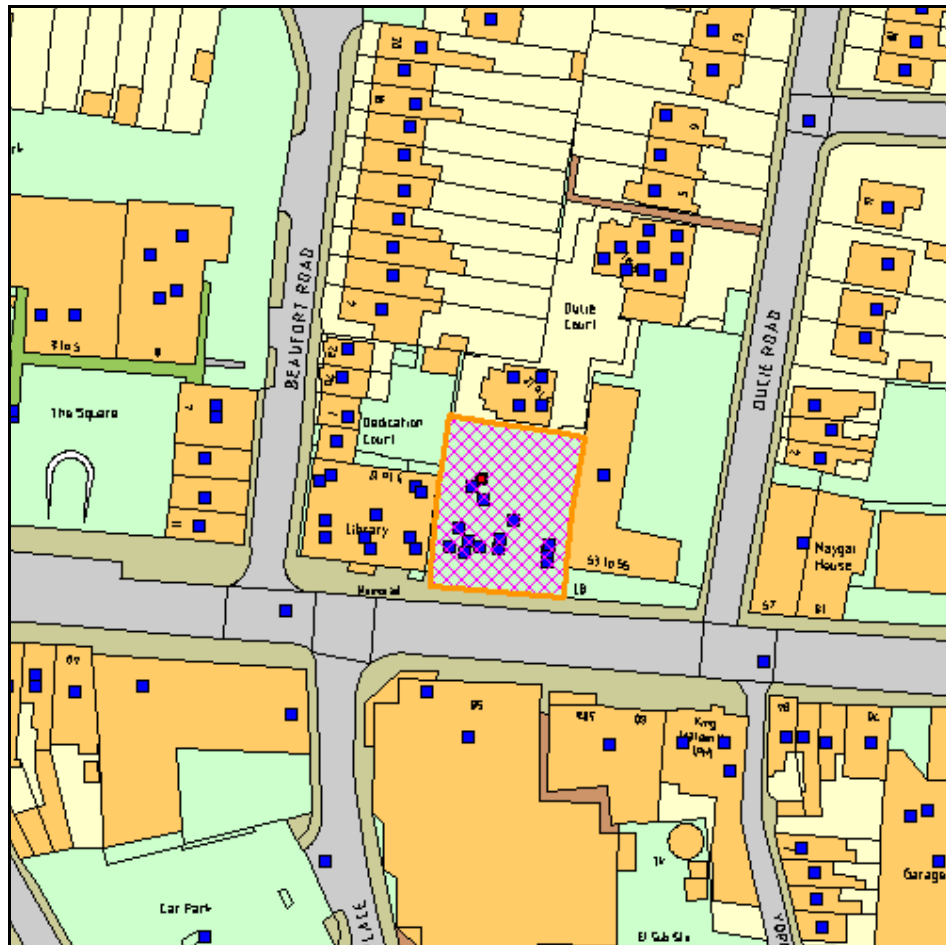
Ward: Staple Hill

Application Minor

Target 22nd December

Category:

Date: 2016



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100023410, 2015.

N.T.S.

PK16/5962/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule in view of an objection received from a local resident, which is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application is for the installation of an air conditioning unit.
- 1.2 The application site is the ground level of a modern flat complex incorporating commercial units. The unit is in commercial use as a barbers, located on the Broad Street, Staple Hill. A library with other apartments above exists immediately to the west, although detached from the application property.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
EP4 – Noise Sensitive Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/0579/F – Erection of 3 no commercial units, 10no 2 bed flats, parking new access and associated works. Approved 7th July 2015.

4. CONSULTATION RESPONSES

- 4.1 Parish Council
Un-parished area
- 4.2 Environmental Protection
It was recommended that the applicants provided an acoustic report detailing how noise from the air conditioning unit would affect the residential premises above.

The applicants subsequently provided detailed specification of the unit to be used.

It was further considered that an acoustic report would still be required to determine how quiet/loud the unit when in operation would be in the nearest flat

above.

Sustainable Transportation

We note that this planning application seeks to install a new air conditioning unit on the side wall of Scammells Barber Shop in Broad Street, Staple Hill. We do not consider that this proposal raises any highways or transportation issues and so have no comments about this application.

Highway Structures

No comment

Lead Local Flood Authority

No objection

Other Representations

4.3 Local Residents

One letter of objection has been received, as follows:

- concern over the new build, to which four residents opposed, yet it has still been built
- The building causes overbearing impact and loss of light on the neighbouring building
- There is a boiler directly opposite their window and an air conditioning unit would add to the problems and be no good for existing health problems
- There was once a view of the trees in Page Park

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The development does not relate to a new building as such or a change of use and the proposals therefore do not impact the construction of the building as a whole and the concerns this has previously raised. The proposals are for an air conditioning unit, relatively modest in scale at approximately 90cm long, by 80cm tall and 40cm wide, to an existing commercial premises. The main areas of consideration are therefore any design issues associated with the proposals and any whether and material amenity impacts would arise.

5.2 Local Amenity

The site is a ground floor commercial premises located on the main road through Staple Hill, with many commercial and retail uses within the vicinity. There are residential properties at first floor and above in the immediate vicinity. The applicants have provided specification details for the unit. These meet BS standards for air conditioning units, including sound power levels. Further to this the commercial use of the ground floor premises is limited to 07.30 – 18.00 Mondays to Saturdays. A condition can be recommended to reflect the use of the air conditioning unit in accordance with the approved hours of use of the premises. Taking the above into account and the scale, nature, context and location of the proposals, it is considered that the proposals are acceptable in planning terms on the basis of the information and details submitted, in this instance. Requiring more acoustic information in the form of a bespoke report is not considered to be proportionate to the nature of this

proposal which is modest.

5.3 Design

It is not considered that the design and finish of the relatively modest addition to the existing commercial (barbers) unit on this high street location, would have any material detrimental design impacts upon the site or its surroundings.

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 application is considered acceptable in local amenity and design terms and as such is in accordance with Policy EP4 South Gloucestershire Local Plan (Adopted) January 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

7. **RECOMMENDATION**

7.1 That planning permission is granted, subject to the recommended conditions.

Contact Officer: Simon Ford
Tel. No. 01454 863714

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 air conditioning unit hereby permitted shall not be used outside the following times : 07.30hrs to 18.00hrs Mon to Sat with no use on Sundays or Bank Holidays

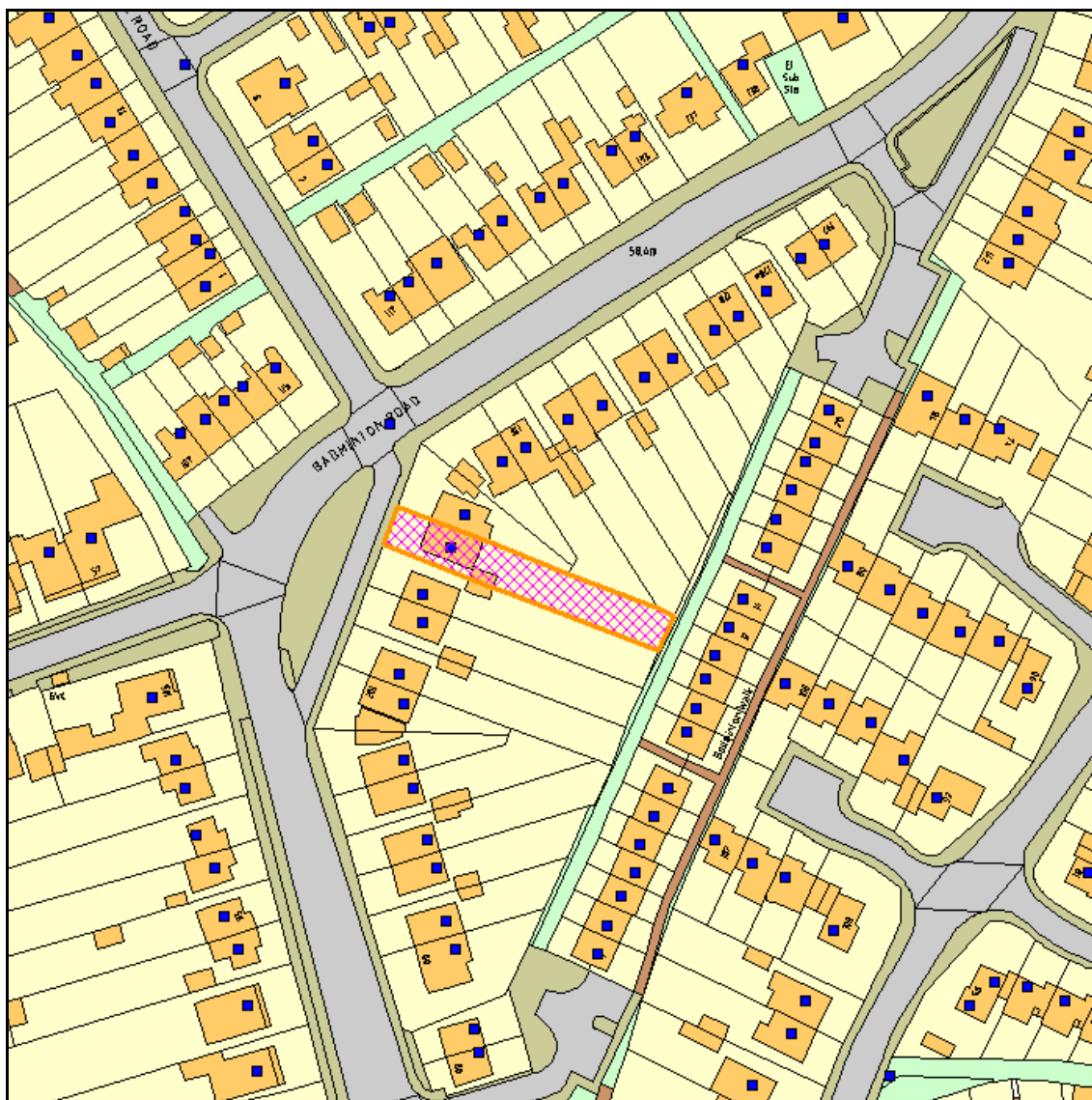
Reason

In accordance with and to reflect the approved use of the retail premises specified in planning permission reference PK15/0579/F, and to protect the amenities of the surrounding area in accordance with Policy EP4 South Gloucestershire Local Plan

(Adopted) January 2006 and CS1 of the South Gloucestershire Local Plan Core
Strategy Adopted December 2013

CIRCULATED SCHEDULE NO. 48/16 – 2 DECEMBER 2016

App No.:	PK16/6149/CLP	Applicant:	Mr & Mrs Jones
Site:	110 Badminton Road Downend South Gloucestershire BS16 6ND	Date Reg:	8th November 2016
Proposal:	Certificate of lawfulness for the proposed installation of rear and side dormer windows	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365211 177265	Ward:	Downend
Application Category:	Certificate of Lawfulness	Target Date:	2nd January 2017



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a front rooflight and a rear and side dormer window at No. 110 Badminton Road, Downend would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (As Amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Classes B and C.

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK11/3946/F Approved with Conditions 09/02/2012
Erection of single storey rear extension to form additional living accommodation.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection.
- 4.2 Councillor
No response received.

Other Representations

- 4.3 Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Location Plan; Existing and Proposed Elevations (110-102016-A1);
Accompanying Information – all received by the Council on 07/11/2016.

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Classes B and C of the GPDO 2015.

- 6.3 The proposed development consists of a rooflight to the front main roofslope and a dormer window to the side and rear of a semi-detached house. The proposed dormer will be considered under Class B and the rooflights under Class C.

B. Additions etc to the roof of a dwellinghouse (proposed rear and side dormer).

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

- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)**

The dwellinghouse was not granted under Classes M, N, P or Q of Part 3.

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

The proposed works would not exceed the maximum height of the existing roof.

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

The proposal would not extend beyond the plane of the existing roof slope which forms the principal elevation and fronts a highway.

- (d) **The cubic content of the resulting roof space would, as a result of the works, exceed the cubic content of the original roof space by more than –**
- (i) **40 cubic metres in the case of a terrace house, or**
 - (ii) **50 cubic metres in any other case;**

The property is semi-detached and the cubic content of the resulting roof space would not exceed 50 cubic metres at approximately 46.4 cubic metres.

- (e) **It would consist of or include –**
- (i) **the construction or provision of a verandah, balcony or raised platform, or**
 - (ii) **the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**

The Permitted development rights for householders Technical Guidance (April 2016) defines a balcony as a *platform with a rail, balustrade or parapet projecting outside an upper storey of a building*. The guidance goes on to state a *'Juliet' balcony, where there is no platform and therefore no external access, would normally be permitted development*. The proposal includes a Juliet balcony on the rear elevation of the dormer, but from this balcony there would be no external access or associated platform and as such is considered to satisfy this criterion.

- (f) **The dwellinghouse is on article 2(3) land**

The host dwelling is not on article 2(3) land.

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

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

The submitted plans demonstrate that the materials used to construction the extension will match the existing dwellinghouse.

- (b) **the enlargement must be constructed so that –**
- (i) **other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or site extension –**
 - (aa) **the eaves of the original roof are maintained or reinstated' and**
 - (bb) **the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2**

- metres from the eaves, measured along the roof slope from the outside edge or the eaves; and**
- (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The proposal would leave the original eaves of the dwellinghouse unaffected. The edge of the proposed dormer is set back by approximately 0.5 metres from the existing eaves.

- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be –**
- (i) obscure-glazed, and**
- (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.**

A window is proposed in the side of the dormer, but this would be obscure glazed and non-openable and as such, satisfies this criterion.

C. Other alterations to the roof of a dwellinghouse (proposed rooflight)

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

- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (change of uses);**

The dwellinghouse was not granted under Classes M, N, P or Q of Part 3.

- (b) The alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof**

The window on the front roof slope will not protrude more than 150mm from the roof surface.

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

The proposal does not exceed the highest part of the original roofline at any point.

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

- (i) The installation, alteration or replacement of a chimney, flue or soil and vent pipe;**
- (ii) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**

The proposal includes none of the above.

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

(a) obscure glazed; and

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

There are no windows proposed on the roof slope forming the side elevation.

7. RECOMMENDATION

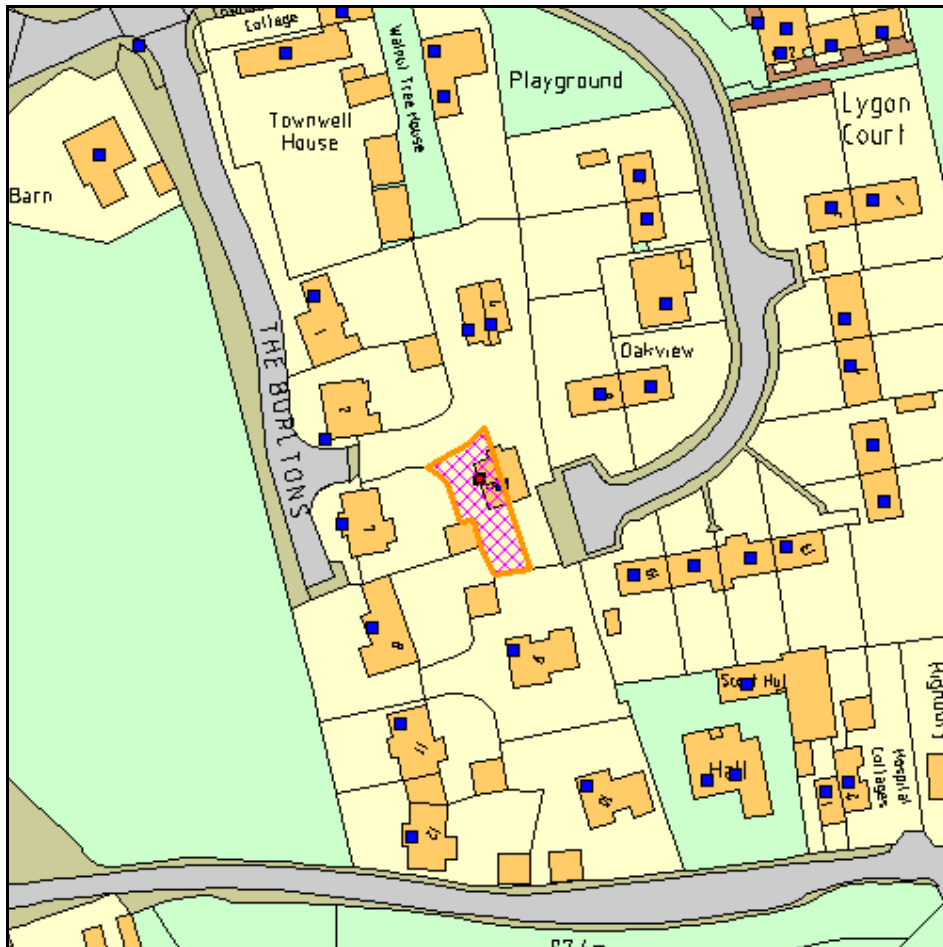
7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed rooflight and rear and side dormer fall within the permitted rights afforded to householders under Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Contact Officer: Helen Braine
Tel. No. 01454 863133

CIRCULATED SCHEDULE NO. 48/16 – 2 DECEMBER 2016

App No.:	PT16/2919/F	Applicant:	Mr And Mrs Simon Dengelly
Site:	6 The Burltons Cromhall Wotton Under Edge South Gloucestershire GL12 8BH	Date Reg:	18th May 2016
Proposal:	Erection of two storey side extension to form additional living accommodation.	Parish:	Cromhall Parish Council
Map Ref:	369750 190634	Ward:	Charfield
Application Category:	Householder	Target Date:	12th July 2016



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REASON FOR REPORTING 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 recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two storey side extension to no. 6 The Burltons. The host dwelling forms part of a two storey semi-detached dwelling that was constructed in the 1990s as part of a 12 dwelling development within Cromhall. The dwelling was permitted under planning ref. P95/1828; this planning permission removed the dwelling's householder permitted development rights.
- 1.2 Planning permission P95/1828 was also subject to a legal agreement which included a number of clauses restricting matters relating to the sale of the dwelling, and also how such a dwelling can be extended or changed in the future. As this legal agreement relates to how the dwelling is altered, and also the re-sale of the property, it is important to reflect at this stage that the applicant owns the application site, there are no landlords etc. involved.
- 1.3 Accordingly, there are two main issues to consider within the assessment of this planning application:
 - a. The physical impact of the development with regard to the amenity of the area; and
 - b. What influence the extant legal agreement has in relation to the proposed development.

2. POLICY CONTEXT

2.1 National Guidance

NPPF	National Planning Policy Framework March 2012
PPG	Planning Practice 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
CS8	Improving Accessibility
CS18	Affordable Housing

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12	Transportation
H4	Development within Existing Residential Curtilages

South Gloucestershire Local Plan Proposed Submission Draft: Policies, Sites and Places Plan

PSP1	Local Distinctiveness
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PSP2	Landscape
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP43	Private Amenity Space Standards

At the Council meeting on 29 June 2016, Members determined the next steps for the Policies, Sites and Places (PSP) Plan. Formal consultation on the PSP plan (in accordance with Regulations 19, 20 and 35 of the Town and Country Planning (Local Planning – England Regulations 2012) took place from 21 July – 8 September 2016. The next stage for the PSP plan is submission to the Secretary of State, with adoption expected in May 2017.

2.3 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013

South Gloucestershire Design Checklist SPD (Adopted) August 2007

Affordable Housing and Extra Care SPD (Adopted) May 2014

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|---|------------------------|------------|
| 3.1 | P96/2211 | Approval Full Planning | 23/09/1996 |
| | Erection of three dwellings and garages together with access road and associated landscaping. (To be read in conjunction with outline planning permission reference P94/2097). | | |
| 3.2 | P95/1828 | Approval Full Planning | 13/11/1995 |
| | Erection of 12 dwellings and garages together with access road and associated landscaping. Construction of visitor car parking spaces. (To be read in conjunction with Outline Planning Permission Reference P94/2097). | | |
| 3.3 | P94/2097 | Approval of Outline | 31/05/1995 |
| | Residential development and associated works (Outline). | | |

4. CONSULTATION RESPONSES

4.1 Cromhall Parish Council Objection.

- The property appears to be increased in size by about 80%, it is thought the original design was a starter home so if this development is carried out it may compromise this status for future first time purchasers;
- It is unclear how vehicle access is to be made to the parking space.

4.2 Sustainable Transport

No objection subject to a condition that the parking space is formed of a permeable bound surface and is provided prior to the commencement of the side extension.

4.3 Housing Enabling

The applicant is in discussions with the Housing Enabling Team to explore the possibility of lifting the existing s106 agreement, signed 25/05/1995 which limits any sale of the property to first-time buyers with a connection to the District at no more than 70% of the open market value. Although the purchase price of the property is restricted, it is not considered to be affordable housing for those in housing need. Nonetheless, it is a material consideration when assessing this planning application.

The applicant has made previous attempts to market the property in line with the restriction but potential purchasers have not been able to secure a mortgage, due to lenders' reluctance to consider such restrictions. His discussions in principle with lenders in seeking funding to build the extension have also indicated their reluctance because of the restriction.

The period when the agreements were signed, the 1990s, was in the early days of s106 agreements and the provisions securing low cost housing, which were acceptable to lenders then are no longer acceptable in the changed financial environment. Such restrictions are no longer used by the Council when drafting s106 agreement clauses.

Other Representations

4.4 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the erection of a two storey side extension to a residential dwelling.

5.2 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.

5.3 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.

5.4 The development is acceptable in principle subject to the proposal having an acceptable impact on the visual and residential amenity of the immediate area, and also the amenity of the highway.

5.5 Design and Visual amenity

Saved policy H4 of the adopted Local Plan requires development within existing residential curtilages to respect the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area. Policy CS1 of the Core Strategy only permits development where the highest possible standards of design and site planning are achieved. Development proposals will be required to demonstrate that siting, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.

5.6 The host dwelling forms part of a semi-detached pair of residential properties within a development of 12 houses, all of which have a similar form, scale, height, massing, detailing and use of materials. With this in mind, there is a clear character in the area, the development proposed must respect and be formed by this character.

5.7 The proposed two storey extension is considered to be acceptable in form and scale and also the wider character of the area. This is largely due to the extension being subservient to the existing dwelling by nature of the extension being set back from the principal elevation and also having a reduced ridge height when compared to the main dwelling. Officers note the comments of the Parish Council that suggest the extension would have a volume of approximately 80% of the original dwelling. This is not correct the proposal represents a volume increase of 51.6% above that of the original dwelling. Notwithstanding this, as stated, officers find the scale of the proposal to be acceptable in design terms.

5.8 The materials to be used in the development are considered to be appropriate, as they all match those used in the existing dwelling. As well as this, the fenestration proposed is all similar in appearance to that used in the existing dwelling and wider estate. To ensure that such detailing matches that used in the existing dwelling, a condition is recommended.

5.9 Overall the proposal has an acceptable design which accords with policy CS1 of the adopted Core Strategy.

5.10 Residential Amenity

Saved policy H4 of the adopted Local Plan aims to ensure that residential development within established residential curtilage does not prejudice the residential amenity of any neighbouring occupiers.

5.11 There are no first floor side elevation windows proposed, and the proposed rear elevation window will not result in a material loss of privacy to any nearby occupiers due to the distance between the aforementioned window and nearby residential units.

5.12 Guidance suggests that a gap of 12 metres or more should be maintained between the proposed extension and the rear elevation of the dwelling to the

west. The proposal maintains a gap of more than 12 metres which is satisfactory.

- 5.13 Accordingly, the proposal has an acceptable impact on the residential amenity of the nearby occupiers.

5.14 Transport and Parking

The proposal would result in a three bedroom dwelling, compared to the existing two bedroom dwelling. In order for the development to accord with the Council's adopted residential car parking standard, the applicant must demonstrate that a minimum of two off-street car parking spaces can be achieved within the residential curtilage of the site. The submitted plans demonstrate that this is achievable, and as such should planning permission be granted, officer recommend a condition that requires a minimum of two off-street car parking spaces be provided at the site prior to the occupation of the development.

5.15 Legal Agreement

The planning permission that originally permitted the application dwelling was subject to a legal agreement (planning ref. P94/2097). This legal agreement was intended to ensure adequate arrangements were made to restrict the number and type of houses built, specifically to try to ensure low cost housing for people from the District. One third of the 12 dwellings approved were labelled as 'Restricted Dwellings' subject to a number of conditions with regard to restricting the costs of the dwellings.

- 5.16 The s106 agreement stipulates a number of terms relating to who can occupy such dwellings; the price at which a restricted dwelling can be disposed of; and importantly that:

'The restricted Dwellings shall be and remain of a type size and design which in the opinion of the District Council's Director of Planning and Engineering Services is suitable for a sale on a Low Cost Basis (having regards to paragraphs 7 and 8 below) to a First Time Buyer who is a person with a Local Connection'.

Further to this, the agreement ensures that the restricted Dwellings can be sold at no more than 70% of the open market value.

- 5.17 Should this application be approved, then the dwelling would likely be subject to an extension that would change the type, size and design of dwelling where the dwelling may no longer be suitable for a sale on a low cost basis. The development would therefore likely fail to comply with the extant legal agreement.

- 5.18 The applicant owns the application site, meaning when the property was purchased the applicant would have benefited from a discount which the extant legal agreement ensured. However, this legal agreement has no time limit, it is in effect in perpetuity, which means that if the dwelling was sold in future, the applicant could only sell the dwelling for 70% of its value. This effectively means that the applicant would not be able to recoup the investment which is

required to extend the dwelling. The repercussions of this legal agreement are also reflected by lenders who according to the applicant have refused to lend money with regard to the proposed extension due to the aforementioned legal agreement.

- 5.19 The legal agreement which the original dwelling's planning permission was subject to is dated, and the Housing Enabling Team have made it clear that such an agreement would not be used today to secure affordable housing as the financial environment has changed, and the mechanism is insufficient. The Housing Enabling Team have also stated that 'although the purchase price of the property is restricted, it is not considered to be affordable housing for those in housing need'. The effect of this is that there is no policy, or other material need to pursue this extant legal obligation some 21 years since the legal agreement came into force – this is the opinion of the Housing Enabling Team. Indeed, this proposal is not contrary to policy CS18 'Affordable Housing' of the adopted Core Strategy or the Council's adopted Affordable Housing and Extra Care SPD as the development proposed would not result in the removal of an affordable housing unit.
- 5.20 Officers note the concerns of the Parish Council, and appreciate why the Parish Council understand the application site to represent a 'starter home'. To be clear, the clauses within the extant legal agreements do not have the effect of ensuring that the host dwelling is a starter home. Starter homes are expected to meet the needs of young first time buyers, many of whom cannot afford to buy their own home, starter homes are intended to do this through being offered at a price below their open market value. Paragraph 005 (ref ID: 55-005-20150318) of the PPG provides clarity of how local planning authorities should secure starter homes. The paragraph states that starter homes would be secured through section 106 agreements where the developer would be required to offer starter homes to first time buyers under the age of 40 for a discount of at least 20% below open market value. The key difference between starter homes defined by the Government and the legal agreement which the application site is subject to is that starter homes can be resold or let at their open market value from 5 years following initial sale, whereas the aforementioned legal agreement has no time limit, it is in effect for perpetuity.
- 5.21 As such, if planning permission was granted for this development, it is likely that the applicant would still endeavour to remove certain clauses from the extant legal agreement through a deed of variation, and it is highly likely that the Authority would not resist such a variation (as reflected through the comments of the Housing Enabling Team). Further to this, the Council's Legal Team have confirmed that this legal agreement should not form a barrier to approving this development from a legal perspective.
- 5.22 Overall, the proposal seeks to provide additional living accommodation within a family home which happens to have been permitted subject to a legal agreement that restricts the type, size, design and price of the dwelling in order to ensure that the dwelling remains 'low cost'. It is clear that this legal agreement does not secure affordable housing in planning terms under prevailing policies. The proposal is therefore compliant with relevant affordable housing policy, and as such the fact that the proposed extension to the dwelling

could result in a dwelling that fails to comply with the existing legal agreement is not a reason to refuse this planning application. This has been confirmed by the Council's Legal Team who are of the view that granting planning permission for the proposed extension does not have to be subject to successfully varying the existing legal agreement.

5.23 Planning Balance

The application site is a residential dwelling in the open countryside, residential extensions in this location are acceptable in principle. The proposal has an acceptable design and impact on nearby residential occupiers. Further to this, the proposal would provide sufficient car parking for the number of bedrooms within the development. Officers note the existing legal agreement, and the concerns of the Parish Council, but are confident that the host site is not an affordable housing unit by current policies. Accordingly, the existing legal agreement is not a barrier to approving this planning application. In summary, the development represents the extension of a modestly sized dwelling in order to provide an additional third bedroom to allow the dwelling to function as a family home. No material harm has been found to result from this development, as such there are no reasons to refuse this 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 the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

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).

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

Reason

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

3. Prior to the first occupation of the development hereby approved, a minimum of two off-street car parking spaces shall be provided within the residential curtilage of the host dwelling. For the avoidance of doubt, each car parking space shall measure a minimum of 4.8 metres by 2.4 metres, and be formed of a permeable bound material.

Reason

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

CIRCULATED SCHEDULE NO. 48/16 – 2 DECEMBER 2016

App No.: PT16/4626/RVC

Applicant: Surplus Property
SolutionsSite: B And Q Fox Den Road Stoke Gifford South
Gloucestershire BS34 8SP

Date Reg: 9th August 2016

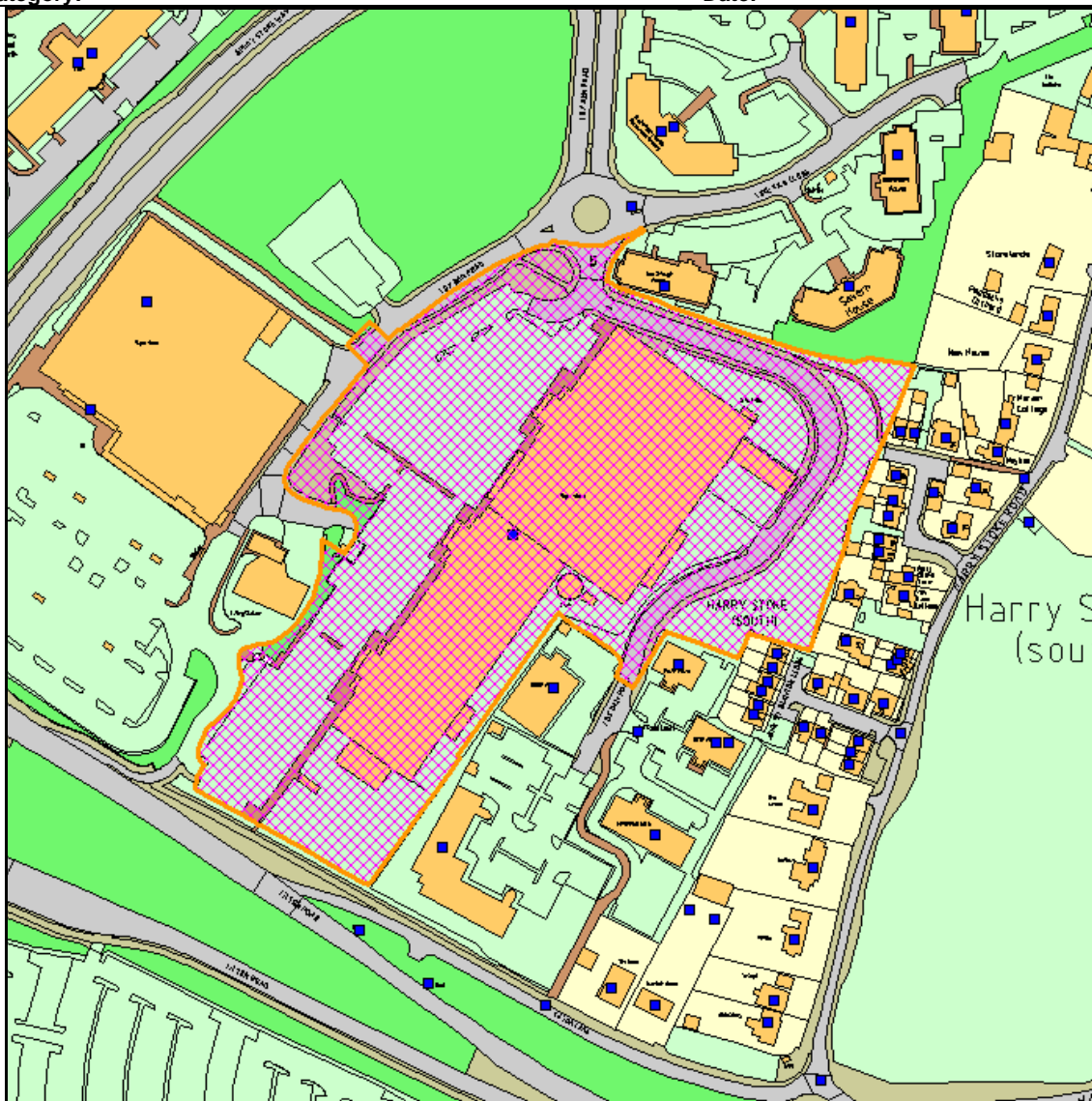
Proposal: Installation of full height glazing and sliding double
door and creation of trolley bay to facilitate variation
of conditions 11 and 16 attached to planning
permission PT00/0215/F to allow the subdivision of
unit and permit the retail sale of food and drink from
2323 square metres of floorspace.Parish: Stoke Gifford Parish
Council

Map Ref: 361865 178848

Ward: Frenchay And Stoke
Park

Application Category: Major

Target Date: 7th November 2016



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100023410, 2015.

N.T.S.

PT16/4626/RVC

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from local residents; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

1.1 The application site comprises part of the former B&Q unit on Fox Den Road. The wider building measures 11,147 sq.m (GIA) with 10,938 sq.m. of this floor space at ground floor level and 209 sq.m. at mezzanine level. A further 1,115 sq.m. of sales floor space is provided in an external centre on the southern end of the building. The building is currently vacant.

1.2 Planning permission PT00/0215/F was granted in May 2000 for the 'Erection of single retail unit with associated garden centre, along with car parking, service area and landscaping'. Condition 11 requires the LPA's consent for internal subdivision works and reads as follows:

"The unit hereby authorised shall not be sub-divided to form smaller units unless the Council has given prior approval in writing.

Reason : To protect residential amenity.

Condition 16 restricts the unit to the sale of non-food goods only and reads as follows:

The retail unit hereby authorised shall not be used for any purpose other than non-food retail, without the prior consent of the Local Planning Authority.

Reason: To protect the vitality of nearby centres.

1.3 Planning permission PT16/0914/F was granted in April 2016 for "Change of use of the southern part of the building from Class A1 (retail) to Class D2 (Assembly and Leisure) and associated external alterations and works". It is intended that this permission will facilitate the re-occupation of 2,500 sq.m. of vacant floor space by a new health and fitness centre i.e. DW Fitness. These works are due to commence shortly.

1.4 The current Section 73 application merely seeks to vary conditions 11 and 16 of permission PT00/0215/F to allow the sub-division of the former B&Q unit and permit the retail sale of food and drink goods from 2,323 sq.m. of floor space (shown as 25,000 sq.ft. on submitted plan..

1.5 The proposal also seeks permission for a series of physical works comprising the following:

- External alterations to the front elevation to create a new customer entrance;
- Creation of a new tenant signage zone;

- Internal works to sub-divide the floor space and create the new 2,323 sq.m. unit; and
 - Creation of a new trolley bay for the food-store.
- 1.6 Both proposals i.e. the Gym and the Food Store form part of a wider package of investment seeking to bring the floor space back into productive economic use and replace the jobs lost following the closure of B&Q. There would be no changes to the footprint or scale of the existing building and no increase in the amount of floor space.
- 1.7 The application is supported by the following documents:
- Design and Access Statement
 - Retail Statement
 - Transport Statement

2. **POLICY CONTEXT**

2.1 National Guidance

National Planning Policy Framework (NPPF) March 2012
National Planning Practice Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS14	Town Centres and Retail
CS25	Communities of the North Fringe of Bristol

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

T7	Cycle Parking
T8	Parking Standards
T12	Transportation
RT5	Out of Centre and Edge of Centre Retail Development

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List SPD (Adopted) 23 Aug 2007.

2.4 Emerging Plan

Proposed Submission : Policies, Sites & Places Plan June 2016

PSP1	- Local Distinctiveness
PSP11	- Transport Impact Management
PSP16	- Parking Standards
PSP20	- Flood Risk, Surface Water and Watercourses
PSP21	- Environmental Pollution and Impacts
PSP31	- Town Centre Uses

3. RELEVANT PLANNING HISTORY

- 3.1 PT00/0215/F - Erection of single retail unit with associated garden centre, car parking, service area and landscaping.
Approved 3 May 2000.
- 3.2 PT01/0453/F - Erection of sprinkler storage tank and pump house.
Approved 19 March 2001.
- 3.3 PT01/0453/F - Erection of sprinkler storage tank and pump house
Approved 19 March 2001.
- 3.4 PT01/0528/F - Erection of fence and gate to surround service yard.
Refused on the grounds of size and scale and detriment to visual amenity 20 March 2001.
- 3.5 PT01/0586/F - Change of use of part of service yard to form external sales area.
Approved 30 March 2001.
- 3.6 PT01/1743/F - Retention of 4m high fence and gate to surround service yard.
Approved 24 September 2001.
- 3.7 PT02/0686/RVC - Variation of Condition 11 attached to planning permission PT00/0215/F to allow the subdivision of the unit.
Approved 25 April 2002.
Not implemented
- 3.8 PT03/1617/RVC - Erection of single retail unit with associated garden centre, car parking, service area and landscaping. Variation of Condition 11 attached to planning permission PT00/0215/F to allow subdivision into 7 units.
Approved 7 August 2003.
Not implemented
- 3.9 PT06/0221/F - Formation of Service Yard in place of existing external garden centre, relocation of garden centre to existing staff parking area, enclosed by 3 metre high fencing, relocation and construction of new double sprinkler tank and pump-house in new service area and blocking off of an existing service door on rear elevation (in accordance with amended plans received by the Council on 23rd February 2006 and 21 March 2006).
Approved 31st March 2006
- 3.10 PT06/1188/CLP - Certificate of Lawfulness for the proposed installation of a mezzanine floor.
Granted 26th May 2006
- 3.11 PT06/1489/F - Formation of service yard in place of existing external garden centre, relocation of garden centre to existing staff parking area

enclosed by 4.2m high fencing. Installation of 2no. sets of auto B1-parting doors between store and garden centre (amendment to previously approved scheme PT06/0221/F).

Approved 23 June 2006

- 3.12 PT06/2349/F - Erection of extension to enclose part of the existing garden centre sales area.
Refused 19 Oct. 2006
- 3.13 PT06/3338/F - Erection of 7 metre high anti-theft netting around perimeter of external garden centre (retrospective).
Approved 4 Jan 2007
- 3.14 PT16/0914/F - Change of use of part of building from Class A1 (Retail) to Class D2 (Assembly and Leisure) and associated external alterations and works.
Approved 21 April 2016

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

Objection-Council expressed concerns about potentially increased traffic usage off what is a very busy mini roundabout. In addition, members reiterated their concerns (PT16/0914/F) about the effect of noise on residential amenity and the need to ensure that car parking is tightly controlled to prevent commuter use by UWE and the MOD.

4.2 Other Consultees

Transportation D.C.

As previously indicated, we are broadly content with the original Transport Statement produced in support of this planning application, Nevertheless, we had a number of queries which we wished to see clarified before we could reach meaningful conclusions about the highways or transport aspects of this proposal. This information has now been provided by the applicant's consultants and so we are broadly satisfied that this development will not have any significant detrimental effects on local transport networks. Consequently, we have no objection to this application.

Economic Development Officer

No objection

Environmental Protection

No objection subject to standard informatives relating to construction sites.

Wessex Water

No response

Strategic Planning Officer

I'd like to reiterate the aspiration to significantly intensify uses at the Fox Den Road site to deliver a high density mixed use District Centre for the existing and

new residential and employment communities in the surrounding locality. This is expressed at Policy CS25(5) of our Core Strategy. This significant opportunity is re-iterated at PSP31 & Appendix 3 (pg197) of our emerging Policies, Sites & Places DPD at https://consultations.southglos.gov.uk/consult.ti/PSP_Summer2016/consultationHome , currently out for consultation.

The Council considers the site to be one of its most sustainable locations, with multiple bus routes, new Rapid Transit soon to be operating, proximity to 2 mainline stations, significant local employment opportunities, the University of The West of England campus, proposed new Bristol Rovers Stadium (20,000 capacity) and land allocated for some further 3000 dwellings all within walking distance.

Other Representations

4.3 Local Residents

4 responses objecting to the proposal were received from local residents. The comments made are summarised as follows:

- There are enough stores in the local vicinity including two large food supermarkets.
- Adversely affect diversity.
- Increased noise – the same time restrictions should be applied as for PT06/0221/F & PT06/1489/F.
- Traffic is high on Fox Den Roundabout between 4-6 p.m.
- Will have an adverse affect on local buses.

24 responses in support of the proposal have been received. The comments made are summarised as follows:

- Will be good for the neighbourhood.
- Will create competition.
- More choice.
- The current supermarkets are not sufficient.
- Lidl is an affordable shop which will help students and pensioners.
- The problem with traffic on the Fox Den Roundabout is due to the traffic light system. This proposal is a conversion only, so the traffic problems would not be affected.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Other than some minor physical works; it is merely proposed to vary conditions 11 and 16 of planning permission PT00/0215/F to allow the subdivision of the unit and to vary the condition to allow the sale of food and drink goods from 2323 sq.m. of the former B & Q building. The purpose of the original conditions is to protect residential amenity (11) and to protect the vitality of nearby centres (16).

Analysis

- 5.2 The scope of a variation/removal of condition application (section 73 application) is more limited than a full planning application. The Local Planning Authority may only consider the question of the condition(s), and cannot revisit or fundamentally change the original permission. It may be decided that the permission should be subject to the same conditions as were on the original permission; or that it should be subject to different conditions; or that permission may be granted unconditionally. There is a right of appeal in the usual way against any conditions imposed.
- 5.3 In assessing this application it is necessary to consider whether or not the relevant conditions 11 and 16 or any variations thereto satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests, these being that conditions should be: –
- i. Necessary to make the development acceptable
 - ii. Directly related to the development
 - iii. Fairly and reasonably related in scale and kind
- 5.4 Policy CS4 of The South Gloucestershire Local Plan Core Strategy replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that:- ‘when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible’. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.
- 5.4 Officers are satisfied that the proposed physical amendments listed at para. 1.5 above would not significantly alter the appearance of the building that was originally permitted and as such are acceptable in every respect. The main consideration is the proposed sub-division of the building and the implications of using some of the floor space for the sale of food and drink items.
- 5.5 The B&Q building measures 11,147 sq.m. (GIA) with 10,938 sq.m. of this floorspace at ground floor level and 209 sq.m. at mezzanine level. There is an external garden centre measuring 1,115 sq.m. at the southern end of the building. This would be cut off from the remaining retail floor space once the gym is in operation. B&Q have recently ceased occupation of the building and the applicant’s agent states that work on the gym, to be occupied by DW Fitness, is to start soon. As a result, 6376 sq.m. of the building would remain subject to conditions 11 and 16.
- 5.6 There is no specific tenant for the new unit but a discount food retailer is the expected occupier i.e. most likely either Aldi or Lidl.

The Location

- 5.7 Immediately to the west of the site is a large Sainsbury food store. To the north of this, between Fox Den Road and Great Stoke Road is the Axa site which is currently vacant land. Access to the Sainsbury and B&Q stores is via Fox Den Road and Great Stoke Road, which leads to the A4147 ring road, Filton Way. To the south of Filton Way is the Abbeywood Retail Park with a large Asda food store. The stores are in a major employment area at Abbeywood and Stoke Gifford. The residential area of Stoke Gifford lies 1Km to the north and Parkway Station just under 1Km away. Large scale residential development is proposed to the east – known as land East of Harry Stoke. Further large scale residential development is planned at Cribbs Causeway to the east of the A38. These residential developments are planned with Local Centres to serve the day to day needs of residents. The Bradley Stoke Centre is some 3.2Km to the north.

The Policy Situation

- 5.8 Before establishing the principle of development, the proposed use should be considered. The glossary to the NPPF defines 'main Town Centre uses' and within this definition is listed retail development. The proposed use is therefore a main Town Centre use.
- 5.9 The NPPF also goes on to define a Town Centre. These must be defined on the proposals maps and are areas predominantly occupied by main Town Centre uses. The definition can apply to City Centres, Town Centres, District Centres, and Local Centres but excludes small parades of shops. Importantly, unless identified on the proposals maps, existing out of centre developments that comprise of or include main Town Centre uses do not constitute Town Centres.
- 5.10 In this case, the strategic intention to define a District Centre around this location has been established in Core Strategy policy CS14 and is referenced as "Sainsbury's/B&Q, Stoke Gifford" within this policy. However, Town Centre boundaries were not defined at the time that the Core Strategy was adopted. Instead, the spatial definition of these areas is planned to come forward in the Policies, Sites, and Places Plan (PSP).
- 5.11 The submission draft of the PSP has been published, opened to consultation and submitted to the secretary of State. This does include a defined centre and primary shopping area which includes the application site. There have been no objections to these proposals and as such are likely to be adopted without change. Officers consider that some weight can therefore be afforded the PSP policy in this case.
- 5.14 Nevertheless, the PSP is not yet adopted and given the wording of Core Strategy Policy CS14 the application site is technically out of centre and it is therefore necessary to assess the proposal against the sequential test set out in the NPPF and to some extent saved Local Plan Policy RT5.
- 5.15 It is therefore necessary to assess the availability and suitability of sequentially preferable sites and the potential impacts of the proposal. If the proposal meets the sequential and impact tests, planning permission should be granted unless there are other objections indicating refusal. However, if either test is failed,

officers must consider how much weight to give the PSP given its intention to include the site in the new Stoke Gifford Centre.

The Sequential Assessment

- 5.16 The applicant has submitted a Retail Statement and in order to assess this against the sequential test, the Council has commissioned an expert in this field i.e. DPDS Consulting to assist them.

- 5.17 The conclusions reached in the DPDS report are as follows:

We conclude that the site is technically out of centre and the main issues are the sequential and impact tests. In relation to the sequential test, we conclude that there are no sequentially preferable sites in relevant centres.

In terms of the impact tests, the applicant's retail impact assessment does not demonstrate that there would be no significant impact. However, the use of the floor space as a food store at worst is only likely to have a marginal adverse impact on other centres and more likely to offer benefits. These should be set against the continued use for unrestricted comparison goods shopping. It is on this basis that a more thorough impact assessment is not required.

The key questions arise in relation to the impact on proposals for the Stoke Gifford District centre and the weight which can be attached to policy PSP31 in the emerging PSP. We have already concluded that, in relation to the sequential test, the proposals for the B&Q unit is either in or out of centre depending on the view taken of its policy status.

Overall we conclude that an objection to the variation of conditions proposed, based on the impact on intended investment, would be difficult to sustain.

We therefore conclude that there are no objections to the variation of conditions based on the sequential and impact tests and the retail planning policy that could be sustained.

- 5.18 Having regard to these conclusions, officers consider that there are no in-principle objections to the proposal.

Transportation Issues

- 5.19 A Transport Statement has been submitted with the application and at officer request a Supplementary Statement with revised figures has also been submitted. Having regard to the submitted documents, Officers consider the following:

Trip Generation

- 5.20 The revised results indicate that there will be a difference in the estimated traffic flows before and after the discount food store has opened. This is to be expected as food stores generally exhibit higher trip generation rates than DIY outlets. However, as the food store would not be very large, it is predicted that the maximum hourly trip generation of the site would increase by less than 50 vehicles in the busiest hour when compared with the lawfully permitted use. Officers are satisfied with this conclusion.

Background Traffic Flows

- 5.21 Traffic estimates have been produced for the site access and the junctions of Great Stoke Way/Fox Den Road and Fox Den Road/Lime Kiln Close, Great Stoke Way and the A4174 Filton Road (known as the Abbey Wood or MoD Roundabout) and the junction of Brierly Furlong and Church Road.
- 5.22 Because the relatively small amount of traffic generated by the change of use disperses throughout the local network, any significant changes in the traffic flows are likely to be confined to the Great Stoke Way/Fox Den Road and Fox Den Road/Lime Kiln Close junctions. Based on the results of both the Transport Statement and the additional work, officers do not consider that the proposed change of use will have a detrimental impact on the adjoining highway network.

Junction Assessments

- 5.23 Overall the results of the assessments of these junctions indicates that the predicted trip generation of the revised store can be successfully accommodated at the above mentioned junctions without the need for any modifications. They also suggest that, even at the busiest times, the level of queuing experienced on the local highway network will not materially change when compared with that arising from the lawfully permitted use. Therefore, officers have no objections to this proposal on this basis.

Car Parking, Vehicle and Service Access

- 5.24 The existing car parking, vehicle and service access to the B&Q site as a whole will not be materially altered by the proposed change of use. The position regarding cycle and disabled parking is similar. In addition, the applicants have carried out a parking accumulation exercise. This indicates that the existing car park has sufficient capacity to accommodate the revised demand predicted to use the new food store. Therefore, officers consider the proposals satisfactory in these respects.

Public Transport Access

- 5.25 The applicants indicate that because this store will be located in an area of existing retail activity, it is relatively well served by public transport facilities. There are five bus stops within easy walking distance of the store to which around a dozen bus services, to a variety of destinations, already call. Officers concur with this conclusion.

Travel Plan

- 5.26 It has been agreed with the applicant's consultants that a condition should be placed on any planning permission arising from this application requiring a Travel Plan to be produced. Officers consider that this will be particularly useful at this site which is in a largely urban location and is relatively well placed to attract pedestrian and cycle journeys. It is also relatively well served by buses. Thus, as the visitors to the new store will not be carrying bulky DIY products, there is likely to be an increased prospect of them not using cars to reach this store.

Impact on Residential Amenity

- 5.27 Local residents have raised concerns about the possibility of increased noise to result from the proposal and have requested that the same restrictions apply as were imposed on previous permissions PT06/0221/F & PT06/1489/F. Officers wish to clarify that the current application merely wishes to vary conditions 11 and 16 of planning permission PT00/0215/F and the application has been assessed in that context. Planning permission PT06/1489/F would remain in place together with the conditions attached thereto.
- 5.28 If the current application is approved, all relevant conditions attached to PT00/0215/F would be carried over and these include conditions to protect residential amenity i.e. those relating to delivery hours, construction hours and external lighting. Subject to these conditions, the proposal would not result in any adverse impact on residential amenity over and above that which already exists.

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 consent PT00/0215/F be re-issued with Conditions 11 (now 6) and 16 (now 10) revised to read as follows respectively:

6. The units hereby authorised and shown on the approved 'Proposed GA and Site Plan' Drawing No: 15-238/Brist/13/01 shall not be sub-divided to form smaller units.

Reason

To protect the viability of nearby centres and to accord with Saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006 and the requirements of the NPPF.

10. Other than the 2,323 sq.m. of floor space for the retail sale of food and drink goods hereby permitted, the retail units hereby authorised shall not be used for any purpose other than non-food retail, without the prior consent of the Local Planning Authority.

Reason

To protect the vitality of nearby centres and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006 and the requirements of the NPPF.

And an additional condition 11 added as follows:

11. Prior to the first occupation of the development for the purposes hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The agreed Travel Plan shall be implemented as approved before the development hereby permitted is brought into use; or otherwise as agreed in the Travel Plan.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

1. The development hereby permitted shall be carried out in full accordance with the following approved plans:

Site Location Plan Drawing No. 16-140-16-01
Existing Elevations 1 of 2 Drawing No. 15-238/Brist/10/01
Existing Elevations 2 of 2 Drawing No. 15-238/Brist/11/01
Proposed Elevations 1 of 2 Drawing No. 15-238/Brist/12/01
Proposed Elevations 2 of 2 Drawing No. 15-238/Brist/13/00
Proposed GA and Site Plan Drawing No. 15-238/Brist/13/01
Existing GA and Site Plan Drawing No. 15-238/Brist/14/01

All received by the Council on the 5th August 2016

Reason

For the avoidance of doubt.

2. 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).

3. All surface water run-off from outside storage, parking or vehicle washdown areas shall at all times pass through an oil/petrol interceptor or such other alternative system as may be agreed with the Council, before discharge to the public sewer.

Reason

To meet the requirements of the Environment Agency and to prevent the pollution of nearby watercourses and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th December 2013 and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006...

4. No deliveries to the premises shall take place between the hours of 18.30 and 08.00 Mondays to Saturdays and no deliveries shall take place on Sundays or Bank Holidays.

Reason

To protect adjoining levels of residential amenity and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006..

5. Other than public services vehicles, all vehicular traffic to the site, including construction traffic, shall access the site from Fox Den Road.

Reason

To protect adjoining levels of residential amenity and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006; and in the interests of highway safety to accord with saved Policies T12 and RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006.

6. The units hereby authorised and shown on the approved 'Proposed GA and Site Plan' Drawing No: 15-238/Brist/13/01 shall not be sub-divided to form smaller units.

Reason

To protect the viability of nearby centres and to accord with Saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006 and the requirements of the NPPF..

7. The hours of working during the period of construction shall be restricted to between 07.30 and 18.00 Monday to Friday and 08.00 and 1300 on Saturdays, and no working shall take place on Sundays or Public Holidays.

Reason

To protect adjoining levels of residential amenity and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006..

8. No outside storage shall take place at the premises.

Reason

In the interests of visual amenity and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006...

9. No external lighting shall be installed on the building or within the service area except in accordance with a scheme originally approved in writing by the Local Planning Authority under planning consent PT00/0215/F.

Reason

To protect adjoining levels of residential amenity and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006..

10. Other than the 2,323 sq.m. of floor space for the retail sale of food and drink goods hereby permitted, the retail units hereby authorised shall not be used for any purpose other than non-food retail, without the prior consent of the Local Planning Authority.

Reason

To protect the vitality of nearby centres and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006 and the requirements of the NPPF.

11. Prior to the first occupation of the development for the purposes hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The agreed Travel Plan shall be implemented as approved before the development hereby permitted is brought into use; or otherwise as agreed in the Travel Plan.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 48/16 – 2 DECEMBER 2016

App No.:	PT16/5233/F	Applicant:	Mr Chris Brickell
Site:	Cedar Cottage New Road Tytherington South Gloucestershire GL12 8UP	Date Reg:	12th October 2016
Proposal:	Erection of a detached garden store.	Parish:	Tytherington Parish Council
Map Ref:	366808 188491	Ward:	Ladden Brook
Application Category:	Householder	Target Date:	2nd December 2016



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100023410, 2015. N.T.S. PT16/5233/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of a detached garden store in the front curtilage of the property.
- 1.2 The application property is a relatively newly built detached dwelling (see planning history below), it is located within the settlement boundary of Tytherington and is also located with the Tytherington Conservation Area.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March
National Planning Policy Guidance
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, Including Extensions and New Dwellings

L12 – Conservation Areas

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

Tytherington Conservation Area Guidance Note

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/2488/F - Erection of 1no. detached dwelling and associated works. Approved 17th September 2009.
- 3.2 PT13/2411/F – Erection of 1no. detached dwelling with detached garage, access, landscaping and associated works. (Resubmission of PT12/2488/F). Approved 9th September 2013.
- 3.3 PT16/0443/NMA - Non Material Amendment to PT13/2411/F to alter the design of the garage. Objection 1st March 2016.
- 3.4 PT16/1208/F - Erection of 1no. detached garage (Amendment to previously approved scheme PT13/2411/F). Refused 27th May 2015.

Reason for refusal:

'The proposal would be an imposing and incongruous addition to the site that would detract from the appearance of the dwelling and would fail to protect the open character and appearance of this part of the conservation area, the proposal also fails to satisfactorily address any potential impact upon the trees within the site and is contrary to Policy L12 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. CONSULTATION RESPONSES

4.1 Tytherington Parish Council

No comments received

4.2 Conservation Officer

Objection on the basis of the impact upon the Conservation Area.

Tree Officer

No objection

Archaeology Officer

No objection

Other Representations

4.3 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the SGLP states that such development within residential curtilages can be acceptable subject to detailed development control consideration of, amongst other things, design, local and residential amenity and highways impact. In this instance the application must also be considered in context with Policies L12 of the SGLP and CS9 of the Core Strategy, as the site is located within Tytherington Conservation Area.

5.2 Given the location of the proposals and their relationship with and distance to surrounding properties it is not considered that they would give rise to any residential amenity impact. Sufficient off-street parking would remain, and there are not considered to be any transportation impacts associated with the proposal. The main issue therefore is the principle of the proposal in context with the site and its surroundings, and in particular conservation and built heritage considerations.

5.3 Conservation/ Built Heritage Issues

Cedar Cottage is a new dwellinghouse constructed on the west side of New Road in 2014 following approval in 2013 under reference PT13/2411/F. It can be noted that a detached garage was proposed at submission stage but as discussed below was omitted from the scheme. A detached garage to the front curtilage has since been the subject of a number of sequent schemes.

5.4 From reviewing the original scheme, it is clear that it was subject to extensive negotiations to achieve a design and appearance that respected the character and appearance of the conservation area and protected some of the openness of the locality.

5.5 The most significant amendment can be considered to be that the garage that had been originally proposed as part of the application was removed from the scheme to address the concerns about the development's harmful impact on the openness of the site and the character of the conservation area. The revised and approved site plan (drg no. 13-233-100 rev.B) clearly shows the omission of the garage from the front curtilage.

5.6 We then come onto PT16/0433/NMA where an "objection" was raised to the proposed amendment to the design of the garage on both conservation grounds but also the fact that the garage was not actually approved and so there was no approval to amend.

5.7 PT16/1208/F was submitted earlier this year for a garage that can be considered to be an amendment to the one proposed under PT13/2411/F with the amendments being to scale and roof form. The following is an extract from Conservation Officer's response to the proposal:

"This application now seeks permission to introduce a garage to the front of the building in a relatively small area containing mature trees and planting. The character of this part of the conservation area is defined by its rural, informal appearance with open space and trees providing a soft, edge to the settlement. Buildings tend to be set back from the road with open gardens, as per application site. The proposal would introduce a single bay garage with lean-to store into a small front garden directly in front of the dwelling. The proposal would be an imposing and incongruous addition to the site that would detract from the appearance of the dwelling and would fail to protect the open character and appearance of this part of the conservation area. I would recommend refusal under Policy L12 of the adopted Local Plan and Policies CS1 and CS9 of the Core Strategy"

5.8 The scheme now proposed seeks consent for an outbuilding in approximately the same location as the previous garage proposals – to the front and right of the curtilage. The difference to the previous scheme is that the proposed structure is to be a storage building as opposed to a garage and its width has been reduced and the roof is to be a dual pitched half hip/ half gabled roof. It is also considered that as the proposed structure would no longer provide any car parking function, as shown on the layout plan, parking to the front of the curtilage appears to be far more dominant than previously with an area of landscaping lost to the north-east of the site.

- 5.9 For the reasons noted above and from visiting the site, the view remains that any outbuilding in this location would be problematic in that it would fail to preserve or enhancement the character and appearance of this part of the conservation area. To put it another way, there is an “in principle” objection to any outbuilding in this location regardless of its use. Although it is noted that the building now proposed has been reduced in footprint, this does not provide sufficient mitigation to overcome the concern. The greater pressure the outbuilding puts on the front curtilage in respect of parking provision also undermines any considered gains.
- 5.10 The previous considerations for the site remain valid and applicable for this application, as essentially there is no material difference in the harm the previous and current proposals would cause to the character and appearance of the conservation area and refusal is recommended on this basis.
- 5.11 Trees
It is considered that, subject to compliance with the details of the aboricultural report, the proposals can be acceptable in this respect.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposal would be an intrusive and incongruous addition to the site that would detract from the appearance of the dwelling and would fail to protect the open character and appearance of this part of the conservation area, the proposal also fails to satisfactorily address any potential impact upon the trees within the site and is contrary to Policy L12 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.
- 6.3 The recommendation to refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is refused for the reasons given.

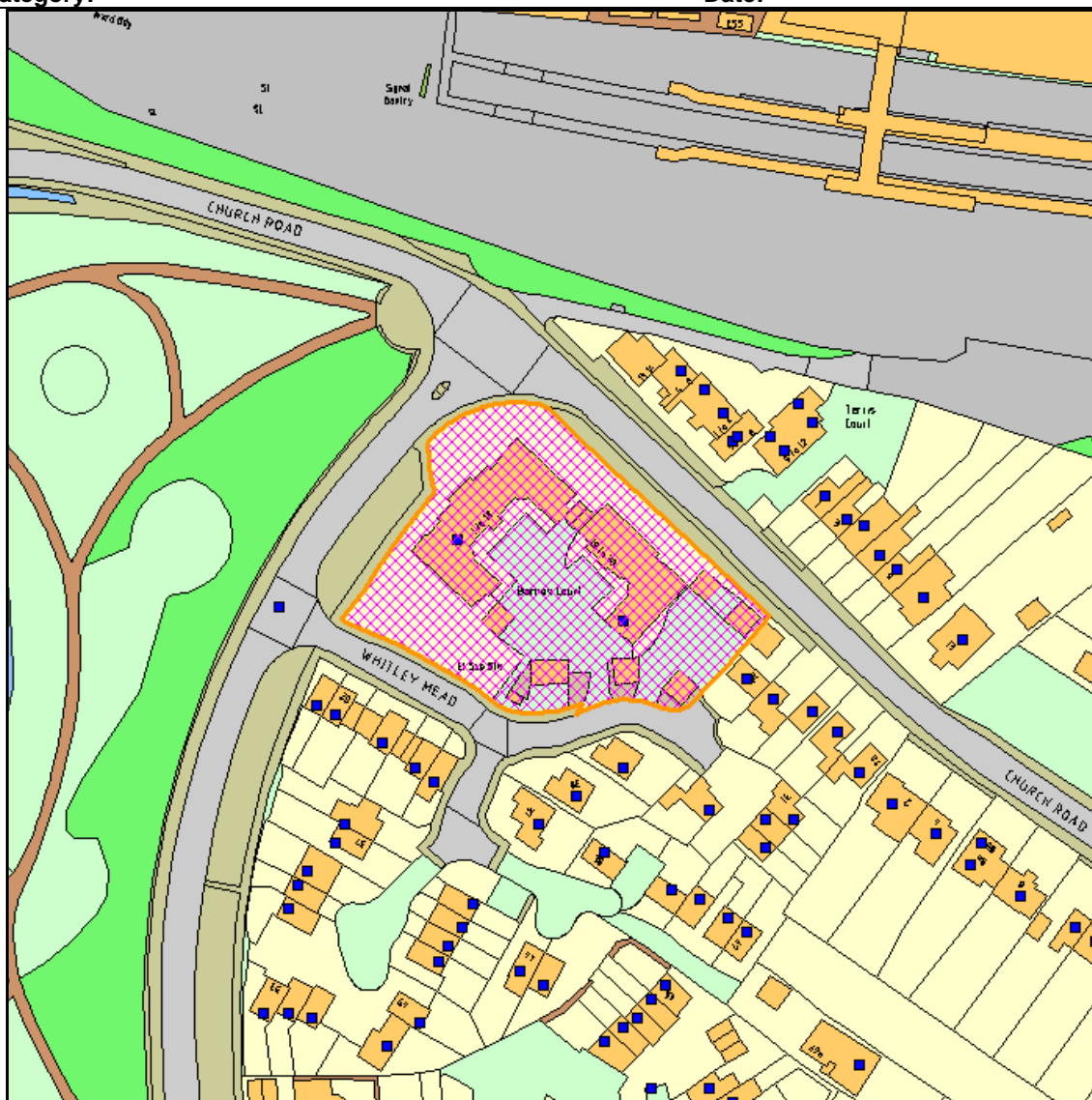
Contact Officer: Simon Ford
Tel. No. 01454 863714

REFUSAL REASON

1. The proposal would be an intrusive and incongruous addition to the site that would detract from the appearance of the dwelling and would fail to protect the open character and appearance of this part of the conservation area and is contrary to Policy L12 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; and the advice in the Tytherington Conservation Area Guidance Note..

CIRCULATED SCHEDULE NO. 48/16 – 2 DECEMBER 2016

App No.:	PT16/5382/CLE	Applicant:	James Butterfield
Site:	Barnes Court Whitley Mead Stoke Gifford Bristol South Gloucestershire BS34 8XT	Date Reg:	6th October 2016
Proposal:	Application for a Certificate of lawfulness that development (as defined by Section 56 of the Town and Country Planning Act 1990) has commenced prior to 31st July 2016 in accordance with condition 1 of planning permission PT13/2304/EXT.	Parish:	Stoke Gifford Parish Council
Map Ref:	362318 179499	Ward:	Frenchay And Stoke Park
Application Category:		Target Date:	28th November 2016



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N.T.S. PT16/5382/CLE

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 The application is for a Certificate of Lawfulness to prove work has commenced prior to 31st July 20126 in accordance with condition 1 of planning permission PT13/2304/EXT.

1.2 Condition 1 of PT13/2304/EXT states:

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).

1.3 The site is Barnes Court, a three-storey residential block of flats to the south of Bristol Parkway railway station accessed via Whitley Mead, Stoke Gifford. The site is within the settlement limits associated with Bristol North Fringe Urban Area.

1.4 To be considered lawful development it is important than any pre-commencement conditions attached to the previous planning application have been discharged before works start on site to commence development. If this is not done, any works may not be lawful for the purposes of S 54(6) of the Town and Country Planning Act 1990. During the course of the application written confirmation of the discharge of pre-commencement conditions 2,4,5 and 6 was provided to the LPA.

2. POLICY CONTEXT

2.1 National Guidance

- i. Town and Country Planning Act 1990: s171B and s191
- ii. Town and Country Planning (Development Management Procedure) (England) Order 2015
- iii. National Planning Practice Guidance: 17c (06.03.2014)

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|---------------|--|
| 3.1 | DOC16/0183 | Discharge of conditions 2,4,5 and 6 of PK13/2304/EXT |
| | Discharged | 21.7.16 |
| 3.1 | PK13/2304/EXT | Erection of three storey link extension between existing flats to form 2 no. additional flats and laundrette and office on ground floor. (Consent to extend time limit implementation for PT10/1499/F) |
| | Approved | 31.7.13 |

- | | | |
|-----|--------------|--|
| 3.2 | PT13/1499/F | Erection of three storey link extension between existing flats to form 2 no. additional flats and laundrette and office on ground floor
Approved 28.9.10 |
| 3.3 | PT10/1498/F | Erection of 10 self-contained flats and associated works; alterations to access
Refused 14.9.10 |
| 3.4 | PT08/22013/f | Erection of 10 self-contained flats; erection of link extension to existing flats to form 2 additional flats; office and launderette; alterations to access
Refused 30.9.08 |
| 3.5 | PT07/2048/F | Erection of 12 self-contained flats; erection of link extension to existing flats to form 2 additional flats office and launderette
Refused 12.10.07 |
| 3.6 | P88/3109 | Erection of 27 houses and 30 flats; construction of associated estate road
Approved 5.2.89 |

4. **CONSULTATION RESPONSES**

- | | |
|-----|---|
| 4.1 | <u>Stoke Gifford Parish Council</u>
No objection |
| 4.2 | <u>Sustainable Transport</u>
No objection |
| 4.3 | <u>Public Rights of Way Officer</u>
No objection |
| 4.4 | <u>Archaeology</u>
No objection |

Other Representations

- | | |
|-----|---|
| 4.5 | <u>Local Residents</u>
None received |
|-----|---|

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

- | | |
|-----|--|
| 5.1 | In support of the application, |
| i) | One document, in the form of email correspondence between the applicant and John Langley, Building Control Surveyor of South |

Gloucestershire Council has been provided as evidence in support of the application.

The document requests confirmation of the date and result of Mr Langley's inspections. Mr Langley responds as follows:

Following notification of commencement of works at Barnes Court, I visited site on 26/07/2016 and inspected the footings excavation. At that stage some more work was required to increase the footing depth to take account of potential ground heave/shrinkage caused by nearby trees and the trench width was insufficient for three storey construction. I returned on 27/07/2016 when the excavation had been trimmed out to the required depth and width, and I gave approval to proceed with footing concrete. At that stage the existing link building was being demolished ready for the new structure.

I did not see the footing concrete in place and I recently visited Barnes Court in connection with another application and noted the footings have been backfilled, presumably for safety reasons until the works continue.

- ii) In addition a brief email from a neighbour confirming he has noted the development as detailed in the application has been received by the LPA. This neighbour also happens to be a local councillor.
- iii) Written confirmation that the pre-commencement conditions attached to application PT13/2304/EXT were discharged on 21.7.16 was provided to the Council. To confirm the pre-commencement conditions read as:

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

Decision: Condition Discharged

Date: 21st July 2016

4. Prior to the commencement of development details of protection measures including fencing, and ground protection measures to be used in protecting the Ash tree and hedgerow on the boundary to the North East of the development shall be submitted to and agreed in writing by the Local Planning Authority. The protective fencing shall be provided in accordance with BS5837:2005 and shall be retained on site for the purpose of protecting the Ash tree for the duration of the development hereby approved. Development shall be carried out in accordance with the agreed details.

Decision: Condition Discharged

Date: 21st July 2016

5. Prior to the commencement of the development hereby approved, details of a new tree (including species and location) shall be provided to and agreed in writing by the Local Planning

Authority. For the avoidance of doubt the tree shall be provided to the Northwest of the development hereby approved. Should the tree become damaged or diseased or die within five years of the completion of the approved development, a replacement shall be provided in the same position and of the same species with the agreement of the Local Planning Authority. Development shall be carried out in accordance with the agreed details and thereafter retained as such unless agreed in writing by the Local Planning Authority.

Decision: Condition Discharged

Date: 21st July 2016

6. *Prior to the commencement of the development hereby approved, details demonstrating the methods of mitigation and protection against noise from the nearby mainline railway shall be submitted to and agreed in writing by the Local Planning Department. The development shall proceed in accordance with the submitted details and thereafter shall be retained as such.*

Decision: Condition Discharged

Date: 21st July 2016

6. **SUMMARY OF CONTRARY EVIDENCE**

- 6.1 The Local Planning Authority has no contrary evidence to submit.

7. **EVALUATION**

- 7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence.

- 7.2 In this instance it must be proven that building works had commenced prior to 31st July 2016 in accordance with condition 1 of planning permission PT13/2304/EXT.

- 7.3 Assessment of Evidence

The application is supported by evidence in the form of an email from South Gloucestershire Building Control Surveyor, John Langley. The details contained within that correspondence clearly indicate that Mr Langley visited the site on two consecutive days, 26th July and 27th July 2016. The first inspection revealed the depth of the footings was insufficient for a three storey structure given the potential for ground heave/shrinkage due to the presence of nearby trees and more work to increase the depth was needed. Mr Langley returned the following day and found the footings had been trimmed out to the required depth and width and he gave approval to proceed with concrete. It is understood that in general terms if at least half of the total amount of footings are dug out and concreted then it is judged that building work has commenced.

- 7.4 In addition evidence has been provided to demonstrate that the 4 pre-commencement conditions attached to PK13/2304/EXT were discharged by the LPA on 21.7.16. This demonstrates that the development was lawful as per s56(4) of the Town and Country Planning Act 1990.
- 7.5 The evidence from Mr Langley is precise and the LPA has no contrary evidence to present. On this basis, officers consider that on the balance of probability, building works had commenced prior to 31st July 2016 as per condition 1 attached to PT13/2304/EXT, and as such is lawful.

8. CONCLUSION

- 8.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, works had commenced prior to 31st July 2016 in accordance with condition 1 of planning permission PT13/2304/EXT.

9. RECOMMENDATION

- 9.1 The Certificate of Existing Lawful Use be approved.

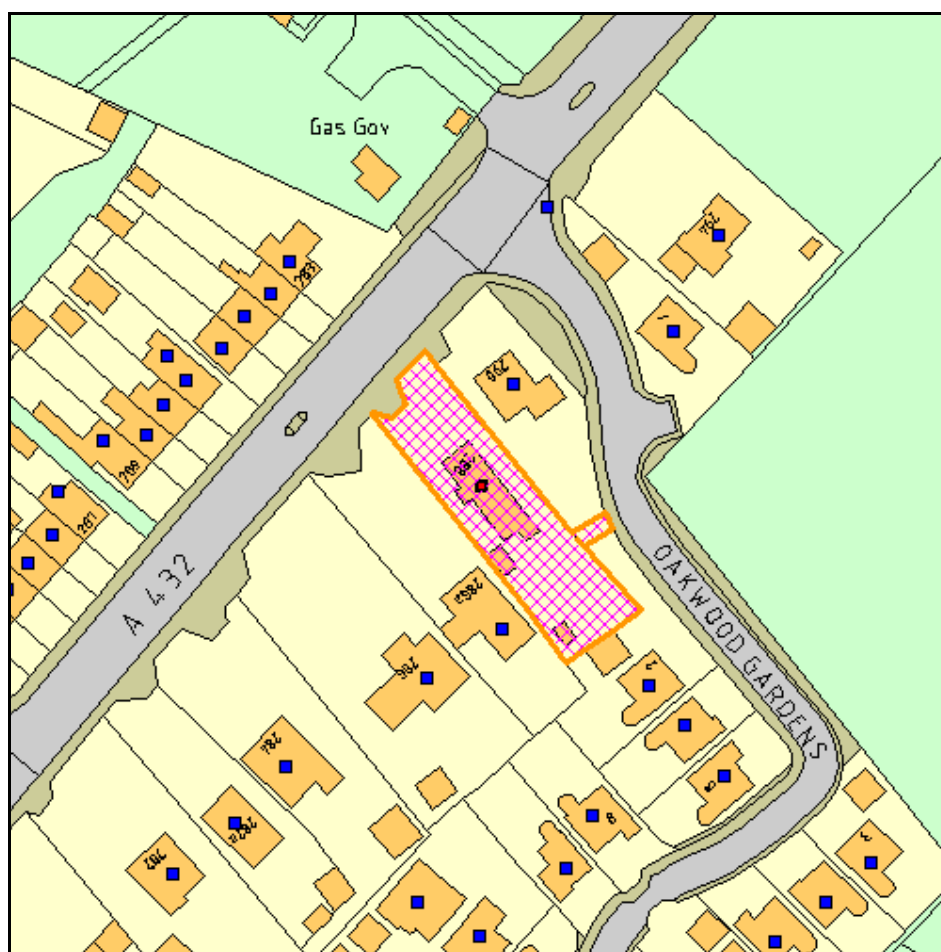
Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

1. Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, works had commenced prior to 31st July 2016 in accordance with condition 1 of planning permission PT13/2304/EXT.

CIRCULATED SCHEDULE NO. 48/16 – 2 DECEMBER 2016

App No.:	PT16/5701/F	Applicant:	Leamark Developments Ltd
Site:	288 Badminton Road Coalpit Heath Bristol South Gloucestershire BS36 2NN	Date Reg:	20th October 2016
Proposal:	Demolition of existing bungalow and erection of 2no detached dwellings and associated works. (re-submission of PT16/4653/F).	Parish:	Westerleigh Parish Council
Map Ref:	368048 181471	Ward:	Westerleigh
Application Category:	Minor	Target Date:	15th December 2016



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure following objection letters submitted by a local residents and the Parish Council, which are contrary to the recommendation detailed in this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 2 no. dwellings and associated works at 288 Badminton Road, Coalpit Heath.
- 1.2 This application is a resubmission of PK15/4365/F for the demolition of the existing bungalow and the erection of 2 no. dwellings. This planning permission is still extant, and as the bungalow has now been demolished, is considered to have been partially implemented.
- 1.3 The previous planning permission was followed by application PT16/4653/F, which was also a resubmission of PK15/4365/F, and was refused for the following reasons:

1- The form, scale and massing of Plot 1 and the materials proposed for Plot 2 would, if approved, cause the development to appear incongruous and dominant within the street scenes visible along Badminton Road and Oakwood Gardens, and it is also considered that Plot 1 represents overdevelopment, as the density is not consistent with the adjacent units. The units therefore do not represent high quality design and the development is contrary to policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

2- Past mining activity is the main source of unstable land within South Gloucestershire, and the development includes the erection of a garage above what The Coal Authority believes to be a disused mine shaft. Developers should avoid unstable land unless appropriate mitigation or remediation measures can be taken, and given the layout proposed, it is not feasible that mitigation measures could be secured by condition. The development therefore poses a risk to property and the personal safety of the occupiers of site and its surroundings, and is contrary to policies CS1 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and policy EP7 of the Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

- 1.4 This application proposes a reduction in the scale of plot 1 in comparison to the previously refused application, as well as alterations to the design of plot 2, and the removal of the proposed garage for plot 2.
- 1.5 This application site is situated within an established residential area and within the settlement boundary of Coalpit Heath. The site is within an area known to have been used for coal mining in the past.
- 1.6 During the course of the application, amendments were requested to address the inappropriate materials proposed for plot 2. These were received on 28th

November 2016. A period of re-consultation was not deemed necessary due to the slight nature of the changes proposed.

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 (Adopted) January 2006 (saved policies)

H4 Development within Existing Residential Curtilages
T7 Cycle Parking
T12 Transportation
EP7 Unstable Land

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities of the East Fringe of Bristol Urban Area

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 PT16/4653/F Refusal 04/10/2016
Demolition of existing bungalow and erection of 2no. detached dwellings with associated works.

Refusal reasons:

1- The form, scale and massing of Plot 1 and the materials proposed for Plot 2 would, if approved, cause the development to appear incongruous and dominant within the street scenes visible along Badminton Road and Oakwood Gardens, and it is also considered that Plot 1 represents overdevelopment, as the density is not consistent with the adjacent units. The units therefore do not represent high quality design and the development is contrary to policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

2- Past mining activity is the main source of unstable land within South Gloucestershire, and the development includes the erection of a garage above

what The Coal Authority believes to be a disused mine shaft. Developers should avoid unstable land unless appropriate mitigation or remediation measures can be taken, and given the layout proposed, it is not feasible that mitigation measures could be secured by condition. The development therefore poses a risk to property and the personal safety of the occupiers of site and its surroundings, and is contrary to policies CS1 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and policy EP7 of the Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

- 3.2 DOC16/0232 Pending Consideration
Discharge of condition 4 (coal mining) attached to planning permission PK15/4365/F Demolition of existing bungalow and erection of 2no. detached dwellings with associated works. (Resubmission of PT14/3970/F)

- 3.3 DOC16/0137 Discharge of Conditions Decided 04/10/2016
Discharge of Conditions 2 (materials) and 3 (turning area) attached to planning permission PK15/4365/F. Demolition of existing bungalow and erection of 2no. detached dwellings with associated works. (Resubmission of PT14/3970/F).

- 3.4 PK15/4365/F Approve with conditions 09/02/2016
Demolition of existing bungalow and erection of 2no. detached dwellings with associated works. (Resubmission of PT14/3970/F).

- 3.5 PT14/3970/F Withdrawn 27/11/2014
Demolition of existing bungalow, erection of 2no. detached dwellings and associated works.

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
Objection on the grounds that the concerns raised by the previous application have not been fully addressed.

4.2 Other Consultees

Highway Structures

If the application includes a structure that will support the highway or support the land above a highway. No construction is to be carried out without first providing the Highway Structures team with documents in accordance with BD2/12 of the Design Manual for Roads and Bridges that will allow formal Technical Approval of the proposals to be carried out. The applicant will be required to pay the fees associated with the review of the submission whether they are accepted or rejected.

If the application includes a boundary wall alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner.

Lead Local Flood Authority

No objection subject to a SUDS condition.

Sustainable Transport

No objection.

The Coal Authority

No objection subject to conditions.

Archaeology Officer

Archaeological watching brief recommended.

Other Representations

4.3 Local Residents

One letter of objection has been received, stating the following:

- Plot 2 overlooks the front garden of 2 Oakwood Gardens
- The previously approved application was amended to avoid this 'awkward and contrived relationship'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within the established settlement boundary of Coalpit Heath and being residential curtilage, there is no in-principle objection to the development of the site for residential use. Accordingly, the relevant policies for the considerations of this application are primarily CS1 and CS5 of the South Gloucestershire Core Strategy (Adopted) December 2013, and policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. Whilst these are permissive of proposals for new residential development, this is subject to considerations of design, residential amenity and highway safety whilst adequate amenity space should be provided for any new separately occupied dwelling. Furthermore, the principle of the erection of 2 no. new dwellings at the site has already been established by application reference PK15/4365/F which was approved with conditions and is still extant.

5.2 Design

The applicant has acquired a section of land providing access onto Oakwood Gardens, enabling them to rotate plot 2 so that it faces north onto Oakwood Gardens, rather than being in tandem layout with plot 1 as approved under PK15/4365/F. An objection letter from a neighbour points out that the officer report for PK15/4365/F describes the relationship between plot 2 and Oakwood Gardens as 'awkward and contrived', however this was prior to the acquisition of a piece of land to provide access. It is acknowledged that ideally the applicant would own the strip of amenity land that it overlooks, however now that an access can be provided, this layout is preferred by officers. This is because it enables plot 2 to relate to an existing street scene and allows each plot to have their own access.

5.3 Plot 1 has been reduced in scale to an acceptable massing, and the materials shown are as approved under condition application reference DOC16/0137, and enable it to blend sympathetically with the natural stone property to the north. Amendments have been received for plot 2 to show materials to match Oakwood Gardens, as this is the street scene to which the unit now relates,

and takes access from. Samples will be required to be submitted and this will be conditioned on the decision notice. The original bungalow has been demolished and the site has been completely cleared, and so it is considered appropriate for a landscaping scheme to be conditioned on the decision notice to ensure that some vegetation is introduced back into the site, particularly given the prominent position on Badminton Road.

5.4 Residential Amenity

Plot 2 has been rotated to face towards Oakwood Gardens, and an objection has been received from the owner of no 2 Oakwood Gardens, who owns the land to the front of unit 2. Whilst the objection letter describes the development as overlooking their front garden, the area they refer to appears to be nothing more than a strip of amenity land, and is not within their residential curtilage or utilised as a garden. Concerns about future occupants of plot 2 incorporating the space within their own garden have been expressed, however as this is not under the ownership of the applicant, this would not be possible. No east facing windows are proposed and therefore the impact on 2 Oakwood Gardens is considered to be minimal.

5.5 No. 290 Badminton Road has a principal window facing onto the proposed side elevation of plot 1 at a distance of 4 metres. It is apparent that the outlook of this window will be affected, however it is not the only window serving the room as there is also one on the rear elevation with a clear outlook, and so officers do not consider the residential amenities of no. 290 to be harmed. Views from the window into the proposed garden of plot 1 will be possible, however this will be at an indirect angle and is partially obscured by the new building proposed.

5.6 No 286a to the south objected to the previously refused proposal because a double garage, later reduced to a single garage, was proposed 2 metres away from a principal kitchen window on the side elevation which overlooks the plot. This garage has now been removed at the request of The Coal Authority, and the window will overlook the parking area for plot 2, which is considered to be acceptable provided that a condition requiring a boundary treatment to be erected around the rear garden of plot 2, separating it from the parking area, and ensuring that views from the kitchen window of 286a into the proposed rear garden are screened. The rear of plot 2 faces towards no. 286a, and so no first floor windows have been proposed in order to prevent overlooking into the existing rear garden, and have been replaced with roof lights. The roof lights serve the hall and dressing room, and a secondary bedroom, which is considered acceptable as it is only a single bedroom. Permitted development rights relating to the insertion of new windows, including dormer windows, shall be removed by condition to protect the amenities of no. 286a to the south of the development.

5.7 With regards to plot size, unit 1 now benefits from a larger garden due to the removal of the access drive. Plot 2 has a garden in excess of 70 square metres, which exceeds the requirements for a three-bedroom dwelling outlined within emerging policy PSP43 of the Policies Sites and Places Development Plan Document (Submission Draft) June 2016. In conclusion, and subject to the conditions mentioned above, the amendments to the previously approved development are not considered to be harmful to the residential amenities of

the application site or the surrounding occupiers, in accordance with policy H4 of the Local Plan and policy CS1 of the Core Strategy.

5.8 Transport

The access to plot 1 was previously approved under application reference PK15/4365/F, and proposed improvements to the existing access to the now demolished bungalow from Badminton Road. Plot 2 is proposed to have its own access from Oakwood Gardens, and the plans show that an adequate visibility splay is already in place due to the existing bend in the highway at the point the access is proposed. The removal of the previously proposed garage for plot 2 from the plans remove cycle storage opportunities at the site, and it is recommended that a condition requiring details of covered and secure cycle parking for plot 2 is submitted for approval and implemented prior to first occupation. The required two parking spaces per dwelling have been shown on the proposed plans, and subject to a condition requiring the parking and access arrangements to be implemented prior to first occupation also, and maintained thereafter, there is no transportation objection.

5.9 Coal Mining

Subject to a condition requiring intrusive site investigations to be carried out prior to commencement of development, as well as any necessary mitigating measures to ensure the land was safe, the Coal Authority have not objected to this resubmission showing the removal of the garage. Discharge of condition application reference DOC16/0232 relates to the approval of these intrusive site investigations, and the same Method Statement submitted to discharge these conditions has also been submitted to support this planning application. The Method Statement indicates that borehole investigations have confirmed there is no coal on site, however The Coal Authority was not provided details of the results of this borehole investigation, and therefore cannot confirm whether these works are adequate. It also makes no explicit reference to any investigations which have been or are to be undertaken to ascertain the location and condition of the recorded mineshaft. Provided this information is secured by condition, the proposal is considered to accord with paragraph 120-121 of the NPPF and CS9 of the Core Strategy.

5.10 Archaeology

The Council's Archaeology Officer has stated that the site may have archaeological potential and that a watching brief should be conditioned on the decision notice. As the previous Archaeology officer did not raise any objections to the re-development of the site during application reference PK15/4365/F, no such condition was imposed on the previous approval, and so it would be unreasonable to introduce the need for a watching brief now.

5.11 Drainage

The Council's Drainage Engineer has recommended a Sustainable Urban Drainage System is secured by condition, however given the scale of the development it is considered adequate for this issue to be addressed through the associated Building Regulations application.

5.12 Planning Balance

Currently, South Gloucestershire Council cannot identify a five year housing land supply, and so applications for new dwellings should only be refused if the Council considers them to cause significant and demonstrable harm which outweighs the benefits of the scheme. Although the site has been cleared, a bungalow was previously sited on it, and therefore this proposal represents a net gain of 1 no. dwelling. This small contribution weighs in favour of the proposal, and is not outweighed by any harm caused by the development. It is therefore recommended that the application is approved, subject to the conditions on the decision notice.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission is **GRANTED** subject to the 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. Prior to the commencement of development samples of the roofing and external facing materials proposed to be used on plot 2 shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework. Details are required prior to commencement to prevent remedial works later on.

3. Development on plot 1 shall proceed in accordance with the materials agreed under discharge of condition reference DOC16/0137.

Reason

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

4. Development shall proceed in accordance with the access and parking arrangements shown on the approved Site Plan Proposed (Rev J) received on 14th October 2016, and be maintained for such a purpose thereafter.

Reason

In the interest of highway safety in accordance with policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of any other development, the following shall be submitted to and approved by the Local Planning Authority, and then implemented in accordance with the approved details:
 - (a) The submission of a scheme of intrusive site investigations for approval;
 - (b) The undertaking of that scheme of intrusive site investigations;
 - (c) the submission of a report of findings arising from the intrusive site investigations;
 - (d) The submission of a scheme of remedial works for approval; and
 - (e) The implementation of those remedial works.

Reason

To accord with policy EP7 of the South Gloucestershire Local Plan (adopted) January 2006 and the National Planning Policy Framework. Information is required prior to commencement to prevent remedial works later on.

6. Prior to first occupation of unit 2, details of covered and secure storage for 2 no. cycles must be submitted to the Local Planning Authority for written approval, and then implemented in accordance with the agreed details prior to first occupation of unit 2, and thereafter retained for that purpose.

Reason

In order to encourage sustainable transport choices, in accordance with policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

7. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, C, E,) other than such development or operations indicated on the plans hereby approved, shall be carried out on plot 2 without the prior written consent of the Local Planning Authority.

Reason

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

December 2013; policy H4 of the Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

8. Prior to the first occupation of the dwellings hereby approved, a landscaping scheme, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

In the interests of clarity, the landscaping scheme must show an appropriate boundary treatment surrounding the rear garden of plot 2.

Reason

In the interests of visual amenity of the site, and to protect the privacy and amenity of neighbouring occupiers and the application site, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

9. During the period of construction, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times Monday to Friday 07.30 - 18:00, Saturday 08:00 - 13:00; nor at any time on Sunday or Bank Holidays.

Reason

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