



**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. 40/16**

**Date to Members: 07/09/2016**

**Member's Deadline: 13/10/2016 (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](mailto:MemberReferral@southglos.gov.uk) providing details of

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

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

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

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

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

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

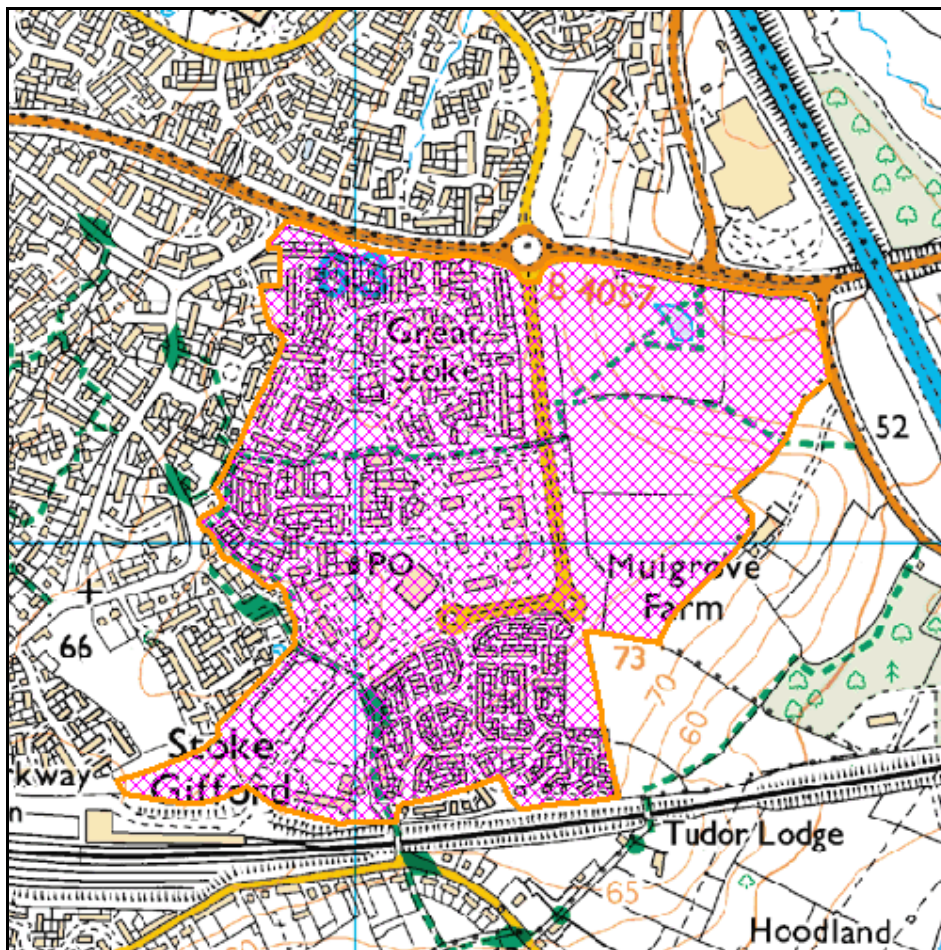
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

# CIRCULATED SCHEDULE - 07 October 2016

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>MODT16/0002</b>	No Objection	Land to the East Of Bristol Parkway Station Great Stoke Way Stoke Gifford South Gloucestershire BS34 8YU	Stoke Gifford	Stoke Gifford Parish Council
2	<b>PK15/3950/F</b>	Approve with Conditions	Land Off The High Street Hanham South Gloucestershire BS15 8DU	Hanham	Hanham Parish Council
3	<b>PK16/2884/F</b>	Approve with Conditions	117 London Road Warmley South Gloucestershire	Siston	Siston Parish Council
4	<b>PK16/2908/R3F</b>	Deemed Consent	Longwell Green Leisure Centre Aspects Leisure Park Leisure Road Kingswood South Gloucestershire BS15 9LA	Hanham	Hanham Parish Council
5	<b>PK16/3793/F</b>	Approve with Conditions	77 Cranleigh Court Road Yate South Gloucestershire BS37 5DN	Yate North	Yate Town
6	<b>PK16/4272/F</b>	Approve with Conditions	Land Adjacent To Tennis Court Inn Deanery Road Kingswood South Gloucestershire BS15 9JA	Woodstock	None
7	<b>PK16/4588/F</b>	Approve with Conditions	Cold Change Cottage Chase Lane Inglestone Common Badminton South Gloucestershire	Cotswold Edge	Hawkesbury Parish Council
8	<b>PT16/1580/F</b>	Approve with Conditions	14 High Street Thornbury South Gloucestershire BS35 2AQ	Thornbury North	Thornbury Town Council
9	<b>PT16/1582/LB</b>	Approve with Conditions	14 High Street Thornbury South Gloucestershire BS35 2AQ	Thornbury North	Thornbury Town Council
10	<b>PT16/1790/F</b>	Approve with Conditions	Yew Tree Cottage And Penrose Cottage Main Road Easter Compton South Gloucestershire BS35 5RE	Almondsbury	Almondsbury Parish Council
11	<b>PT16/3632/F</b>	Approve with Conditions	21 Court Road Frampton Cotterell South Gloucestershire BS36 2DE	Winterbourne	Frampton Cotterell Parish Council
12	<b>PT16/4034/RVC</b>	Approve with Conditions	Unit 13 The Square Long Down Avenue Stoke Gifford South Gloucestershire BS16 1GZ	Frenchay And Stoke Park	Stoke Gifford Parish Council
13	<b>PT16/4654/F</b>	Approve with Conditions	31 Highfields Close Stoke Gifford South Gloucestershire BS34 8YB		Stoke Gifford Parish Council
14	<b>PT16/5073/CLP</b>	Approve with Conditions	28 Court Road Frampton Cotterell South Gloucestershire BS36 2DN	Winterbourne	Winterbourne Parish Council

**CIRCULATED SCHEDULE NO. 40/16 – 7 OCTOBER 2016**

<b>App No.:</b>	MODT16/0002	<b>Applicant:</b>	Crest Nicholson Operations Ltd
<b>Site:</b>	Land To The East Of Bristol Parkway Station Great Stoke Way Stoke Gifford South Gloucestershire BS34 8YU	<b>Date Reg:</b>	28th April 2016
<b>Proposal:</b>	Deed of Variation of Section 106 Legal Agreement attached to planning permission P92/2321	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	363172 180102	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>		<b>Target Date:</b>	22nd June 2016



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100023410, 2015.

N.T.S.

MODT16/0002

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

The application relates to the modification of a S106 legal agreement and as such is required to be referred to the Circulated Schedule.

### **1. THE PROPOSAL**

- 1.1 The application is made under section 106A of the Town and Country Planning Act 1990. The proposed Deed of Variation relates to Planning Permission P92/2321 as detailed in section 3 of this report.
- 1.2 Planning permission P92/2321, the original consent, which permitted residential development on land north of Parkway rail station is subject to a s106 legal agreement which requires an area of land, to be transferred to South Gloucestershire Council for use as agriculture, forestry, outdoor leisure, community uses or as cemetery. The land in question comprises two areas of land referred to hereafter as 'the blue land' (shown as the blue edged land on PLAN No.1 by RPS dated 07.08.2014 attached to the end of this report), a square shaped area of land in the north west corner between Great Stoke Way and Winterbourne Road, and 'the additional land' a larger area of land extending south from Winterbourne Road to Mulgrove Farm (shown edged red and shaded red on the attached RPS plan). Both areas of land can also be seen on the map at the front of this report.
- 1.3 In 2014 the Council approved a Deed of Variation to the s106 agreement (the 2014 obligation) attached to the original consent with the purpose of re-defining the timeframe within which the Blue Land and additional land will be retained for the purposes set out in the s106 agreement. The redefined timeframe included trigger dates for submission of masterplan, endorsement of the masterplan and grant of planning permission for the development including the blue and additional land.
- 1.4 This proposed Deed of Variation has been submitted to vary these trigger dates. Constraints related to the EoHS allocation land have slowed the pre application process and applications for the main land owner within the allocation have just been submitted. As such this new Deed of Variation is submitted to extend the trigger dates stated in the 2014 Deed of Variation to provide an achievable timescale for grant of planning permission for the development including the blue and additional land.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy Guidance March 2014 – Planning Obligations

## 2.2 Development Plans

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

L1 Landscape Protection and Enhancement

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

CS1 High Quality Design

CS24 Green Infrastructure, Sport and Recreation Standards

CS27 East of Harry Stoke New Neighbourhood

## 2.3 Supplementary Planning Guidance

East of Harry Stoke New Neighbourhood Development Framework SPD  
Adopted May 2016

## 3. **RELEVANT PLANNING HISTORY**

3.1 P92/2321 Development of 39.94 hectares (98.5 acres) of land for residential, offices, retailing and open spaces. Construction of roads and associated highway works including a park and ride facility and LRT station (outline)

Approved 22<sup>nd</sup> December 1993

3.2 P94/2461 Development of 2.611ha of land for erection of 110,000 square feet of office/buildings (class B1 of the Town and Country Planning (Use Classes Order 1987). Construction of associated access roads and car parking (to be read in conjunction with P92/2321)

Approved 16<sup>th</sup> February 1995

3.3 P94/2527 Residential development on 10 acres of land to include the erection of 102 houses and associated works. Construction of roads

Approved 5<sup>th</sup> June 1995

3.4 P94/2624 Residential development on 11 acres of land to include the erection of 136 houses. Construction of roads, public open space and ancillary works. (to be read in conjunction with P92/2321)

Approved 5<sup>th</sup> June 1995

3.5 P95/1840 Erection of 12 dwellings and associated works on land east of Bristol Parkway, Stoke Gifford (to be read in conjunction with P92/2321)

Approved 15<sup>th</sup> September 1995

3.6 P96/1675 Erection of 20 dwellings (re-plan of previously approved site)

Approved 13<sup>th</sup> August 1996

- 3.7 P96/1741 Erection of 50 dwellings (re-plan of part of previously approved site) and associated works  
Approved 30<sup>th</sup> September 1996
- 3.8 P99/2180 Development of land for residential purposes, and erection school site (outline).  
Approved 3<sup>rd</sup> May 2000
- 3.9 PT99/0270/RM Erection of 83 dwellings and associated works.  
Reserved Matters Approved 14<sup>th</sup> July 2000
- 3.10 PT00/2213/RM Erection of 234 dwellings and associated works  
Reserved Matters Approved 21<sup>st</sup> December 2000
- 3.11 PT09/0741/VAR Modification of Section 106 agreement dated 28th April 2000 attached to planning permission P99/2180 discharge of obligation to pay the education contribution to the Council.  
  
Refused (June 2009) and Dismissed at appeal (April 2010).
- 3.12 PT09/5495/F Erection of 34 no. one, two and three bedroom dwellings with associated parking, landscaping and works. New access.  
  
Approved 5<sup>th</sup> October 2010
- 3.13 MODT14/0003 Modification of S106 Agreement attached to planning application P92/2321 to re-define the timeframe within which the Blue Land will be retained for the purposes set out in the s106 agreement.  
  
Approved 15<sup>th</sup> August 2014
- 3.14 PT16/4928/O Hybrid planning application for the demolition of farmhouse and agricultural buildings and erection of 327 dwellings with a primary school and nursery; along with site access/spine road, car parking, public open space, landscaping, drainage infrastructure and associated infrastructure; of which full permission is sought (with no matters reserved) for a site wide earthworks strategy and drainage infrastructure together with 150 no. dwellings (of the 327 total) and associated landscaping, layout, infrastructure and access; and outline permission is sought for the erection of 177 dwellings, primary school and nursery (Use Class D1) with access to be determined and all other matters reserved.  
  
Current

- 3.15 PT16/4782/O Outline planning permission for mixed use development comprising up to 1,290 dwellings including an extra care facility (Use Class C2/C3); community facilities (comprising use classes D1 and D2); provision of a mixed use local centre (Use Classes A1, A2, A3 and D1) together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping with access to be determined and all other matters reserved.

Current

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

This is not a planning application and there is no requirement for public consultation.

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

- 5.1 The relevant section of the P92/2321 original s106 agreement is Clause 3(b) – Dedication of Land. This section relates to the requirements for the developer (Crest Nicholson) as owners of the blue and additional land to transfer the entirety of the Blue Land to the Council within 3 years of commencement or 5 years of the date of the agreement or upon service of a notice by the Director of Property Services of the satisfactory landscaping of the Blue Land.
- 5.2 The 2014 obligation removed Clause 3(b) and replaced it with the following alternative requirements as summarised below:
- i. If the Director of Environment and Community Services shall have issued a notice in writing to the Owner stating that the Blue Land is required to be transferred to the Council by 21 August 2015 to convey the blue land to the Council subject to and in accordance with the Provisions of the Third Schedule.
  - ii. The owner must submit a Masterplan for approval within 6 months of the date of the agreement.
  - iii. the Council must inform the Owner whether the Masterplan is endorsed within 4 months of receipt
  - iv. Obtain planning consent for the development by 21 August 2017
  - v. In the event planning permission has not been obtained by 21 August 2017 the Council can serve notice by 21 August 2018 on the owner to transfer additional land to the Council
- 5.3 Clause 3.1.5 of the 2014 DoV refers to the addition of 2 provisions relating to the additional land as referred to in point v above, the first being the developer's requirement to have planning permission by 21 August 2017, the second was introducing our ability to serve notice on the developer to transfer the additional land to us if they have not obtained planning permission by the 21/08/17.



As such if the land owner does not achieve planning permission on the additional land then the Council is entitled to serve notice on that land and have it transferred to the Council which then comprises the whole of the land referred to in the original S106 (blue and additional land).

- 5.4 A number of the actions required at 5.2 (i) to (v) above have been completed.
- (i) Notice was served on Crest 17<sup>th</sup> August 2015 requiring the transfer of the blue land to the Council.
  - (ii) & (iii) The Crest masterplan was submitted and was endorsed at the PTSE Committee in May 2016.
- 5.5 This proposal requests a further extension of the trigger dates referred to at 5.2 (iv)-(v) to provide an achievable timescale for determination of the two major planning applications now submitted by the applicant Crest Nicholson Operations in August 2016, summarised above in sections 3.14 and 3.15 of this report. The applicant seeks the agreement of the LPA to extend the dates referred to in 5.2(iv) and (v) by 1 year.
- 5.6 As such:
- vi. The date 21 August 2017 for planning permission to be granted would now read 21 August 2018.
  - vii. The dates between which the Council could serve notice on the Owner for the additional land to be transferred between 21 August 2017 and 21 August 2018 would move back by one year to read 21 August 2018 to 21 August 2019.
- 5.7 This proposal does not seek to carry out development, rather it is a proposal to vary the 2014 deed of variation. The proposed deed of variation is essentially an alteration to the section referred to above such that the timescale within which the applicant can secure planning permission is extended by one year, after which if permission has not been granted (subject to certain exceptions) the Council can trigger transfer of the blue and additional land. To this end, this application is not a planning application but is a request to vary the existing s106 by deed which is permitted under section 106A of the Town and Country Planning Act 1990. However the amendment seeks to provide an achievable timescale for the Council to consider the applications including all negotiations to take place with the applicants (Crest) for their land within the East of Harry Stoke allocation and if acceptable, signing of s106 and issue of decision.
- 5.8 At this time, 'the blue land' has not been transferred and remains in the control of Crest Nicholson Operations Ltd. However although the land has not yet been transferred to the Council, its uses remain consistent with the uses set out in the s106 legal agreement, and our obligation to serve notice onto the land owner has been carried out.

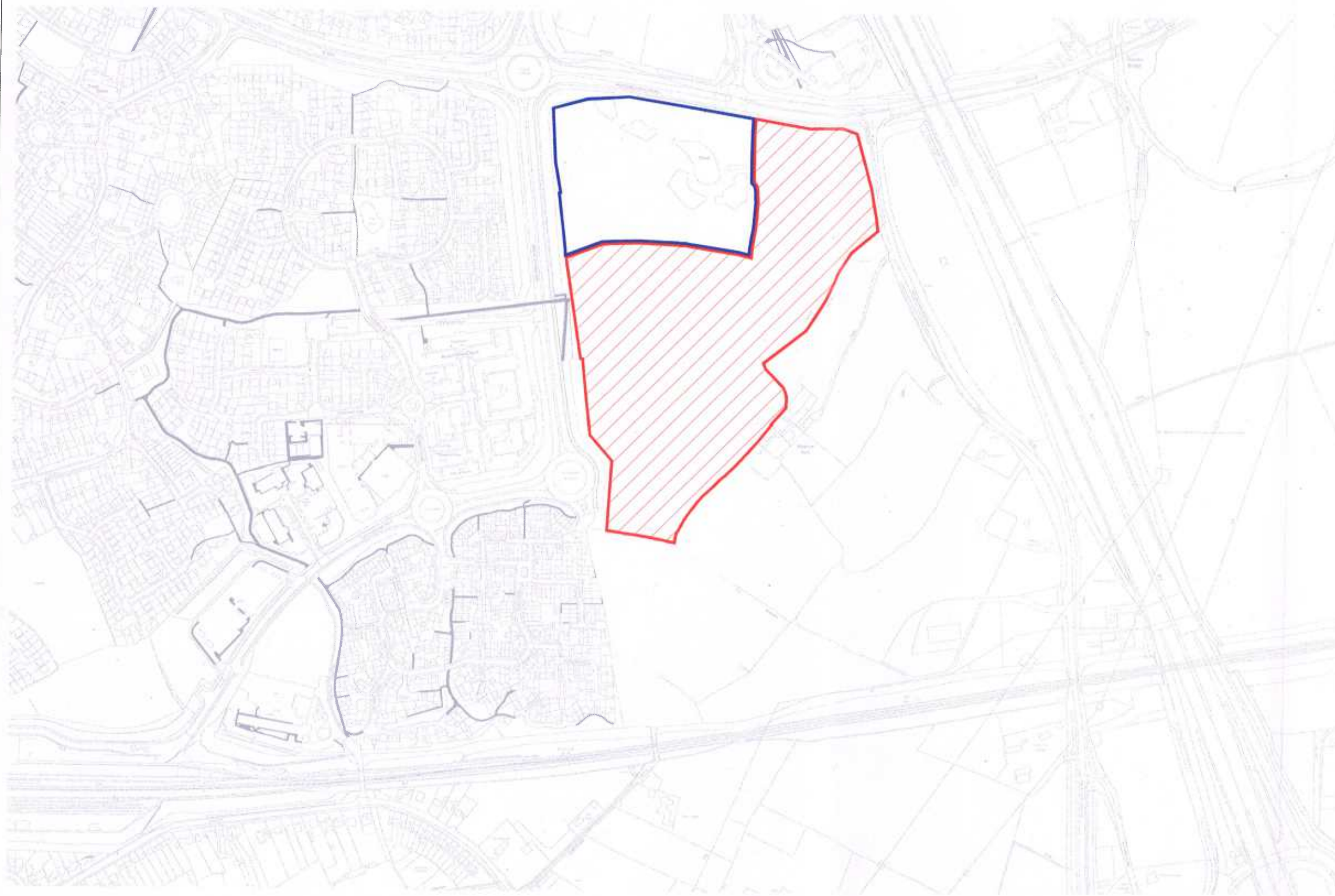
5.9 The proposed Deed of Variation does not seek to amend the existing covenants related to use, which are retained unless or until the Local Planning Authority grants planning consent for an alternative use, at which time, it would take into account and determine the extent to which the covenants as to use continued to serve a useful purpose.

## **6. RECOMMENDATION**

- 6.1
- i) That authority is delegated to the Director of Environment and Community Services to formulate the precise wording of the Deed of Variation.
  - ii) That authority is delegated to the Director of Environment and Community Services to vary the s106 legal agreement dated 15<sup>th</sup> August 1995 (associated with P92/2321) as amended by Deed of Variation MODT14/0003 be further amended in accordance with paragraph 5.5 above
  - iii) In the event that the Deed of Variation is not completed by 1<sup>st</sup> January 2017 that authority is delegated to the Director of Environment and Community Services to refuse to enter into the proposed Deed of Variation.

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

- Notes**
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DEPARTMENT OF  
PLANNING  
AND  
COUNTRYSIDE  
MANAGEMENT

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Client CREST STRATEGIC

Project LAND EAST OF HARRY STOKE

Title PLAN NO.1

Status	Drawn By	PM/Checked by
-	CC	AH
Job Ref	Scale @ A3	Date Created
JBR2201	1:5000	07.08.2014

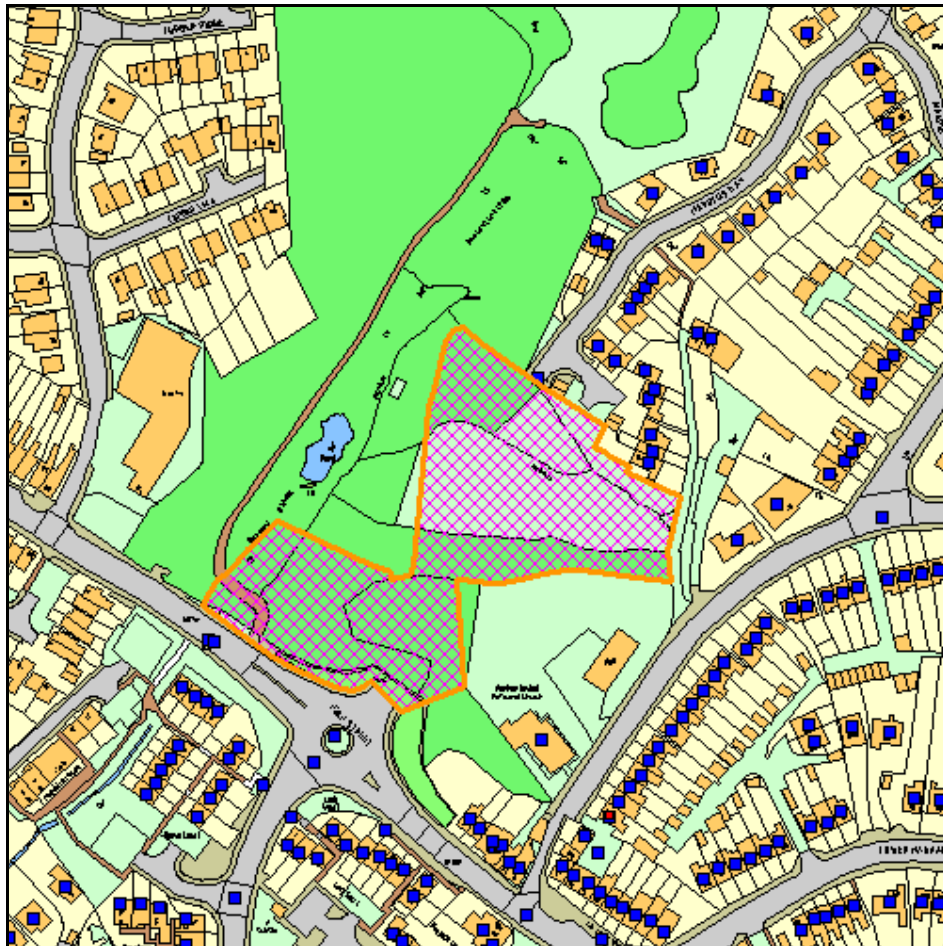
Drawing Number	Rev
500_50	-

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**CIRCULATED SCHEDULE NO. 40/16 – 7 OCTOBER 2016**

<b>App No.:</b>	PK15/3950/F	<b>Applicant:</b>	Yourlife Management Services Ltd
<b>Site:</b>	Land Off The High Street Hanham Bristol South Gloucestershire BS15 8DU	<b>Date Reg:</b>	28th September 2015
<b>Proposal:</b>	Erection of 54no. bed Extra Care Accommodation (Class C2) with communal facilities, landscaping, car parking, access and associated works.	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	364059 172516	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Major	<b>Target Date:</b>	21st December 2015



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## **REASON FOR REFERRING TO CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule in order to revise the previous resolution to merely gain an extension in time for the signing of the S106 Agreement.

### **1. THE PROPOSAL**

- 1.1 The application site lies within the urban area and comprises approximately 0.67 hectares of vacant overgrown land, part of which was a former nursery. The site comprises two linked parcels of relatively open land overgrown by bramble, rough grassland, and emergent woodland with some mature trees and scrub. The site is crossed by a number of informal paths (not marked on the definitive public right of way map) leading down to the west to the valley bottom and associated Stradbrook stream (this is known as Magpie Bottom and is designated as a Site of Nature Conservation Interest – SNCI). No part of the application site falls within the SNCI.
- 1.2 The northern part of the site slopes down, east to west, towards Magpie Bottom, whilst the southern part comprises a steep grassed embankment sloping down to a roundabout that forms the end of Hanham High Street. The Tabernacle Evangelical Church, Church Hall and grounds, virtually divide the two parcels of land.
- 1.3 Planning permission PK15/3950/F was recently granted (subject to a S106 Agreement) via Circulated Schedule 10/16, a copy of which is appended to this report, for the erection of a 54no. bed Assisted Living Extra Care Accommodation (Class C2) with associated communal facilities, landscaping, access, parking and associated works.
- 1.4 Part 3 of the resolution required the S106 Agreement to be signed within 6 months of the date of the resolution. Unfortunately, due to delays in conveyancing the S106 has not yet been signed. A further 6 weeks is required to fully resolve matters – hence this further referral to the Circulated Schedule to formalise the arrangement.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

The National Planning Policy Framework (NPPF) 27<sup>th</sup> March 2012.  
The National Planning Practice Guidance (NPPG) 2014  
The Community Infrastructure Levy (CIL) Regulations 2010

#### **2.2 Development Plans**

The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013  
CS1 - High Quality Design  
CS2 - Green Infrastructure  
CS4A – Presumption in Favour of Sustainable Development  
CS5 - Location of Development  
CS6 - Infrastructure and Developer Contributions

- CS8 - Improving Accessibility
- CS9 - Managing the Environment and Heritage
- CS15 - Distribution of Housing
- CS16 - Housing Density
- CS17 - Housing Diversity
- CS18 - Affordable Housing
- CS20 - Extra Care Housing
- CS23 - Community Infrastructure and Cultural Activity
- CS24 - Green Infrastructure, Sport and Recreation Standards

South Gloucestershire Local Plan (Adopted) January 2006

- L1 - Landscape Protection and Enhancement
- L5 - Open Areas within the Existing Urban Areas and Defined Settlements
- L8 - Sites of Regional and Local Nature Conservation Interest
- L9 - Species Protection
- L11 - Archaeology
- EP2 - Flood Risk and Development
- EP4 - Noise-sensitive development
- EP6 - Contaminated Land
- T7 - Cycle Parking
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development
- LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
- LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)
- LC12 - Recreational Routes

2.3 Supplementary Planning Guidance

- Trees on Development Sites SPG (Adopted)
- The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.
- Affordable Housing SPD Adopted Sept.2008.
- South Gloucestershire Council Residential Parking Standards (SPD) Adopted Dec 2013.
- The Local List SPD (Adopted) Feb. 2008

2.4 Emerging Plan

Proposed Submission : Policies, Sites & Places Plan March 2015

- |       |   |
|-------|---|
| PSP1  | Local Distinctiveness                                       |
| PSP2  | Landscape   |
| PSP3  | Trees and Woodland  |
| PSP4  | Designated Local Green Spaces                               |
| PSP5  | Undesignated Open Spaces Within Urban Areas and Settlements |
| PSP8  | Settlement Boundaries                                       |
| PSP9  | Residential Amenity   |
| PSP12 | Development Related Transport Impact Management             |
| PSP17 | Parking Standards   |
| PSP18 | Heritage Assets and the Historic Environment                |
| PSP20 | Wider Diversity   |
| PSP21 | Flood Risk, Surface Water and Watercourse Management        |

PSP22	Environmental Pollution and Impacts
PSP23	Unstable Land
PSP44	Private Amenity Space Standards

### 3. RELEVANT PLANNING HISTORY

- 3.1 P76/4227 Outline Application for Residential Development (Refused)  
P85/4676 Residential Development (Approved)  
P97/4249 Residential Development (Outline) Refused  
PK00/0684/F Erection of 8 no. houses with construction of access road off Harold's Way and provision of public open space (Refused)
- 3.2 PK00/0684/F and PK00/0688/F were duplicate applications for – The erection of 8no. houses with construction of access road off Harold's Way and provision of public open space.  
Refused for the following reasons:
- *The development would be on a Greenfield Site and would thus be contrary to guidance in PPG3 and Policy H2 (A) of the South Gloucestershire Local Plan (As approved for Deposit)*
  - *The proposal, by reason of the proximity of built-development to the adjacent badger sett would fail to protect the welfare of the badgers. The proposal would also be contrary to the Protection of Badgers Act 1992, Policy C4B of the approved Avon County Structure Plan and Policy L10 of the South Gloucestershire Local Plan (As approved for Deposit).*
  - *The proposed design and layout fails to have regard to the character of the area in terms of the local pattern of streets and spaces and design of dwellings. It would also be contrary to PPG3, Policy D1 of the South Gloucestershire Local Plan (As approved for Deposit) and Policy KLP67 of the Kingswood Local Plan (As approved for Deposit).*
- A subsequent appeal, (APP/0119/A/00/1046231) was dismissed with the Inspector accepting the first reason for refusal set out above. The Inspector did not accept the other reasons for refusal indicating that if the appeal site was required to meet an additional demand for housing then this particular area would have the least impact upon amenity value of the overall Magpie Bottom area. A clear distinction was made between the amenity value of the application site and the remainder of the Magpie Bottom area (para 22-24).
- 3.3 PK06/0304/F - Erection of 4no. dwellings with access, car parking and associated works.  
Approved 9<sup>th</sup> June 2006.
- 3.4 PK08/1688/O - Erection of 12no dwellings (Outline) with means of access to be determined. All other matters reserved.  
Refused 18 March 2009  
A subsequent appeal APP/P0119/A/09/2112347 was dismissed 31 Dec 2009.
- 3.5 PK10/019/SCR - Screening opinion for PK10/1331/O  
EIA Not required 18 June 2010

3.6 PK10/1331/O - Erection of Residential Institution (Class C2) (Outline) with means of access to be determined. All other matters reserved.

Refused 17 Sept. 2010 for the following reasons:

- *The submitted Design and Access Statement fails to demonstrate adequate assessment of the site and its context to appropriately inform and clearly set acceptable principles for the layout, scale or appearance of the buildings and treatment of landscape areas. The application is therefore contrary to PPS1, PPS3, South Gloucestershire Local Plan Policy D1 (criteria A, B, C, D, F, G & H), South Gloucestershire Core Strategy (Pre-Submission Publication Draft– March 2010) Policy CS1 and the South Gloucestershire Design Checklist (SPD) August 2007.*
- *There is insufficient information to determine that the development will not adversely impact on species protected under the Countryside & Rights of Way Act 2000/Wildlife & Countryside Act 1981 (as amended); or species listed as being of principal importance for biological diversity in England under Section 41 of the Natural Environment and Rural Communities Act 2006 and listed on the UK and South Gloucestershire Biodiversity Action Plans, contrary to Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
- *Inadequate information has been submitted to satisfy the Local Planning Authority that adequate/safe access for pedestrians and cyclists can be provided, given the steep gradient of the land, within the site boundary. Furthermore, by reason of inadequate information relating to provision of suitable off-street turning area for service vehicles, the proposal would lead to large service vehicles having to reverse long distance with consequent additional hazards to all users all contrary to Policies T12, H2 and D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
- *In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions towards mitigating the under-provision of public open space in the development and the demand placed on the library service and provision of dog and litter bins, the proposal would be contrary to Policies LC8, LC01, H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*

3.7 PK10/1593/O - Erection of 12no. dwellings (outline) with access to be determined. All other matters reserved.

Approved S106 Signed 11 Nov 2011

3.8 PK11/2887/O - Erection of residential institution (Class C2) (Outline) with means of access to be determined. All other matters reserved. (Re-submission of PK10/1331/O).

Refused 20 Dec. 2011 for the following reasons:

- *The means of access and surrounding highway network is inadequate to serve a Care Home of this size, contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.*
- *In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions towards mitigating the under provision of public*



*open space in the development and its maintenance, the proposal would be contrary to Policy LC8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*

- *In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions to mitigate against the demands placed upon the library service, the proposal would be contrary to Policy LC1 of the South Gloucestershire Local Plan (Adopted) Jan. 2006.*

Appeal Ref: APP/P0119/A/12/2169263 – Dismissed 25<sup>th</sup> July 2012. An application for a full award of costs was also dismissed.

The Inspector did not agree with the first reason for refusal listed above and added her own reason (see para. 1.7 above).

- 3.9 PK13/4444/O - Erection of Residential Institution (Class C2) (Outline) with means of access to be determined. All other matters reserved.  
Approved subject to S106 Agreement 13<sup>th</sup> March 2014 with the following conditions amended as follows:

Condition 2 to be amended to read Plans and particulars of the reserved matters referred to in the condition above, relating to layout (layout to include parking provision), scale, appearance etc.

Condition 7 to be amended such that start time for construction is 08.00 hrs.

Approved S106 signed 13 May 2015

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

##### **4.1 Hanham Parish Council**

No objections. Councillors were pleased to see that local residents views had been taken into account and the applicant had undertaken an excellent consultation exercise. The revised access had resolved a lot of the previous objections.

##### **4.2 Other Consultees**

###### **Wessex Water**

No objection – the site would be served by private systems of on-site drainage requiring building regulations. Connection to the existing public foul sewer is acceptable in principle. Surface water disposal would be subject to NPPF guidelines and SuDs hierarchy.

###### **Wales and West Utilities**

Wales and West Utilities have pipes in the area. The developer should contact Wales and West prior to the commencement of works.

###### **The Environment Agency**

No objection in principle subject to conditions relating to possible contamination of site.

Police Community Safety

The design is generally in order and complies appropriately with the crime prevention through environmental design principles.

The Coal Authority

No objection subject to a condition to secure the Ground Investigation Works recommended by the submitted Desk Study Report.

Avon Fire and Rescue

No response

The Care Quality Commission

No response

Avon Wildlife Trust

No response

Sustainable Transport

No objection subject to the provision of suitable mitigating measures in order to improve accessibility to the site by none motorised traffic at the roundabout. For avoidance of doubt, the developer is required to provide detail design including details of widening of pedestrian islands, extension to dropped kerbs, provision of tactile paving and improvement to the footway on the north-west corner of the roundabout, with all details submitted for written approval of the Council and subsequently, implement the approved scheme. All highway works will be covered under an appropriate legal agreement.

Lead Local Flood Authority

No objection subject to a condition to secure a SUDS Drainage Scheme

Arts and Development

Any approval should be subject to a condition to secure details of a unique site specific integrated scheme of Public Art.

Historic Environment Officer

No objection subject to a standard HC13 condition to secure a programme of archaeological work to be undertaken prior to the commencement of any ground disturbance.

Highway Structures

No response

Ecology Officer

No objection subject to a condition to secure an Ecological Mitigation and Enhancement Plan.

Landscape Officer

Officers have raised some concerns about the lack of detail regarding the planting of larger growing trees to mitigate the loss of the more significant trees on the site. There is also concern that more planting is not proposed for the southern boundary with the Church Yard and to the possible impact of the

proposed gabion wall on the health of the boundary vegetation growing within the Churchyard. These matters can be addressed by way of a condition to secure the submission and agreement of a comprehensive scheme of landscaping.

#### Tree Officer

Detailed planting plans to include species and size of plants should be submitted and approved prior to determination of the application. In addition an Arboricultural Impact Appraisal, Arboricultural Method Statement and Tree Protection Plan should be submitted and approved prior to determination.

#### Environmental Protection

No objections subject to a condition relating to possible contamination of land.

#### Urban Design

No objection subject to a condition to secure details of eaves, window reveals, window frame and colour.

#### New Communities

Contributions are requested for the following:

Off-site POS provision/enhancement	£12,270.13p
Off-site POS maintenance	£ 3,713.77p
	-----
Total	£15,983.90p
	-----

### **Other Representations**

#### 4.3 Local Residents

15no. letters/e-mails of support have been received; the comments in favour are summarised as follows:

- The facility is needed by the ageing community.
- Will help regenerate Hanham High Street.
- A vast improvement on the previously approved scheme.
- The access off High St. rather than Harold's Way is an improvement.
- The proposed landscaping is acceptable.
- The practicality of the access has been considered.
- Will fit well in the location.
- Will improve Hanham gateway.
- Local shops will benefit.
- The design is good.
- Will free up family homes.
- The proposed materials are sensitive to the location.
- There has been good engagement with the local residents.
- Improved view from the High Street.

5no. letters/e-mails of objection were received. The concerns raised are summarised as follows:

- The building is too large.
- The design is not in-keeping with the area.

- Increased noise.
- Will be seen from Magpie Bottom.
- Insufficient parking.
- Construction traffic should not use Tabernacle Road.
- Overbearing impact on no.12 Harold's Way.
- Loss of light to no.12.
- Increased light pollution.
- Loss of privacy/overlooking of No. 12.
- Loss of footpaths to High street from Harold's Way.
- Loss of vegetation.
- Proposed materials are not in-keeping.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

This site lies within the Urban Area and the acceptance in principle of the development proposed was previously established with the resolution to grant application PT15/33950/F subject to a S106 Agreement to secure the 'Heads of Terms' listed at para. 7.1 of the original Circulated Schedule Report (as appended).

5.2 The NPPF (para. 14) states that; at the heart of the Framework is the presumption in favour of sustainable development. Furthermore The South Gloucestershire Local Plan Core Strategy Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

5.3 The drafting of the S106 Agreement has involved protracted negotiations regarding the sale of land by the Council to the applicant, the conveyancing of which has taken the application past the 6 month deadline for completing the S106 Agreement. An extension in time to Friday 18<sup>th</sup> November 2016 to complete the S106 is sought. Officers are however satisfied that there is every expectation that the S106 will be signed within this timeframe.

## **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 Officers consider that in order to complete the signing of the S106 that a further extension in time beyond the originally granted 6 months to 18<sup>th</sup> November 2016 is reasonable.

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

## **7. RECOMMENDATION**

- 7.1 (1) That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:

- (i) A contribution of £12,270.13p towards off-site POS provision/enhancement.
- (ii) A contribution of £3,713.77p towards POS maintenance.

Both of the above to be spent on the enhancement of Woodlands Tennis Club which has members up to and in their 70's and 80's or other appropriate outdoor facilities.

- (iii) A contribution of £50,000 towards highway works/improvements for:
  - a) Widening of the splitter islands (ideally to 2m) at the crossing points on the roundabout on High Street to be DDA compliant and provision of tactile paving.
  - b) Provision of a new section of footway (constructed behind the existing pavement) to create an alternative place for pedestrian crossing in order to avoid the existing obstructions (BT cabinets and phone mast) on the footway at the location of the roundabout on High Street.

The reasons for this Agreement are:

- (i) To accord with Policies CS2 and CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013
  - (ii) To accord with Policies CS2 and CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013
  - (iii) To accord with Policies CS1 and CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013 and Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- (2) That the Head of Legal & Democratic Services be authorised to prepare and seal the agreement.
  - (3) Should the agreement not be completed by the 18<sup>th</sup> November 2016; that delegated authority be given to the Director of Environment and Community Services to refuse the application.

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

## **CONDITIONS**

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

### Reason

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

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

Topographical Survey Sheet 1 of 3 Drawing No. SD15305-01 received 10 Sept. 2015  
Topographical Survey Sheet 2 of 3 Drawing No. SD15305-01 received 10 Sept. 2015  
Topographical Survey Sheet 3 of 3 Drawing No. SD15305-01 received 10 Sept. 2015

Site Location Plan Drawing No. 03-AC-0001 Rev A received 10 Sept. 2015  
Site Plan, Context Drawing No. 03B-AC-0002 Rev C received 26 Feb. 2016

Ground Floor Plan Drawing No. 03B-AC-0072 Rev A received 8 March 2016  
Upper Ground Floor Plan Drawing No. 03B-AC-0073 received 25 Jan. 2016  
Second Floor Plan Drawing No. 03B-AC-0074 received 25 Jan. 2016  
Third Floor Plan Drawing No. 03B-AC-0075 received 25 Jan. 2016  
Fourth Floor Plan Drawing No. 03B-AC-0076 received 25 Jan. 2016  
Roof Plan Drawing No. 03B-AC-0077 received 8 March 2016

Elevations North and South Drawing No. 03B-AC-0070 received 25 Jan. 2016  
Elevations West and East Drawing No. 03B-AC-0071 received 25 Jan. 2016  
Elevations Courtyard Drawing No. 03-AC-0052 received 10 Sept 2015  
Elevations West and East - Indicative Tree Cover Drawing No. 03-AC-0053 received 10 Sept 2015

Sections Drawing No. 03-AC-0055 received 10 Sept 2015

Elevations, North and South (Artist) Drawing No. 03B-AC-0059 received 25 Jan. 2016  
Elevations, West and East (Artist) Drawing No. 03B-AC-0060 received 25 Jan. 2016

Landscape Layout Drawing No. SW-2034-02-LA-003 Rev B received 26 Feb. 2016  
West Boundary Sections Drawing No. SW-2034-03-LA-005 Rev A received 26 Feb. 2016  
Drainage Layout Drawing No. 50819-06 Rev B received 26 Feb. 2016

### Reason

To ensure that the development is carried out in accordance with the approved details.

3. The hours of working on site during and directly related to the period of construction of the development hereby approved, shall be restricted to 08.00 to 18.00 Mondays to Fridays, and 08.00 to 13.00 Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To minimise disturbance to neighbouring properties and to accord with Policy E9 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the provisions of the NPPF.

4. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts, within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details and before the development is first occupied. For the avoidance of doubt the SUDS Drainage Details to be submitted should include the following:

- Drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus 30% climate change storm event.
- Where infiltration forms part of the proposed Surface Water Network such as Soakaways, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365.
- Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus 30% climate change storm event.
- Resubmission of the drainage layout plan showing exceedance / overland flood flow routes and the likely depths of any flooding.
- The plan should also show any pipe node numbers referred to within the drainage calculations.
- A manhole / inspection chamber schedule to include cover and invert levels.

Reason

The condition is a pre-commencement condition as it is essential to install agreed drainage systems ahead of the development of the buildings approved and to ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of the development hereby approved, an Ecological Mitigation and Enhancement Strategy, based on the recommendations given in the following reports:

An Extended Phase 1 Habitat Survey has been provided (Innovation Group Environmental Services, dated July 2014). In addition the same company has provided a Bat Activity Transect Survey (October 2015), a Badger Presence / Absence Survey (August 2015), a Breeding Bird Survey (July 2015), a Great Crested Newt Habitat Suitability Index Survey (November 2014) and a Great Crested Newt Absence/Presence Population Survey (June 2015).

To include inter alia reptiles and European hedgehog, suitable protection/buffering of the adjacent SNCI Magpie Bottom; shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall proceed in strict accordance with the approved strategy.

#### Reason

In the interests of protected species and the ecology of the site, in accordance with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policies L8 and L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006. This is a pre-commencement condition to ensure that protected species are not harmed before the strategy can be agreed and implemented.

6. Prior to the commencement of the development hereby approved, intrusive site investigation works of the site shall be undertaken to establish the coal mining legacy issues (if any) on the site and appropriate measures of mitigation, should shallow mining or mine entries be found. The mitigation measures if required shall be carried out to the Council's written satisfaction prior to the commencement of the development hereby approved.

#### Reason

This is a pre-commencement condition as investigation works and appropriate mitigation are required to ensure the future safety of the occupiers of the development and prevent the need for retrospective mitigation after the development is commenced/completed and to take account of the past mining activities within the area in accordance with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

7. Prior to the installation of any floodlighting and/or external illuminations on the site, including the car park and access, as part of the development hereby approved, details of any floodlighting and/or external illuminations (including measures to control light spillage), shall be submitted to and agreed by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter retained as such.

#### Reason

To prevent excess light pollution in accordance with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

8. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); 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.



For the avoidance of doubt the landscape scheme should specifically include an Arboricultural Impact Appraisal and Arboricultural Method Statement for the western boundary of the site with neighbouring Methodist Church and Graveyard.

#### Reason 1

To protect the setting of the neighbouring Locally Listed Methodist Church in accordance with Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy L15 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

#### Reason 2

To protect the character and appearance of the area to accord with Policy L1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 6th Jan 2006 and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a pre-commencement condition to ensure that the works do not prevent the retention and protection of landscape features.

9. Notwithstanding the details shown on the submitted plans, prior to the relevant parts of the development hereby approved, a schedule of materials (to include details of eaves, window reveals, frame and colour) to be used for the external surfaces and roofing of the development hereby approved, shall be submitted to and approved in writing by, the Local Planning Authority and thereafter the development shall be carried out in full accordance with the details so approved.

#### Reason

To ensure a high quality of design for the development in the interests of the visual amenity of the area and to accord with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the requirements of the NPPF.

10. Prior to their construction, details of the new footpath links to Magpie Bottom, to include gradient and surfacing, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the footpath links shall be constructed in accordance with the approved details and prior to the first occupation of any of the units within the development hereby approved.

#### Reason

To ensure there are adequate links to Magpie Bottom in accordance with Policies CS1 and CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th December 2013 and Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

11. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

#### Reason

To ensure the adequate protection of archaeological remains and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of the NPPF. This is a pre-commencement condition to ensure that archaeology is not compromised or sterilised by the development of the site.

12. Prior to the works of construction of the development hereby approved, details of a unique site specific integrated scheme of Public Art (including timescales) to be implemented within the development site shall be submitted to the Local Planning Authority for approval in writing. For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm - Planning Advice Note. Thereafter the artwork shall be installed in accordance with the details and timescales so agreed.

#### Reason

To protect the character, distinctiveness and visual amenity of the site and the surrounding locality; and to accord with Policies CS1 and CS23 of The South Gloucestershire Local Plan Core strategy (Adopted) 11th Dec. 2013.

13.
  - A) The ACS Desk Study dated 2nd October 2015 has identified potential contaminants which could pose an unacceptable risk to the development. Prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address any unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
  - B) Prior to occupation, where works have been required to mitigate contaminants (under section A) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
  - C) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

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

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.

- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

For further advice on contaminated land investigations, the applicant can contact Environmental Services on (01454-868001).

#### Reason

In the interests of the amenities and health of future residents and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy EP6 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of the NPPF.

This is a pre-commencement of development condition to enable the whole site to be assessed and any contamination addressed prior to development.

14. Prior to the first occupation of the development hereby approved, details of secure cycle parking shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities shall be installed in full accordance with the approved details and prior to the first occupation of the development hereby approved.

#### Reason

To encourage sustainable forms of transport and to accord with Policy T7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

15. Prior to the first occupation of the development hereby approved, the off-street car parking and turning facilities shall be provided in accordance with the approved Landscape Layout Drawing No. SW-2034-02-LA-003 and thereafter maintained for their intended purpose.

#### Reason

In the interests of highway safety and the amenity of the area to accord with Policies CS1 and CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policies T8 and T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

16. Prior to the commencement of any works on the site, a 'construction management plan' or 'construction method statement' shall be submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicle of site operatives and visitors,

- routes for construction traffic - avoid using Tabernacle Road or Harolds Way access,
- hours of operation,
- method of prevention of mud being carried onto highway,
- pedestrian and cyclist protection,
- proposed temporary traffic restrictions,
- arrangements for turning vehicles,
- storage area for materials, equipment on site.

Reason

In the interests of highway safety and the amenity of the area to accord with Policies CS1 and CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policies T8 and T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006. This is a pre-commencement condition to ensure that from the outset, all development is carried out in an appropriate manner without disruption to the highway.

17. Prior to the commencement of any on site works, a schedule of dilapidation survey shall be undertaken and agreed by both parties, of the highway network in the locality, including all highway structures. Any post development damage shall be made good by the developer to the full and final satisfaction of the highway authority.

Reason

In the interests of highway safety and the amenity of the area to accord with Policies CS1 and CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006. This is a pre-commencement condition to ensure that any damage to the highway is mitigated for.

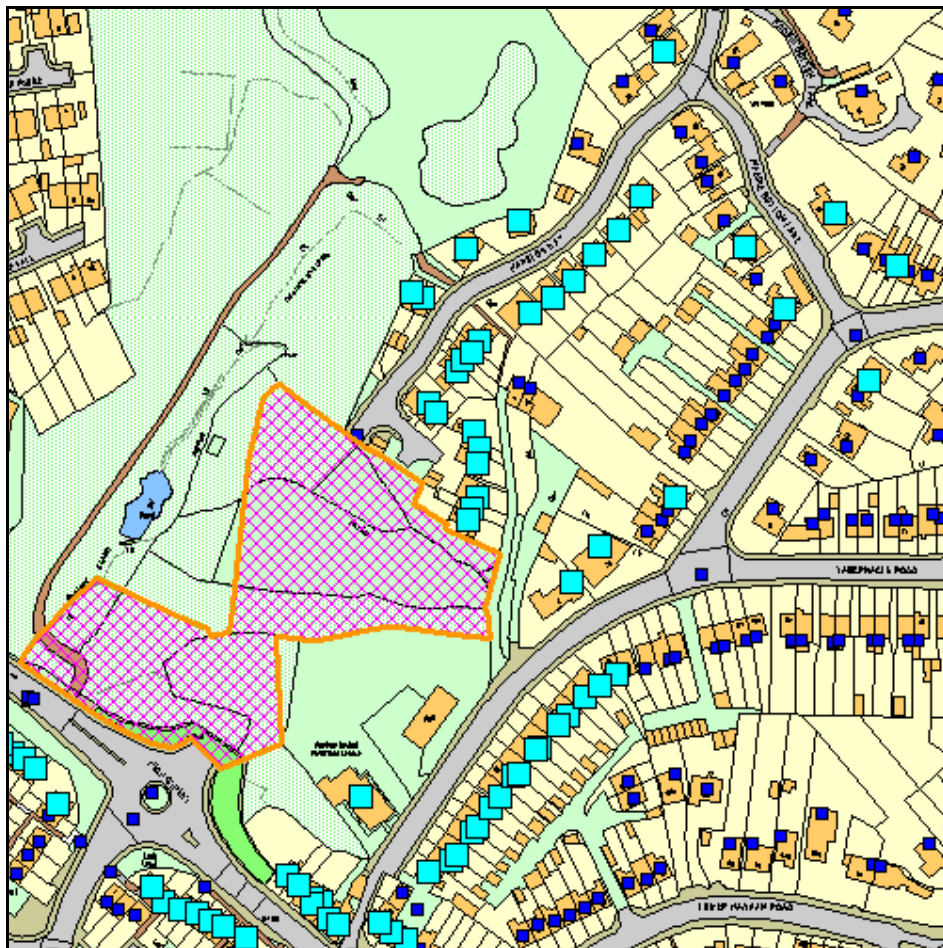
18. The new vehicular access to the site shall be constructed to the Council's standards of construction with all details to be submitted for written approval of the Council prior to its construction.

Reason

To ensure an adequate means of access to the site is constructed in the interests of highway safety and the amenity of the area to accord with Policies CS1 and CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

**APPENDIX - CIRCULATED SCHEDULE NO. 10/16 – 11 MARCH 2016**

<b>App No.:</b>	PK15/3950/F	<b>Applicant:</b>	Yourlife Management Services Ltd
<b>Site:</b>	Land Off The High Street Hanham Bristol South Gloucestershire BS15 8DU	<b>Date Reg:</b>	28th September 2015
<b>Proposal:</b>	Erection of 54no. bed Extra Care Accommodation (Class C2) with communal facilities, landscaping, car parking, access and associated works.	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	364059 172516	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Major	<b>Target Date:</b>	21st December 2015



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 100023410, 2008. N.T.S. PK15/3950/F

## **REASONS 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. Furthermore a new S106 Agreement is required.

### **1. THE PROPOSAL**

- 1.1 The application site lies within the urban area and comprises approximately 0.67 hectares of vacant overgrown land, part of which was a former nursery. The site comprises two linked parcels of relatively open land overgrown by bramble, rough grassland, and emergent woodland with some mature trees and scrub. The site is crossed by a number of informal paths (not marked on the definitive public right of way map) leading down to the west to the valley bottom and associated Stradbrook stream (this is known as Magpie Bottom and is designated as a Site of Nature Conservation Interest – SNCI). No part of the application site falls within the SNCI.
- 1.2 The northern part of the site slopes down, east to west, towards Magpie Bottom, whilst the southern part comprises a steep grassed embankment sloping down to a roundabout that forms the end of Hanham High Street. The Tabernacle Evangelical Church, Church Hall and grounds, virtually divide the two parcels of land.
- 1.3 Outline Planning Consent PK13/4444/O was recently granted for a residential institution on this site with access from the north via Harold's Way. This permission is still extant and would be a fall-back situation should the current proposal be refused. Prior to that, housing developments were approved on both the northern and southern areas of the site but these permissions have now expired.
- 1.4 The current proposal is for the erection of a 54no. bed Assisted Living Extra Care Accommodation (Class C2) with associated communal facilities, landscaping, access, parking and associated works. The applicant is Your Life Management Services, a joint venture between Somerset Care and McCarthy & Stone. The Company is registered as a Domiciliary Care Agency with the Care Quality Commission, which is a statutory requirement for providing "care" to individuals.
- 1.5 The scheme has been the subject of protracted pre-application discussions with the Council and Community Involvement with the developer. The scheme has also been revised during the course of this application to overcome a number of concerns raised by both officers' and local residents' but these have been more of a fine-tuning nature rather than major changes. As such the scheme as now proposed is considered by officer's to be a far superior one to that previously approved under PK13/4444/O. The key differences are that the building would be accessed directly off the existing roundabout at the bottom of Hanham High Street, as opposed to through the residential cul-de-sac of Harold's Way to the north. Furthermore the building would be located on the northern part of the site with the southern part of the site, which fronts the High Street, made over to landscaping. A pedestrian connection is also provided from Harold's Way to Magpie Bottom.

1.6 The application is supported by the following documents :

- Desk Study Report of Site
- Extended Phase 1 Habitat Survey
- Great Crested Newt Absence/Presence Population Survey
- Great Crested Newt Habitat Suitability Index Survey
- Bat Roost Potential (BRP) Survey Trees
- Badger Survey
- Breeding Bird Survey
- Reptile Report
- Refuse, Waste Minimisation and Management Plan
- Transport Statement
- Planning Statement
- Design and Access Statement
- Topographical Survey
- Tree Constraints Plan
- Tree Survey
- Tree Protection Plan
- Sustainability Energy Strategy
- Archaeological Desk Based Assessment
- Statement of Community Involvement
- Drainage Assessment
- Highway Structures Plan
- Drainage Layout
- Statement on Amenity Space Provision

## 2. **POLICY CONTEXT**

### 2.1 National Guidance

The National Planning Policy Framework (NPPF) 27<sup>th</sup> March 2012.  
The National Planning Practice Guidance (NPPG) 2014  
The Community Infrastructure Levy (CIL) Regulations 2010

### 2.2 Development Plans

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

CS1 - High Quality Design  
CS2 - Green Infrastructure  
CS4A – Presumption in Favour of Sustainable Development  
CS5 - Location of Development  
CS6 - Infrastructure and Developer Contributions  
CS8 - Improving Accessibility  
CS9 - Managing the Environment and Heritage  
CS15 - Distribution of Housing  
CS16 - Housing Density  
CS17 - Housing Diversity  
CS18 - Affordable Housing  
CS20 - Extra Care Housing

- CS23 - Community Infrastructure and Cultural Activity
- CS24 - Green Infrastructure, Sport and Recreation Standards

South Gloucestershire Local Plan (Adopted) January 2006

- L1 - Landscape Protection and Enhancement
- L5 - Open Areas within the Existing Urban Areas and Defined Settlements
- L8 - Sites of Regional and Local Nature Conservation Interest
- L9 - Species Protection
- L11 - Archaeology
- EP2 - Flood Risk and Development
- EP4 - Noise-sensitive development
- EP6 - Contaminated Land
- T7 - Cycle Parking
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development
- LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
- LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)
- LC12 - Recreational Routes

2.3 Supplementary Planning Guidance

- Trees on Development Sites SPG (Adopted)
- The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.
- Affordable Housing SPD Adopted Sept.2008.
- South Gloucestershire Council Residential Parking Standards (SPD) Adopted Dec 2013.
- The Local List SPD (Adopted) Feb. 2008

2.4 Emerging Plan

Proposed Submission : Policies, Sites & Places Plan March 2015

- PSP1 Local Distinctiveness
- PSP2 Landscape
- PSP3 Trees and Woodland
- PSP4 Designated Local Green Spaces
- PSP5 Undesignated Open Spaces Within Urban Areas and Settlements
- PSP8 Settlement Boundaries
- PSP9 Residential Amenity
- PSP12 Development Related Transport Impact Management
- PSP17 Parking Standards
- PSP18 Heritage Assets and the Historic Environment
- PSP20 Wider Diversity
- PSP21 Flood Risk, Surface Water and Watercourse Management
- PSP22 Environmental Pollution and Impacts
- PSP23 Unstable Land
- PSP44 Private Amenity Space Standards.



### 3. RELEVANT PLANNING HISTORY

3.1 P76/4227 Outline Application for Residential Development (Refused)  
P85/4676 Residential Development (Approved)  
P97/4249 Residential Development (Outline) Refused  
PK00/0684/F Erection of 8 no. houses with construction of access road off Harold's Way and provision of public open space (Refused)

3.2 PK00/0684/F and PK00/0688/F were duplicate applications for – The erection of 8no. houses with construction of access road off Harold's Way and provision of public open space.

Refused for the following reasons:

- *The development would be on a Greenfield Site and would thus be contrary to guidance in PPG3 and Policy H2 (A) of the South Gloucestershire Local Plan (As approved for Deposit)*
- *The proposal, by reason of the proximity of built-development to the adjacent badger sett would fail to protect the welfare of the badgers. The proposal would also be contrary to the Protection of Badgers Act 1992, Policy C4B of the approved Avon County Structure Plan and Policy L10 of the South Gloucestershire Local Plan (As approved for Deposit).*
- *The proposed design and layout fails to have regard to the character of the area in terms of the local pattern of streets and spaces and design of dwellings. It would also be contrary to PPG3, Policy D1 of the South Gloucestershire Local Plan (As approved for Deposit) and Policy KLP67 of the Kingswood Local Plan (As approved for Deposit).*

A subsequent appeal, (APP/0119/A/00/1046231) was dismissed with the Inspector accepting the first reason for refusal set out above. The Inspector did not accept the other reasons for refusal indicating that if the appeal site was required to meet an additional demand for housing then this particular area would have the least impact upon amenity value of the overall Magpie Bottom area. A clear distinction was made between the amenity value of the application site and the remainder of the Magpie Bottom area (para 22-24).

3.3 PK06/0304/F - Erection of 4no. dwellings with access, car parking and associated works.  
Approved 9<sup>th</sup> June 2006.

3.4 PK08/1688/O - Erection of 12no dwellings (Outline) with means of access to be determined. All other matters reserved.  
Refused 18 March 2009  
A subsequent appeal APP/P0119/A/09/2112347 was dismissed 31 Dec 2009.

3.5 PK10/019/SCR - Screening opinion for PK10/1331/O  
EIA Not required 18 June 2010

3.6 PK10/1331/O - Erection of Residential Institution (Class C2) (Outline) with means of access to be determined. All other matters reserved.  
Refused 17 Sept. 2010 for the following reasons:

- *The submitted Design and Access Statement fails to demonstrate adequate assessment of the site and its context to appropriately inform and clearly set acceptable principles for the layout, scale or appearance of the buildings and treatment of landscape areas. The application is therefore contrary to PPS1, PPS3, South Gloucestershire Local Plan Policy D1 (criteria A, B, C, D, F, G & H), South Gloucestershire Core Strategy (Pre-Submission Publication Draft– March 2010) Policy CS1 and the South Gloucestershire Design Checklist (SPD) August 2007.*
- *There is insufficient information to determine that the development will not adversely impact on species protected under the Countryside & Rights of Way Act 2000/Wildlife & Countryside Act 1981 (as amended); or species listed as being of principal importance for biological diversity in England under Section 41 of the Natural Environment and Rural Communities Act 2006 and listed on the UK and South Gloucestershire Biodiversity Action Plans, contrary to Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
- *Inadequate information has been submitted to satisfy the Local Planning Authority that adequate/safe access for pedestrians and cyclists can be provided, given the steep gradient of the land, within the site boundary. Furthermore, by reason of inadequate information relating to provision of suitable off-street turning area for service vehicles, the proposal would lead to large service vehicles having to reverse long distance with consequent additional hazards to all users all contrary to Policies T12, H2 and D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
- *In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions towards mitigating the under-provision of public open space in the development and the demand placed on the library service and provision of dog and litter bins, the proposal would be contrary to Policies LC8, LC01, H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*

3.7 PK10/1593/O - Erection of 12no. dwellings (outline) with access to be determined. All other matters reserved.  
Approved S106 Signed 11 Nov 2011

3.8 PK11/2887/O - Erection of residential institution (Class C2) (Outline) with means of access to be determined. All other matters reserved. (Re-submission of PK10/1331/O).  
Refused 20 Dec. 2011 for the following reasons:

- *The means of access and surrounding highway network is inadequate to serve a Care Home of this size, contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.*
- *In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions towards mitigating the under provision of public open space in the development and its maintenance, the proposal would be contrary to Policy LC8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*

- *In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions to mitigate against the demands placed upon the library service, the proposal would be contrary to Policy LC1 of the South Gloucestershire Local Plan (Adopted) Jan. 2006.*

Appeal Ref: APP/P0119/A/12/2169263 – Dismissed 25<sup>th</sup> July 2012. An application for a full award of costs was also dismissed.

The Inspector did not agree with the first reason for refusal listed above and added her own reason (see para. 1.7 above).

- 3.9 PK13/4444/O - Erection of Residential Institution (Class C2) (Outline) with means of access to be determined. All other matters reserved.  
Approved subject to S106 Agreement 13<sup>th</sup> March 2014 with the following conditions amended as follows:

Condition 2 to be amended to read Plans and particulars of the reserved matters referred to in the condition above, relating to layout (layout to include parking provision), scale, appearance etc.

Condition 7 to be amended such that start time for construction is 08.00 hrs.

Approved S106 signed 13 May 2015

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

##### 4.1 Hanham Parish Council

No objections. Councillors were pleased to see that local residents views had been taken into account and the applicant had undertaken an excellent consultation exercise. The revised access had resolved a lot of the previous objections.

##### 4.2 Other Consultees

###### Wessex Water

No objection – the site would be served by private systems of on-site drainage requiring building regulations. Connection to the existing public foul sewer is acceptable in principle. Surface water disposal would be subject to NPPF guidelines and SuDs hierarchy.

###### Wales and West Utilities

Wales and West Utilities have pipes in the area. The developer should contact Wales and West prior to the commencement of works.

###### The Environment Agency

No objection in principle subject to conditions relating to possible contamination of site.

Police Community Safety

The design is generally in order and complies appropriately with the crime prevention through environmental design principles.

The Coal Authority

No objection subject to a condition to secure the Ground Investigation Works recommended by the submitted Desk Study Report.

Avon Fire and Rescue

No response

The Care Quality Commission

No response

Avon Wildlife Trust

No response

Sustainable Transport

No objection subject to the provision of suitable mitigating measures in order to improve accessibility to the site by non-motorised traffic at the roundabout. For avoidance of doubt, the developer is required to provide detail design including details of widening of pedestrian islands, extension to dropped kerbs, provision of tactile paving and improvement to the footway on the north-west corner of the roundabout, with all details submitted for written approval of the Council and subsequently, implement the approved scheme. All highway works will be covered under an appropriate legal agreement.

Lead Local Flood Authority

No objection subject to a condition to secure a SUDS Drainage Scheme

Arts and Development

Any approval should be subject to a condition to secure details of a unique site specific integrated scheme of Public Art.

Historic Environment Officer

No objection subject to a standard HC13 condition to secure a programme of archaeological work to be undertaken prior to the commencement of any ground disturbance.

Highway Structures

No response

Ecology Officer

No objection subject to a condition to secure an Ecological Mitigation and Enhancement Plan.

Landscape Officer

Officers have raised some concerns about the lack of detail regarding the planting of larger growing trees to mitigate the loss of the more significant trees on the site. There is also concern that more planting is not proposed for the southern boundary with the Church Yard and to the possible impact of the

proposed gabion wall on the health of the boundary vegetation growing within the Churchyard. These matters can be addressed by way of a condition to secure the submission and agreement of a comprehensive scheme of landscaping.

#### Tree Officer

Detailed planting plans to include species and size of plants should be submitted and approved prior to determination of the application. In addition an Arboricultural Impact Appraisal, Arboricultural Method Statement and Tree Protection Plan should be submitted and approved prior to determination.

#### Environmental Protection

No objections subject to a condition relating to possible contamination of land.

#### Urban Design

No objection subject to a condition to secure details of eaves, window reveals, window frame and colour.

#### New Communities

Contributions are requested for the following:

Off-site POS provision/enhancement	£12,270.13p
Off-site POS maintenance	£ 3,713.77p
	-----
Total	£15,983.90p
	-----

### **Other Representations**

#### 4.3 Local Residents

15no. letters/e-mails of support have been received; the comments in favour are summarised as follows:

- The facility is needed by the ageing community.
- Will help regenerate Hanham High Street.
- A vast improvement on the previously approved scheme.
- The access off High St. rather than Harold's Way is an improvement.
- The proposed landscaping is acceptable.
- The practicality of the access has been considered.
- Will fit well in the location.
- Will improve Hanham gateway.
- Local shops will benefit.
- The design is good.
- Will free up family homes.
- The proposed materials are sensitive to the location.
- There has been good engagement with the local residents.
- Improved view from the High Street.

5no. letters/e-mails of objection were received. The concerns raised are summarised as follows:

- The building is too large.

- The design is not in-keeping with the area.
- Increased noise.
- Will be seen from Magpie Bottom.
- Insufficient parking.
- Construction traffic should not use Tabernacle Road.
- Overbearing impact on no.12 Harold's Way.
- Loss of light to no.12.
- Increased light pollution.
- Loss of privacy/overlooking of No. 12.
- Loss of footpaths to High street from Harold's Way.
- Loss of vegetation.
- Proposed materials are not in-keeping.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The acceptance in principle of a residential institution on this site has already been established with the previous grant of outline planning consent PK13/4444/O and this consent is still extant.

- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.3 The South Gloucestershire Local Plan: Core Strategy was adopted by the council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework 2012 (NPPF). The "saved" policies of the South Gloucestershire Local Plan (adopted 2006) also form part of the extant Development Plan.
- 5.4 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only limited weight can currently be given to most of the policies therein.
- 5.5 The NPPF at para. 14 states that; at the heart of the Framework is the presumption in favour of sustainable development. Sustainable development is defined in the Framework as having three dimensions, which lead to three roles – an economic role, a social role and an environmental role. The proposal would lie close to Hanham Town Centre and would create job opportunities and increase footfall on the High Street; it would provide Extra Care Accommodation for the elderly and would protect the environment of Magpie Bottom and mitigate for the loss of habitat by additional landscaping; as such the proposal fulfils all of the three stated aims and objectives of NPPF para. 14.
- 5.6 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. Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation and makes specific reference to the importance of planning for inclusive and mixed communities and this policy stance is replicated in Policy CS17 of the Core Strategy.

- 5.7 Core Strategy Policy CS20 states that in order to assist in meeting emerging need, and creating sustainable, inclusive and mixed communities, the provision of Extra Care Housing will be required in South Gloucestershire.
- 5.8 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.

#### Density

- 5.9 The NPPF seeks to make efficient use of previously developed sites within the Urban Area. The scheme would provide 54 units of accommodation on the 0.67ha site, which equates to 81.6 dph. This high figure for the density of the development merely reflects the smaller size of the individual units within the building. The figure is in fact considerably less than that for the previously approved Care Home. Having considered the size and configuration of the site, the proximity of the existing residential dwellings and the various other constraints of developing the site; officers are satisfied that the proposed density is appropriate and would make efficient use of the site.

#### Scale, Design and Conservation Issues

- 5.10 Core strategy Policy CS1 requires the highest possible standard of design, in particular the siting, layout, form, scale, height, detailing, colour and materials should be informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality. The NPPF para. 60 states that:

*'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.'*

- 5.11 A good deal of thought and negotiation has gone into the design of the proposed scheme and officers wish to acknowledge that where possible, the applicant has revised the scheme to meet both officer and local resident concerns. Furthermore, consideration has been given to the proximity and setting of the Locally Listed Methodist Chapel on Tabernacle Road and the local distinctiveness of Magpie Bottom.
- 5.12 Hanham is typical of settlements in South Gloucestershire, displaying dwellings of traditional form, constructed of the local Pennant Stone with ornate brick and stone window surrounds, intermixed with rendered buildings with very simple detailing and occasional red brick buildings, again usually displaying

ornate window surrounds etc. The design rationale for the proposed building however responds more to the woodland setting and need to respond to the slope contours. As such a modernistic 'slab and column' architecture has been employed with the use of naturalistic materials i.e. Copper parlex cladding, Sunset Red brick and Forticrete Mid Grey reconstituted stone. In this instance this approach is considered acceptable for what would be a landmark building at the gateway into Hanham.

#### Transportation Issues

- 5.13 There is an extant planning permission for this site for a 107 unit Care-Home but with vehicular access from Harold's Way, a residential cul-de-sac to the north. This current proposal however for a 54no unit Extra Care facility would be accessed from the roundabout located at the western end of the High Street, directly opposite the application site.
- 5.14 The existing roundabout has four arms but the northern arm is presently closed; it is intended to use this arm to serve the proposed development. Whilst there is no in-principle objection to this access arrangement, it is considered essential to upgrade the existing pedestrian facilities including existing crossing points, which are inadequate by reason of being too narrow with no tactile paving to help with mobility impairment.
- 5.15 A Transport Statement has been submitted which states that the total daily traffic to and from the proposed development would be in the order of 97 trips (two-way movements). The traffic forecast from this during the AM peak (0800-0900) is about 5 vehicle trips and it is estimated to be about 7 in the PM peak (1700-1800). Officers consider that these traffic figures are robust. Additional to the vehicular traffic, there would also be pedestrian traffic and also some cycle use. The site is not currently generating any trips on the network and therefore, all the proposed development trips identified will be additional to the local road networks.
- 5.16 The site is supported by continuous footway links and some dropped kerbs, however there is no tactile paving at any of the existing crossing points at the adjoining junction i.e. roundabout. There are 4-5 large equipment cabinets and an associated telephone mast on the footway that reduces the effectiveness of the footway at this location; this footway requires improving. Given the size and nature of the proposed development, it is felt appropriate and necessary for the applicant to improve the existing crossing points on all four arms of this roundabout or alternatively make a financial contribution towards improvement to the pedestrian facilities at this location. A sum of £50,000 has been requested and agreed with the applicant to be secured by S106 Agreement and spent on the following:
- a) Widening (ideally to 2m) of the existing splitter islands at the roundabout to be DDA compliant and provision of tactile paving and dropped kerbs.
  - b) Provision of a new section of footway (constructed behind the existing pavement) to create an alternative place for pedestrian crossing in order to avoid the existing obstructions on the footway at this location.



- 5.17 Moving to the issue of car parking, the Council's parking standards at Local Plan Policy T8 require one space per 6 bed spaces plus one space per 2 staff and these are maximum standards. However it is noted that the subsequent adopted Residential Parking Standards SPD (December 2013) sets a minimum standard for residential accommodation. It states in Appendix A that other types of living models providing accommodation for the elderly or those in need of care will be likely to have a range of needs in relation to parking. It states each case will be assessed on its own merits. Information submitted with the application suggests that for a typical 50 unit Assisted Living scheme there would be a mix of full and part-time employees, which broadly equates to between 14-17 full-time equivalent posts. The operation would be 24 hour with a sleeping-in, over-night duty manager and up to 6-7 staff in operation at peak time during the day. The applicant is proposing a total of 31 parking spaces which is actually an over provision of 13 spaces when assessed against policy T8, but meets the justification required by the SPD. This level of parking will ensure that no overspill parking occurs onto the already congested local road network and any additional visitors, staff and residents would be catered for. There are therefore no objections to the proposed car parking provision.
- 5.18 Subject therefore to a S106 Agreement to secure the £50,000 to meet the costs of the highway improvements outlined in para. 5.16 above and conditions to secure cycle parking, car parking and turning areas, a construction management plan, a schedule of dilapidation for the local road network and construction details of new access; there are no transportation objections.
- Landscape Issues
- 5.19 The northern portion of the site is located on a gently sloping area of land above Magpie Bottom Public Open Space and is mostly covered by Bramble. The steep slopes that lead down to Magpie Bottom begin immediately on the north-western edge of this portion of the site. These slopes are largely covered by emergent woodland and scrub and this vegetation effectively screens most of the site from Magpie Bottom apart from a small section behind the pond in Magpie Bottom from where it may be possible to glimpse the development.
- 5.20 The majority of the trees on the site are poor quality scrub. There are 3no. Category B trees and 1no. Category B group; of these the three individual trees are proposed to be removed to facilitate the development, although the group is to be retained to provide an element of screening on the boundary with the Church.
- 5.21 The site meets the criteria for being considered as a significant open area within the existing urban area in the context of saved Policy L5 of the adopted Local Plan, being a characteristic feature of the locality. However, it is considered the significance of the space lies in the direct link with the valley of Magpie Bottom and the valley slopes themselves. The Inspector for the earlier appeal relating to the Care Home did not raise any objection to the loss of the open space so it would be unreasonable for officers to do so now.
- 5.22 A Landscaping Layout, Tree Protection Plan and Western Boundary Sections Plan have been submitted which are generally considered to be acceptable in principle. Some concerns have been expressed by both the Council's Tree

Officer and Landscape Architect as to the lack of detail regarding the planting of larger growing trees to mitigate the loss of the more significant trees on the site. There is also concern that more planting is not proposed for the southern boundary with the Church Yard and to the possible impact of the proposed gabion wall on the health of the boundary vegetation growing within the Churchyard.

- 5.23 These matters can be adequately addressed by a condition to secure the submission of a full landscape scheme to include hard and soft landscaping, details of plant species, densities and size of planting and a five year maintenance schedule.
- 5.24 It is acknowledged that the setting of the Locally Listed Methodist Chapel and graveyard to the south needs to be respected. It is noted however that the council's Conservation Officer has not raised any objection to the proposal as submitted and there was no landscape objection to the previously approved scheme for the Care Home. The plans do show a small gap in the vegetation on the southern boundary but this would only allow glimpsed views of the proposal. The existing vegetation on the graveyard side would all be retained whilst additional planting is proposed within the application site. An Arboricultural Impact Appraisal and Arboricultural Method Statement for the southern boundary can be secured by condition. Subject to these conditions there is no justification to refuse the application on landscape grounds.

#### Ecology

- 5.25 The site is a parcel of land comprising woodland and dense scrub. It is surrounded by residential dwellings and roads to the north-east and south, with a Site of Nature Conservation Interest, known as Magpie Bottom SNCI to the west, consisting of woodland, grassland and a bisecting stream. Within a 2km radius there are three statutory sites of conservation importance; one Site of Special Scientific Interest and two Local Nature Reserves. In addition there are seven non-statutory Sites of Nature Conservation Interest. Of these, Magpie Bottom is the only site with potential to be negatively impacted by the development. However the ecological reports do not seem to make any recommendations for the protection of Magpie Bottom SNCI other than a bat-sensitive lighting scheme.
- 5.26 An Extended Phase 1 Habitat Survey has been provided (Innovation Group Environmental Services, dated July 2014). In addition the same company has provided a Bat Activity Transect Survey (October 2015), a Badger Presence / Absence Survey (August 2015), a Breeding Bird Survey (July 2015), a Great Crested Newt Habitat Suitability Index Survey (November 2014) and a Great Crested Newt Absence/Presence Population Survey (June 2015), with findings as follows:-

#### Habitats

- Broadleaved Woodland and scattered trees.
- Dense Scrub
- Amenity Grassland

Species Protected under the Conservation Regulations 2012 (as amended) known as European Protected Species, and Wildlife & Countryside Act 1981 (as amended)

- Bats - three transect surveys found a 'low' level of bat foraging and no commuting activity, involving several common pipistrelle, and one pass each of noctule, soprano pipistrelle and a Myotis bat. The bat ecologist considered that the habitat loss would not have an impact on the 'favourable conservation status' of the local bat population. The trees were assessed for their potential to support bat roosts, and one tree (T9) with high bat potential was surveyed – the tree inspection revealed no current use by bats.
- Great Crested Newts – a pond is present 50m to the west within Magpie Bottom. The pond scored 'average' on the Habitat Suitability Index for its likelihood of supporting Great Crested Newts. A combination of pond survey and eDNA sampling showed that the species was not present.

Species protected under the Wildlife & Countryside Act 1981 (as amended)

- Reptiles - a presence/likely absence survey found no reptiles present.
- Breeding Birds - fourteen species were noted.

Badger Act 1992

- Two badger setts, one in Magpie Bottom woodland and one to the south east of the site were found. No setts were found on the site. There was evidence of badger foraging on the site. The proposed site layout means that there will still be connectivity between the sett to the SE and Magpie Bottom.

Officers note that much of the scrub has now been cleared from the site which was carried out under the supervision of an ecologist.

- 5.27 Subject to a condition to secure an Ecological Mitigation and Enhancement Plan based on the recommendations given in the listed reports, there are no objections on ecological grounds.

Impact upon Residential Amenity

- 5.28 Prior to the submission of this application, the applicant sought pre-application advice and also carried out presentations of the proposed scheme to local residents, the result of which has been submitted as a Statement of Community Involvement. It is noted that where the previously approved application PK13/4444/O generated a very high level of objection, the consensus amongst local residents for the current scheme is clearly one of support and this is endorsed by the Parish Council.
- 5.29 Some concerns were raised by the occupants of no.12 Harold's Way about overbearing impact, loss of privacy from overlooking, loss of light and increased light pollution; although it is noted that no.19 is in fact the closest property to the proposed development. Revised plans have been submitted showing the proposed building close to the head of Harold's Way now cut back into the site

on the upper floor. What would appear from the north as a two-storey element of the proposed building would be set back some 40m from no.12, which is considered to be an adequate distance, whilst the three-storey element would be over 50m away. Any views of no.12 would be across the turning head and garages at the end of Harold's Way. Some overlooking of gardens in an urban location is only to be expected if the most efficient use of land is to be achieved, as required by government guidelines.

5.30 The side elevation of no.19 would be some 7m from the nearest section of the building but this again would appear as a two-storey element which sits well within the line of existing built development. On balance therefore officers consider that the proposal would not have a significant adverse impact on neighbouring residential amenity.

5.31 A Statement on Amenity Space Provision has been submitted that demonstrates that for future residents of the proposed scheme there would be an adequate amount of both internal and external amenity space in the communal areas. The future residents would be aged 70+ and would not generally be considered as the active elderly, nevertheless for those that are, there would be ready access to Magpie Bottom and contributions would be made to the provision and maintenance of off-site open space. The apartments are also served by private balconies.

#### Drainage Issues

5.32 Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, requires that proposed development ensures that foul and surface water disposal arrangements are acceptable and incorporate sustainable drainage principles. In addition, development will not be permitted where it could increase the risk of flooding. The actual development site lies on elevated ground in Flood Zone 1. The application is supported by a Drainage Assessment and Drainage Layout Plan which has been drafted in consultation with the Council's Drainage Engineer. An appropriate condition to secure a SUDS drainage scheme would be imposed should planning permission be granted. Subject to this condition, there are no objections on drainage grounds. Connection to the public sewer system would need to be agreed with Wessex Water.

#### Environmental Issues

5.33 A Coal Mining Report for this site has previously been assessed by the Coal Authority who have again recommended that a condition be imposed to secure site investigation works prior to the commencement of the development; and appropriate mitigation measures should shallow workings etc. be found. Similarly, both the Environment Agency and the Council's Environmental Health Officer have requested conditions relating to possible contamination of the site and measures in mitigation should any contamination be found. Subject to these conditions and a condition to control the hours of working on the site (in line with the previous outline consent) during the development phase, there are no objections on environmental grounds.

### Historical Environment

- 5.34 The Council's Archaeologist has confirmed the proximity of a Roman Road to the south of the site and the possibility of industrial archaeology related to Coal Mining in the area. No objection is raised subject to an appropriate condition to secure an archaeological investigation of the site, in accordance with an agreed programme of archaeological investigation and mitigation strategy should archaeological remains be found.

### PROW

- 5.35 The application site is private land and there are no PROW running through the site, although there is a PROW through Magpie Bottom to Harold's Way. Whilst there are currently pathways through the development site from Tabernacle Road, these are purely informal routes which the applicant has now stopped up. Consideration has been given as whether or not to maintain a footway link through the site from Tabernacle Road but this has not been pursued for operational and security reasons. This was also the case with the previously approved scheme for the Care Home.
- 5.36 It is however proposed to retain the existing path to Magpies Bottom which links with Harold's Way. In addition, a new Bitmac surfaced path would be constructed through the north-western part of the site also linking Harold's Way with Magpie Bottom, which would be more accessible than the existing stepped and steep pathway. Furthermore, it is proposed to provide 2 public parking spaces at the entrance to the site from the High Street roundabout and to form a footpath link to the existing footpath in Magpie Bottom.

### Affordable Housing

- 5.37 In accordance with Core Strategy Policy CS18, consideration must be given as to the need for an affordable housing requirement for this Assisted Living Extra Care Housing proposal. In this instance the proposal is considered to fall within Use Class C2 and does not therefore meet the criteria for affordable housing provision. This is confirmed by numerous appeal decisions for similar proposals.

### New Communities

- 5.38 In accordance with Core Strategy policy CS24 consideration must be given as to the need for contributions towards open space provision and maintenance. In this case the following contributions, to be secured by S106 Agreement have been agreed with the applicant:-

Off-site POS provision/enhancement	£12,270.13p
Off-site POS maintenance	£ 3,713.77p
	-----
Total	£15,983.90p
	-----

A public art provision would be more appropriately secured by way of a condition. Library contributions would be precluded by the adopted Regulation 123 list of infrastructure.

The requested contributions would be towards the enhancement of Woodlands Tennis Club which has members up to and in their 70's and 80's or other appropriate outdoor facilities.

5.39 Community Infrastructure Levy (CIL)

The Council has now adopted a CIL charging regime which commenced on 1<sup>st</sup> August 2015. This C2 Assisted Living Extra Care Facility however has a nil CIL charge rating.

5.40 Planning Obligations

The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is;

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

In this instance, it is considered that the planning obligations relating to the highway improvements and off-site Public Open Space provision and maintenance are required to mitigate the impacts from the development and are consistent with the CIL Regulations (Regulation 122).

5.41 Regulation 123 also limits to 5 (back dated to April 2010) the number of S106 agreements that can be used to fund a project or type of infrastructure, from the point at which the Council commences charging the CIL or after April 2015. CIL charging has now commenced but officers have confirmed that the contributions sought would not exceed the threshold of 5 S106 Agreements for the off-site provisions as listed.

## **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 make efficient use of land within the Urban Area, in a sustainable location, close to the centre of Hanham. Furthermore there is a demonstrable need for the Extra Care Housing facility which itself would provide employment for up to 17 full-time staff. Officers consider that with the use of appropriate conditions and S106 contributions, any concerns relating to highways, ecology, landscape, environment, heritage, drainage, design and residential amenity can all be overcome.

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

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

## **7. RECOMMENDATION**

7.1 (1) That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:

(i) A contribution of £12,270.13p towards off-site POS provision/enhancement.

(ii) A contribution of £3,713.77p towards POS maintenance.

Both of the above to be spent on the enhancement of Woodlands Tennis Club which has members up to and in their 70's and 80's or other appropriate outdoor facilities.

(iii) A contribution of £50,000 towards highway works/improvements for:  
a) Widening of the splitter islands (ideally to 2m) at the crossing points on the roundabout on High Street to be DDA compliant and provision of tactile paving.  
b) Provision of a new section of footway (constructed behind the existing pavement) to create an alternative place for pedestrian crossing in order to avoid the existing obstructions (BT cabinets and phone mast) on the footway at the location of the roundabout on High Street.

The reasons for this Agreement are:

(i) To accord with Policies CS2 and CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013

(ii) To accord with Policies CS2 and CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013

(iii) To accord with Policies CS1 and CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013 and Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

(2) That the Head of Legal & Democratic Services be authorised to prepare and seal the agreement.

(3) Should the agreement not be completed within 6 months of the date of the decision; that delegated authority be given to the Director of Environment and Community Services to refuse the application.

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

## **CONDITIONS**

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

### Reason

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

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

Topographical Survey Sheet 1 of 3 Drawing No. SD15305-01 received 10 Sept. 2015  
Topographical Survey Sheet 2 of 3 Drawing No. SD15305-01 received 10 Sept. 2015  
Topographical Survey Sheet 3 of 3 Drawing No. SD15305-01 received 10 Sept. 2015

Site Location Plan Drawing No. 03-AC-0001 Rev A received 10 Sept. 2015  
Site Plan, Context Drawing No. 03B-AC-0002 Rev C received 26 Feb. 2016

Ground Floor Plan Drawing No. 03B-AC-0072 Rev A received 8 March 2016  
Upper Ground Floor Plan Drawing No. 03B-AC-0073 received 25 Jan. 2016  
Second Floor Plan Drawing No. 03B-AC-0074 received 25 Jan. 2016  
Third Floor Plan Drawing No. 03B-AC-0075 received 25 Jan. 2016  
Fourth Floor Plan Drawing No. 03B-AC-0076 received 25 Jan. 2016  
Roof Plan Drawing No. 03B-AC-0077 received 8 March 2016

Elevations North and South Drawing No. 03B-AC-0070 received 25 Jan. 2016  
Elevations West and East Drawing No. 03B-AC-0071 received 25 Jan. 2016  
Elevations Courtyard Drawing No. 03-AC-0052 received 10 Sept 2015  
Elevations West and East - Indicative Tree Cover Drawing No. 03-AC-0053 received 10 Sept 2015

Sections Drawing No. 03-AC-0055 received 10 Sept 2015

Elevations, North and South (Artist) Drawing No. 03B-AC-0059 received 25 Jan. 2016  
Elevations, West and East (Artist) Drawing No. 03B-AC-0060 received 25 Jan. 2016

Landscape Layout Drawing No. SW-2034-02-LA-003 Rev B received 26 Feb. 2016  
West Boundary Sections Drawing No. SW-2034-03-LA-005 Rev A received 26 Feb. 2016  
Drainage Layout Drawing No. 50819-06 Rev B received 26 Feb. 2016

### Reason

To ensure that the development is carried out in accordance with the approved details.

3. The hours of working on site during and directly related to the period of construction of the development hereby approved, shall be restricted to 08.00 to 18.00 Mondays to Fridays, and 08.00 to 13.00 Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the



carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To minimise disturbance to neighbouring properties and to accord with Policy E9 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the provisions of the NPPF.

4. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts, within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details and before the development is first occupied. For the avoidance of doubt the SUDS Drainage Details to be submitted should include the following:

- Drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus 30% climate change storm event.
- Where infiltration forms part of the proposed Surface Water Network such as Soakaways, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365.
- Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus 30% climate change storm event.
- Resubmission of the drainage layout plan showing exceedance / overland flood flow routes and the likely depths of any flooding.
- The plan should also show any pipe node numbers referred to within the drainage calculations.
- A manhole / inspection chamber schedule to include cover and invert levels.

Reason

The condition is a pre-commencement condition as it is essential to install agreed drainage systems ahead of the development of the buildings approved and to ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of the development hereby approved, an Ecological Mitigation and Enhancement Strategy, based on the recommendations given in the following reports:

An Extended Phase 1 Habitat Survey has been provided (Innovation Group Environmental Services, dated July 2014). In addition the same company has provided a Bat Activity Transect Survey (October 2015), a Badger Presence / Absence Survey (August 2015), a Breeding Bird Survey (July 2015), a Great Crested Newt Habitat Suitability Index Survey (November 2014) and a Great Crested Newt Absence/Presence Population Survey (June 2015).

To include inter alia reptiles and European hedgehog, suitable protection/buffering of the adjacent SNCI Magpie Bottom; shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall proceed in strict accordance with the approved strategy.

Reason

In the interests of protected species and the ecology of the site, in accordance with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policies L8 and L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006. This is a pre-commencement condition to ensure that protected species are not harmed before the strategy can be agreed and implemented.

6. Prior to the commencement of the development hereby approved, intrusive site investigation works of the site shall be undertaken to establish the coal mining legacy issues (if any) on the site and appropriate measures of mitigation, should shallow mining or mine entries be found. The mitigation measures if required shall be carried out to the Council's written satisfaction prior to the commencement of the development hereby approved.

Reason

This is a pre-commencement condition as investigation works and appropriate mitigation are required to ensure the future safety of the occupiers of the development and prevent the need for retrospective mitigation after the development is commenced/completed and to take account of the past mining activities within the area in accordance with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

7. Prior to the installation of any floodlighting and/or external illuminations on the site, including the car park and access, as part of the development hereby approved, details of any floodlighting and/or external illuminations (including measures to control light spillage), shall be submitted to and agreed by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter retained as such.

Reason

To prevent excess light pollution in accordance with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

8. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); 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.

For the avoidance of doubt the landscape scheme should specifically include an Arboricultural Impact Appraisal and Arboricultural Method Statement for the western boundary of the site with neighbouring Methodist Church and Graveyard.

#### Reason 1

To protect the setting of the neighbouring Locally Listed Methodist Church in accordance with Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy L15 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

#### Reason 2

To protect the character and appearance of the area to accord with Policy L1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 6th Jan 2006 and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a pre-commencement condition to ensure that the works do not prevent the retention and protection of landscape features.

9. Notwithstanding the details shown on the submitted plans, prior to the relevant parts of the development hereby approved, a schedule of materials (to include details of eaves, window reveals, frame and colour) to be used for the external surfaces and roofing of the development hereby approved, shall be submitted to and approved in writing by, the Local Planning Authority and thereafter the development shall be carried out in full accordance with the details so approved.

#### Reason

To ensure a high quality of design for the development in the interests of the visual amenity of the area and to accord with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the requirements of the NPPF.

10. Prior to their construction, details of the new footpath links to Magpie Bottom, to include gradient and surfacing, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the footpath links shall be constructed in accordance with the approved details and prior to the first occupation of any of the units within the development hereby approved.

#### Reason

To ensure there are adequate links to Magpie Bottom in accordance with Policies CS1 and CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th December 2013 and Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

11. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

#### Reason

To ensure the adequate protection of archaeological remains and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of the NPPF. This is a pre-commencement condition to ensure that archaeology is not compromised or sterilised by the development of the site.

12. Prior to the works of construction of the development hereby approved, details of a unique site specific integrated scheme of Public Art (including timescales) to be implemented within the development site shall be submitted to the Local Planning Authority for approval in writing. For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm - Planning Advice Note. Thereafter the artwork shall be installed in accordance with the details and timescales so agreed.

Reason

To protect the character, distinctiveness and visual amenity of the site and the surrounding locality; and to accord with Policies CS1 and CS23 of The South Gloucestershire Local Plan Core strategy (Adopted) 11th Dec. 2013.

13. A) The ACS Desk Study dated 2nd October 2015 has identified potential contaminants which could pose an unacceptable risk to the development. Prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address any unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
- B) Prior to occupation, where works have been required to mitigate contaminants (under section A) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
- C) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

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

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

For further advice on contaminated land investigations, the applicant can contact Environmental Services on (01454-868001).

Reason

In the interests of the amenities and health of future residents and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy EP6 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of the NPPF.

This is a pre-commencement of development condition to enable the whole site to be assessed and any contamination addressed prior to development.

14. Prior to the first occupation of the development hereby approved, details of secure cycle parking shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities shall be installed in full accordance with the approved details and prior to the first occupation of the development hereby approved.

Reason

To encourage sustainable forms of transport and to accord with Policy T7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

15. Prior to the first occupation of the development hereby approved, the off-street car parking and turning facilities shall be provided in accordance with the approved Landscape Layout Drawing No. SW-2034-02-LA-003 and thereafter maintained for their intended purpose.

Reason

In the interests of highway safety and the amenity of the area to accord with Policies CS1 and CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policies T8 and T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

16. Prior to the commencement of any works on the site, a 'construction management plan' or 'construction method statement' shall be submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicle of site operatives and visitors,
- routes for construction traffic - avoid using Tabernacle Road or Harolds Way access,
- hours of operation,
- method of prevention of mud being carried onto highway,
- pedestrian and cyclist protection,
- proposed temporary traffic restrictions,
- arrangements for turning vehicles,
- storage area for materials, equipment on site.

Reason

In the interests of highway safety and the amenity of the area to accord with Policies CS1 and CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policies T8 and T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006. This is a pre-commencement condition to ensure that from the outset, all development is carried out in an appropriate manner without disruption to the highway.

17. Prior to the commencement of any on site works, a schedule of dilapidation survey shall be undertaken and agreed by both parties, of the highway network in the locality, including all highway structures. Any post development damage shall be made good by the developer to the full and final satisfaction of the highway authority.

Reason

In the interests of highway safety and the amenity of the area to accord with Policies CS1 and CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006. This is a pre-commencement condition to ensure that any damage to the highway is mitigated for.

18. The new vehicular access to the site shall be constructed to the Council's standards of construction with all details to be submitted for written approval of the Council prior to its construction.

Reason

To ensure an adequate means of access to the site is constructed in the interests of highway safety and the amenity of the area to accord with Policies CS1 and CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

**CIRCULATED SCHEDULE NO. 40/16 – 7 OCTOBER 2016**

<b>App No.:</b>	PK16/2884/F	<b>Applicant:</b>	Mrs A Bishoop
<b>Site:</b>	117 London Road Warmley Bristol South Gloucestershire BS30 5NA	<b>Date Reg:</b>	31st May 2016
<b>Proposal:</b>	Conversion of existing barn to create 1no. new dwelling with access and associated works.	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	368247 173256	<b>Ward:</b>	Siston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st July 2016



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 100023410, 2015. N.T.S. PK16/2884/F

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

### **1. PROPOSAL**

- 1.1 The application relates to a barn located in the garden of a bungalow known as 117 London Road, Warmley. The building measures approximately 14.5 metres by 7 metres. The ridge rises 5.8 metres above existing floor level within the building and relative to the host dwelling. On the northern side the land is raised and as such the barn appears lower in relation to ground level.
- 1.2 During the course of the application, revised plans have been submitted to remove the erroneous use of land to the north of the site to form access. Access and parking is now all via an existing access to the bungalow and utilises existing domestic buildings to accommodate two of the three car parking spaces for the proposal.
- 1.3 The application site is located beyond any settlement boundary within the green belt.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

The National Planning Policy Framework March 2012  
The National 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  
CS9 Environmental Resources and Built Heritage  
CS16 Housing Density  
CS17 Housing Diversity  
CS34 Rural Areas

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

L1 Landscape Protection and Enhancement  
L9 Protection Species  
H10 Conversion and Re-use of Rural Buildings for Residential Purposes  
EP2 Flood Risk and Development  
E7 Conversion and Re-use of Rural Buildings  
LC12 Recreational Routes

##### **Emerging Plan**

##### **Draft Policies, Sites & Places Plan**

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP16 Parking Standards



PSP40 Residential Development in the Countryside  
PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (SPD) Adopted 23<sup>rd</sup> Aug 2007  
South Gloucestershire Council Residential Parking Standards (Adopted)  
South Gloucestershire Landscape Character Assessment (Adopted) Nov. 2014  
South Gloucestershire – Development in the Green Belt SPD (adopted 2007)

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

- 3.1 PK16/0207/F Conversion of existing barn to create 1 no. two bedroom dwellings with new access and associated works. Withdrawn

### **4. CONSULTATION RESPONSES**

- 4.1 Siston Parish Council  
Object; Members question the claim that special circumstances warrant/justify conversion to a residential unit in this Green Belt location outside of the adopted settlement boundary. They also have grave concern at any such extension of development here leading to intensified use of what (was) should be an agricultural track across Bridgegate Common, with this historic and prominent section already seriously blighted by encroachment and access tracks across it.

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

Local Member for Siston Ward - Ian Adams

The application still includes designs for access via the common. The common needs to be protected for future generations, so I object to this application on grants of access issues covered by the Commons Act 2010.

Community Spaces

Further to Councillor Adams email I would support his concerns and I would object to any proposal that would require new access rights across Common Land.

We have a large number of encroachments on the Commons in Siston where new and refurbished residential developments have assumed an unlawful right of access across Common Land.

Highway Structures

No comment.

Lead Local Flood Authority

No objection

Ecology Officer

The site itself is not subject to any nature conservation designations and there are no such sites in the vicinity which could be negatively impacted by the works. An Ecological Appraisal has been provided (TREC'S, dated October 2015). An update

survey for the barn surroundings was carried out in March 2016 (letter report (TREcS, dated March 2016)). Consideration of these conditions are recommended regarding swift, house sparrow and bat boxes, lighting levels and timing of development with regards to birds using the barn.

Sustainable transport

No objection subject to conditions.

Archaeology Officer

No objection.

**Other Representations**

4.3 Local Residents

Concern was raised by one household regarding the initial set of plans showing that the track to their house was part of the site.

(officer note- these plans were superseded by corrected plans)

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development including Green Belt

The applicant seeks planning permission for the conversion of an existing stone barn to be converted to a new dwelling. The site is located within the open countryside and the following main policies would be relevant to the determination of this application.

Paragraph 55 of the NPPF promotes sustainable development in rural areas and it highlights that Local Planning Authority should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. Given the saved Policy H10 would be consistent with NPPF, therefore the said policy is given some weight in the assessment of this application.

The saved Policy H10 states that proposal for the conversion and re-use of existing buildings for residential purposes outside the existing urban areas and the boundaries of settlement, will not be permitted unless a number of criteria would be met.

Policy T12 of the South Gloucestershire Local Plan seeks to control development, which may affect highway safety. The Council Residential Parking Standards has been adopted in December 2013 to ensure satisfactory parking provided.

5.2 Policy H10 of the South Gloucestershire Local Plan (Adopted) Jan 2006 relates to the conversion and re-use of rural buildings for residential purposes. It states:

‘Proposals for the conversion and re-use of existing buildings for residential purposes outside the existing urban areas and the boundaries of settlements as defined on the Proposals Map will not be permitted unless;

- a) *All reasonable attempts have been made to secure a suitable business re-use or the conversion is part of a scheme for business re-use;*
- b) *The buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction;*
- c) *The buildings are in-keeping with their surroundings in terms of character, form, bulk and overall design;*
- d) *Development including any alterations, extensions or the creation of a residential curtilage will not have a harmful effect on the character of the countryside or the amenities of the surrounding area;*
- e) *The building is well related to an existing settlement or other groups of buildings.'*

**5.3 a) All reasonable attempts have been made to secure a suitable business re-use or the conversion is part of a scheme for business re-use;**

As required by Policy H10(A), alternative uses to residential use for the existing building should first be explored. Criterion A requires that all reasonable attempts have been made to secure a suitable business re-use or the conversion is part of a scheme for business re-use. To meet this criterion, the applicant submitted a marketing statement dated 2016 with the proposal. Some limited interest was logged but the lack of parking and access would naturally restrict the use of the property and there is readily available empty commercial property locally.

It however should be noted that the Government has recently relaxed planning controls in respect of conversion of existing agricultural buildings to residential properties in the countryside (see GPDO Part 3) and this is given significant weight in favour of the proposal. It is also noted that emerging policy PSP40 no longer requires a marketing exercise to be carried out for such conversions. Officers consider therefore that a residential conversion is in this case appropriate.

**5.4 b) The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; and**

A structural survey of the building has been carried out which concludes that the majority of the building remains structurally sound with existing stone piers and walls in good condition. The existing structure is considered capable of supporting the additional loads.

Officers are therefore satisfied that criterion 2 of Policy H10 is met.

In terms of Green Belt, the conversion of existing structurally sound buildings are one of the appropriate forms of development listed in the NPPF. The creation of a residential curtilage needs careful attention to ensure that this is not harmful to openness. Following the receipt of the revised access this shows no further land is given over to hardstanding or access track; existing walls provide natural enclosure to the modest garden area. Further more permitted development rights will be restricted (as set out below) which will safeguard the

Green Belt further. It is concluded that this represents appropriate development in the Green Belt.

#### 5.5 Design and Visual Amenity

Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013 seeks to secure good quality design in new development and more specifically Policy H10(D), which relates to the conversion of rural buildings for residential purposes, requires that – ‘Development, including any alterations, extensions or the creation of a residential curtilage would not have a harmful effect on the character of the countryside or the amenities of the surrounding area.

The building is unusual as, whilst it appears to have been used for storage, it has a personnel door fronting the Common with additional windows lights and it clearly related to the garden to the rear as it has double doors onto the rear garden area. The proposal is to replace existing profiled metal cladding with timber cladding and use these areas to insert modest amounts of fenestration. A further window and a roof light are proposed within the stone elevation and roof facing north. The clay double roman tiles are proposed to be retained. A flue is proposed at the rear of the building on the side adjoin the existing bungalow where it will have limited impact visually.

The retaining wall to the north will not be affected and a parking area previously proposed at the north of the property (under application PK16/0207/F) is not part of this application. All vehicular access is via the track to the bungalow which appears to have long standing garaging. This garaging is now proposed to be altered to facilitate two open carport parking spaces. Pedestrian access remains via a path across the front of the bungalow to the personnel door.

The rural character of the existing building would be preserved and as such it would not result any adverse impact upon the character of the building, nor on the visual amenity of the Common. Therefore officers have no objection to the proposed works. However permitted development rights for the new dwelling could facilitate alterations which would need further consideration if the character for the barn is to be maintained and as such a condition withdrawing permitted development rights is recommended.

Therefore the proposed conversion and associated change of use of land to residential curtilage is not considered to be inappropriate in this case and as such therefore meets criteria c, d and e of Policy H10.

#### 5.6 Ecology

The barn lies in a parcel of land to the north of a bungalow at 117 London Road. The site is surrounded by roads with farmland with mature hedgerows to the west, a large property and gardens to the north, and urban/industrial development to the east and south. The barn is immediately surrounded by hardstanding and amenity grassland. There are three trees within the vicinity of the barn works. The site itself is not subject to any nature conservation designations and there are no such sites in the vicinity which could be negatively impacted by the works.

An Ecological Appraisal has been provided (TREcS, dated October 2015). An update survey for the barn surroundings was carried out in March 2016 (letter report (TREcS, dated March 2016)). The findings are abridged below:

#### *Habitats*

- Barn, currently used for storage. It is constructed of corrugated metal, wooden cladding and in parts of stone. The roof has traditional roofing tiles with some tiles loose or missing. There is no underlining material.
- Climbing vegetation on the northern and eastern aspects.
- Three trees, a pollarded willow and two field maples.

#### *Species protected under the Conservation Regulations 2012 (as amended), known as European Protected Species, and Wildlife & Countryside Act 1981 (as amended)*

- Bats – following a buildings inspection the barn was assessed as having very low bat roost potential due to its construction materials. Therefore it was subject only to a single bat emergence survey (September 2015), and a static bat detector was placed inside the barn for four nights. A small pile of moth wings in the barn suggest that it is used as a night feeding perch by an individual bat on an occasional basis. No other evidence of bat presence was recorded.
- The emergence survey found much evidence for bats to be foraging or commuting in the vicinity of the barn. Six species were recorded; common and soprano pipistrelles, long-eared bat, Natterer's bat, serotine and lesser horseshoe. The most important foraging areas were just north of the barn and in the garden to the south-east of the barn.
- The static recorder inside the barn recorded noctule bat, suggesting that this species uses the barn as a night feeding perch and/or for foraging. An intermittent feeding perch for this species will not require a Natural England licence to undertake development.
- The trees were found to have negligible potential to support roosting bats.

#### *Species protected under the Wildlife & Countryside Act 1981 (as amended)*

- Nesting birds – the barn has some potential to support nesting birds (an old wren's nest was found), while the exterior climbing vegetation has high potential. No evidence was found for barn owls to be using the barn.

The site did not have suitable habitat, nor was close to such habitat, to require consideration of any other protected species. Overall there is no objection to the proposal from an ecological perspective provided mitigation in the form of swift, house sparrow and bat boxes are provided, details of lighting levels being maintained at low levels and that the timing of development with regards to birds using the barn is considered. It is considered that the first two matters can be secured by a condition on the decision notice but the latter can adequately be dealt with by an informative on the decision notice.

#### 5.7 Transportation Issues

The bungalow currently uses an existing track from the Common, which joins London Road. Matters relating to the Common are addressed separately below. The revised plans propose that this dwelling would share that existing

access, as such the proposed barn conversion would (as revised) not create any more hardsurfacing or track on the common. A two bedroom dwelling, as proposed, would require one parking space. The applicant has shown that provision for two spaces for the existing three bedroom bungalow and one additional space for the proposed two bedroom barn conversion can be provided. The parking proposal is allocated parking as set out on plan 51733-01-101 rev F. This shows two car port parking spaces within an existing building used in conjunction with the house and a standard open air space for the existing dwelling. One of the car port spaces would be allocated to the new dwelling which would meet the Council's Car Parking Standards SPD. A turning space is also provided within the front garden of the bungalow. There is therefore no highway objection to the proposal subject to the provision of this parking as set out and for detail of a cycle store for two cycles being provided.

#### 5.8 Landscape Issues

The site lies within the open countryside but the proposal makes only modest changes to fenestration and is not considered to have a material impact on the visual amenity of the wider area. The proposed conversion of the building is acceptable in landscape terms. The proposed alterations to form the car ports within the existing garden structure and a turning head behind the front boundary wall would similarly have no material impact on the visual amenity of the area. It is considered that there is no landscape character or visual amenity objection to the development with regard to Policy L1.

#### 5.9 Impact upon Residential Amenity

The only residential property which is close enough to be affected is that directly north of the site some 20m away at 115 London Road. This property gains vehicular access to its property via the route of the public footpath, a route no longer proposed for the access to this application site. The distance between the proposal and that house is sufficient to ensure that the proposal would not cause unacceptable overlooking or overbearing impact upon the neighbouring residents.

The proposal therefore accords with Policy CS1 of the South Gloucestershire Local Plan and the requirements of the NPPF.

#### 5.12 Impact on the Common

There have been a number of comments regarding encroachment and access rights over Common land. The revised plans have in fact indicated that the proposal is now to share the same access track and hardstanding as exists for 117 London Road, with the original longer track to the north removed.

The specific rights of access over Common Land are a matter that the applicant will need to satisfy themselves are in place. This is true of any development, the grant of planning permission does not extend or create property ownership or access rights. These would need to be secure in addition to rights to develop. Ownership rights are dealt with under separate legislation and common law, and is not something administered by the Local Planning Authority. Accordingly, this application does not determine whether or not an access right is already established and may be passed to the new use. It is proposed to place informatives on the decision notice regarding this, in addition

the matter has been raised with the applicant's agent. This however is not a reason to delay the planning decision on this scheme.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

### Informatives to include

1. The granting of planning permission and the requirement in condition two for parking provision does not authorise the use of the Common to gain access to the site for either the existing dwelling nor the proposed dwelling. The applicant should satisfy themselves that they have the correct rights for access and ownership. They are advised to contact the South Gloucestershire Community Spaces Team in relation to Common land.  
This permission shall not be construed as granting rights to carry out works on, or over, land not within the ownership, or control, of the applicant.
- 2.. You must obtain the prior written consent of the owner and occupier of any land upon which it is necessary for you to enter in order to construct, externally finish, decorate or in any other way carry out any works in connection with this development including future repairs/maintenance, or to obtain support from adjoining property. This permission does not authorise you to take such action without first obtaining this consent. Your attention is also drawn to the Access of Neighbouring Land Act 1992 and Party Wall Act 1996.

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

## **CONDITIONS**

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

Reason

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

2. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

3. The dwelling shall not be occupied until two covered and secure cycle parking spaces have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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.

4. Prior to the first occupation of the dwelling details of any external illuminations, including measures to control light spillage, shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To minimise the light pollution created in the interests of the ecological merits of the site, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

5. Prior to other first occupation of the dwelling the swift, house sparrow and bat boxes shall be installed in strict accordance with the Revised Plan (David James & Partners, drawing no. 51733-01-101 rev F) provided on 15th July 2016.

Reason

To mitigate for the works in the interests of the ecological merits of the site, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows or rooflights [other than those expressly authorised by this permission] shall be constructed.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan as other works to the barn could have an adverse impact on the character and appearance of the wider area: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.



**CIRCULATED SCHEDULE NO. 40/16 – 7 OCTOBER 2016**

<b>App No.:</b>	PK16/2908/R3F	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	Longwell Green Leisure Centre Aspects Leisure Park Leisure Road Kingswood South Gloucestershire BS15 9LA	<b>Date Reg:</b>	6th June 2016
<b>Proposal:</b>	Erection of 2no single storey front extensions to form new fitness studios and alterations to parking area with associated works.	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	365309 172294	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	28th July 2016



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

This report appears on the circulated schedule to follow set procedure given that South Gloucestershire Council is the applicant.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of 2no. single storey front extensions to form new fitness studios and alterations to parking area with associated works. The application site relates to the established Longwell Green Leisure Centre, Aspects Park, Kingswood.
- 1.2 During the course of the application, a coal risk assessment report was requested by the Coal Authority. This was duly received.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4A Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS23 Community Infrastructure and Cultural Activity

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

- L1 Landscape
- T7 Cycle Parking
- T8 Parking Standards
- T12 Transportation
- LC1 Provision for leisure and community facilities
- LC3 Sports and Leisure Facilities

- 2.3 Emerging policy: South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

- PSP1 Local Distinctiveness
- PSP8 Residential Amenity
- PSP11 Development Related Transport Impact Management
- PSP16 Parking Standards
- PSP44 Outdoor Sport and Recreation outside Settlement Boundaries

- 2.4 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) 2007

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

- 3.1 Numerous planning applications related to this site can be found on the Council's website.

### 4. **CONSULTATION RESPONSES**

- 4.1 Hanham Parish Council  
No objection

- 4.2 Other Consultees  
Coal Authority

**Objection:**

In accordance with the agreed risk-based approach to development management in Development High Risk Areas, the applicant needs to submit a Coal Mining Risk Assessment Report as part of this application. Without such an assessment of any risks to the development proposal posed by past coal mining activity based on up-to-date coal mining information, the Coal Authority does not consider that the LPA has sufficient information to determine this planning application.

*Updated comments:*

*No objections subject to a condition*

Drainage and flood risk management team

No objection

Highway Structures

No comment

Sustainable Transport

No objection subject to a condition to ensure alterations to the parking area

### **Other Representations**

- 4.3 Local Residents  
None received

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

- 5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Policy LC3 is supportive of the principle of the proposed development subject to an assessment of the sustainability of the location, the impact on residential amenities, environmental and transport impacts, and considerations of parking. Therefore the proposed development is acceptable in principle and should be determined against the analysis set out below.

## 5.2 Visual Appearance

Longwell Green Leisure Centre is set above the entrance road into Aspects Leisure Park, separated by a grassed bank. The building presents as a modern, commercial type, flat roofed, timber clad block with blocks of stone gabions piled to one side and forming other boundaries and wall within the site. Its main elevation, containing the main entrance faces the centre's car park.

5.3 This proposal is for 2no. single storey extensions to the front elevation to accommodate additional fitness studios. The existing building has a small administration office which sits proud of the main front building line. The extensions would in effect be positioned either side of this projection. Together they would be regarded as minimal additions to this sizable structure measuring. Each would extend out by about 11 metres with respective lengths of about 16.5 and 8 metres, achieving a height of 4 metres, thus lower than that of the main flat roof which is around 7 metres in height. Materials would be to match the existing building in terms of the external cladding and openings would match the modern proportions of existing windows and doors.

5.4 In terms of design, scale, massing and materials used the proposed single storey extensions are considered appropriate to the main building and to the character of the area in general.

## 5.5 Transport and parking

This application follows pre-application advice. At that time the applicant was advised that Officers considered that as the proposal would not materially alter the site's travel demand, a full transport assessment was unnecessary. However, it was considered that as the car park was already congested, even a small change in demand could impact upon its operation. Therefore, it was requested that a parking survey be carried out to demonstrate that there would be sufficient space on the site to accommodate any additional demand arising from this development. Moreover, should insufficient space currently be available, then additional car parking should be provided on the site.

5.6 It is noted that the applicant has complied with this request and suggests that the proposed extension will increase travel demand at the Leisure Centre by around 15%. They have also carried out a survey as requested and its results show that the site's car parking already suffers from an excess of demand over space supply. It will not, therefore, be able to accommodate the additional trips associated with the extension without the addition for further spaces. To overcome this problem, the applicants are proposing to provide 5no. new disabled parking spaces, a further 8no. permanent car parking spaces and 8no. additional car parking spaces out of school hours when coaches are not present. A further area will be set aside for another 4no. spaces should they be required. It is Officer opinion that these new spaces will not impinge on vehicular circulation within the car park, so will not impede its safe and efficient operation. Therefore, the proposal is considered satisfactory and there are no highways or transportation objections to the scheme.

## 5.7 Residential amenity

The building is not located close to any residential properties.

### 5.8 Environmental effects

Given the nature and scale of development, it is unlikely that there would be any adverse impact on the environment. No objection is raised in this regard.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 That the application be **APPROVED** subject to the conditions written on the decision notice.

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

## CONDITIONS

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

Reason

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

2. Prior to the commencement of the development hereby approved details of intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site and submitted to the Council for written approval. In the event that the site investigations confirm the need for remedial works, a further scheme of such remedial works shall be submitted to the Council for written approval and thereafter implemented as approved.

Reason

This is a pre-commencement condition to avoid any unnecessary remedial action in future and in order to ensure the safety and stability of the proposed development and to accord with the requirements of the Coal Authority, Policy LC3 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

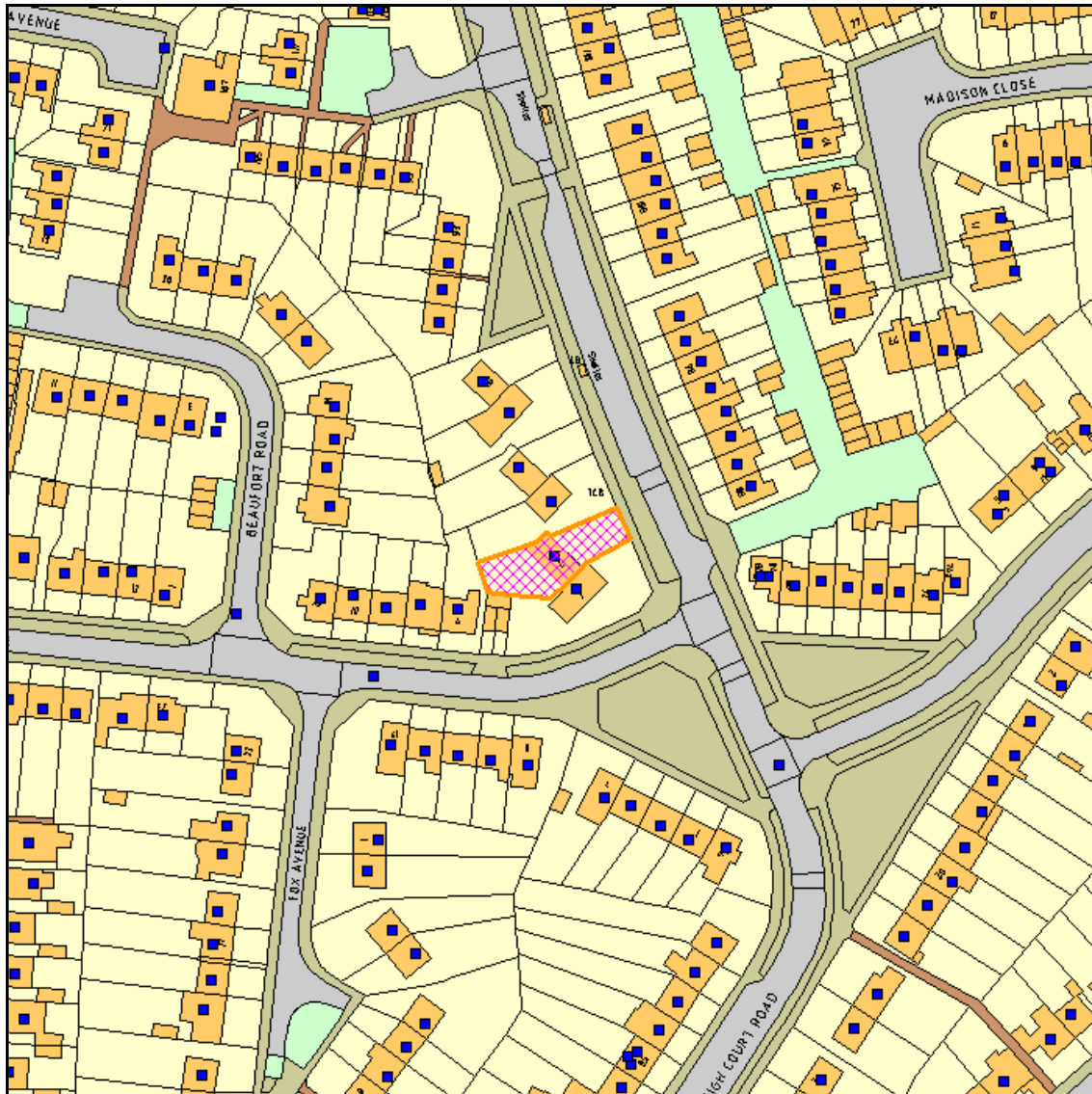
3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan Proposed parking layout - drawing 06 hereby approved shall be provided prior to the first use of the extensions, and thereafter retained for the use of the leisure centre.

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.

**CIRCULATED SCHEDULE NO. 40/16 – 7 OCTOBER 2016**

<b>App No.:</b>	PK16/3793/F	<b>Applicant:</b>	Miss Jane Garley
<b>Site:</b>	77 Cranleigh Court Road Yate Bristol South Gloucestershire BS37 5DN	<b>Date Reg:</b>	15th July 2016
<b>Proposal:</b>	Erection of a two storey side extension to form additional living accommodation.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370674 182856	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	6th September 2016



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## **REASONS FOR REPORTING TO CIRCULATED SCHEDULE**

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward under the Circulated Schedule procedure as a result.

### **1. THE PROPOSAL**

- 1.1 The proposal seeks to demolish an existing lean-to projection forming toilet and store to facilitate the erection of a two storey extension to the side of 77 Cranleigh Court Road, Yate.
- 1.2 The subject property is a late-20th Century two storey back to side L shaped semi-detached dwelling with a pitched gabled roof and single storey side extension. The site relatively level. Boundaries are a combination of 2m brick walls and 1.8 m timber closed panel fences.
- 1.3 The proposal would extend from the northern elevation of the host dwelling and won't project as far as the existing single storey projection.
- 1.4 The subject property is situated in the built up residential area of Yate.

### **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  
T12 Transportation

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

CS1 High Quality Design  
CS4a Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage

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

Design Checklist SPD (adopted) August 2006  
Residential Parking Standards SPD (adopted) December 2013

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

No Relevant Planning History

### **4. CONSULTATION RESPONSES**

#### **4.1 Yate Town Council**

Objection – suggested new dwelling and overdevelopment.



- 4.2 Other Consultees  
None Received

### **Other Representations**

- 4.3 Local Residents  
One objection received concerned with the boundary and land ownership.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. Saved Policy H4 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development with the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. The proposal accords with the principle of development subject to the consideration below.

### 5.2 Design and Visual Amenity

The proposal consists of a two storey side extension to form additional living accommodation. The proposed side extension will project beyond the side elevation of the host dwelling to the same extent as the existing single storey projection. The proposal would require the demolition of this structure to facilitate the erection of the extension.

- 5.3 The character of the area is relatively varied with dwellings having been constructed in different periods between the mid to late-20<sup>th</sup> Century. This has a typical suburban atmosphere and a variety of housing types. The buildings in the area are constructed predominantly with rendered elevations, however the house type the host dwellings is part of are constructed with reconstituted stone front elevations and have traditional features. The existing dwelling is constructed with a tile roof and rendered rear and side elevations; the proposal has put forward materials that are similar in appearance to the existing dwelling and would be considered to have been informed by the host dwelling and its context. There is no objection with regard to materials.

- 5.4 Objection has been received from the Town council indicating concern over the proposed use of the structure as well as the potential for overdevelopment. The proposal will replace an existing structure and not utilise any additional floor space. Furthermore the proposal is for additional living accommodation and does not include all the provisions required for independent habitation (i.e. kitchen, bathroom, living space, outdoor amenity space, parking and bedrooms) and therefore could not later be occupied as a separate residential unit. Also nothing in the layout suggests that this could be the intention as the

existing stairs will serve the first floor of the extension. The above said, the proposal will include a front door that appears to serve storage space. Given this, for the avoidance of doubt, an informative will be put on the decision notice indicating that planning permission would be required for any proposal for conversion to a separate residential unit.

- 5.5 The two storey extension will be subservient in scale to the existing dwelling and the roof will be gabled to match. The proposal has taken design cues from the features of the existing dwelling and a number of other properties nearby and incorporates similar traditional features. The resultant proposal is in keeping with the existing dwelling and its context and would be considered acceptable in terms of visual amenity.
- 5.6 The proposal will replace an existing single storey structure with a poor standard of design. This is part timber and part brick in construction and would be considered to have a negative impact on the character of the property and there is no objection to its loss.
- 5.7 Overall, it is considered that the proposed extension would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to be 'in keeping' with policies CS1 and H4 and conforms to the criteria in the adopted Local Plan.
- 5.8 Residential Amenity  
Policy H4 of the adopted Local Plan gives the Council's view on new development within existing residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling. The subject property forms half of an L shaped semi-detached pair and has south-westerly and north-easterly aspects. Given this orientation and the location of the extension it is not considered to impact the amenity of its adjoining occupier.
- 5.9 The neighbouring dwellings are arranged in a stepped line, with the front elevation of the dwelling to the south around the same distance from the road as the rear/side elevation of the south-east facing property. The property to the north is arranged with primary outlook to the south-east and in the side elevation with a westerly aspect are a window and door. Whilst the proposal would result in some impact on this window opening, it is not considered to have an unacceptable impact as it does not appear to serve primary living accommodation. Given the above consideration the proposal is not considered to have an unacceptable impact on the properties to the north.
- 5.10 The properties forward of the front elevation are set a reasonable distance from the host property and separated by the estate road and driveways. Dwellings to the rear of the host dwelling are oriented perpendicular with the host dwelling and are set a reasonable distance from the proposal. Given the location of the extension and the orientation of the dwellings the proposal is not considered to have an unacceptable impact on the amenity of these dwellings.

- 5.11 The proposal would replace an existing extension with a structure of a similar floor area and would utilise the same area of the site. Consequently the proposals are not considered to result in the loss of any outdoor amenity space and a sufficient amount will remain.
- 5.12 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.
- 5.13 Sustainable Transport and Parking Provision  
The proposal would result in the creation of an additional bedroom. Currently the property has an area of hardstanding to the front of the property. According to the residential Parking Standards SPD a 4 bedroom property would be required to provide 2 private parking spaces. This requirement is satisfied by the existing area of hardstanding to the front of the property. The proposal would not require any additional parking spaces nor will it have a negative impact on highway safety or the retention of an acceptable level of parking provision, meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006). The council has no objection to the proposal in relation to highway safety or parking provision.
- 5.14 Other Matters  
The application was subject to an objection from a neighbouring occupier. This indicated that in the past the boundary of the property to the south has been encroached upon as well there being issues with ownership. Confirmation was sought from the agent who has confirmed that the correct red line and ownership certificate has been put forward. Furthermore, the plans provided appear to accord with information available from the Land Registry. On this basis the red line shown on the plans provided and the ownership certificate appear to be correct and sufficient information has been provided in order to make a planning decision.
- 5.15 Notwithstanding the above consideration the proposal will not impact the objector's property that adjoins the host dwelling at the southern elevation and the encroachment of the boundary would be considered a civil matter outside the remit of the Local Planning Authority.

## 6. CONCLUSION

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

## **7. RECOMMENDATION**

- 7.1 That the application be **APPROVED** subject to the conditions attached to the decision notice.

**Contact Officer: Hanni Osman**  
**Tel. No. 01454 863787**

### **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).

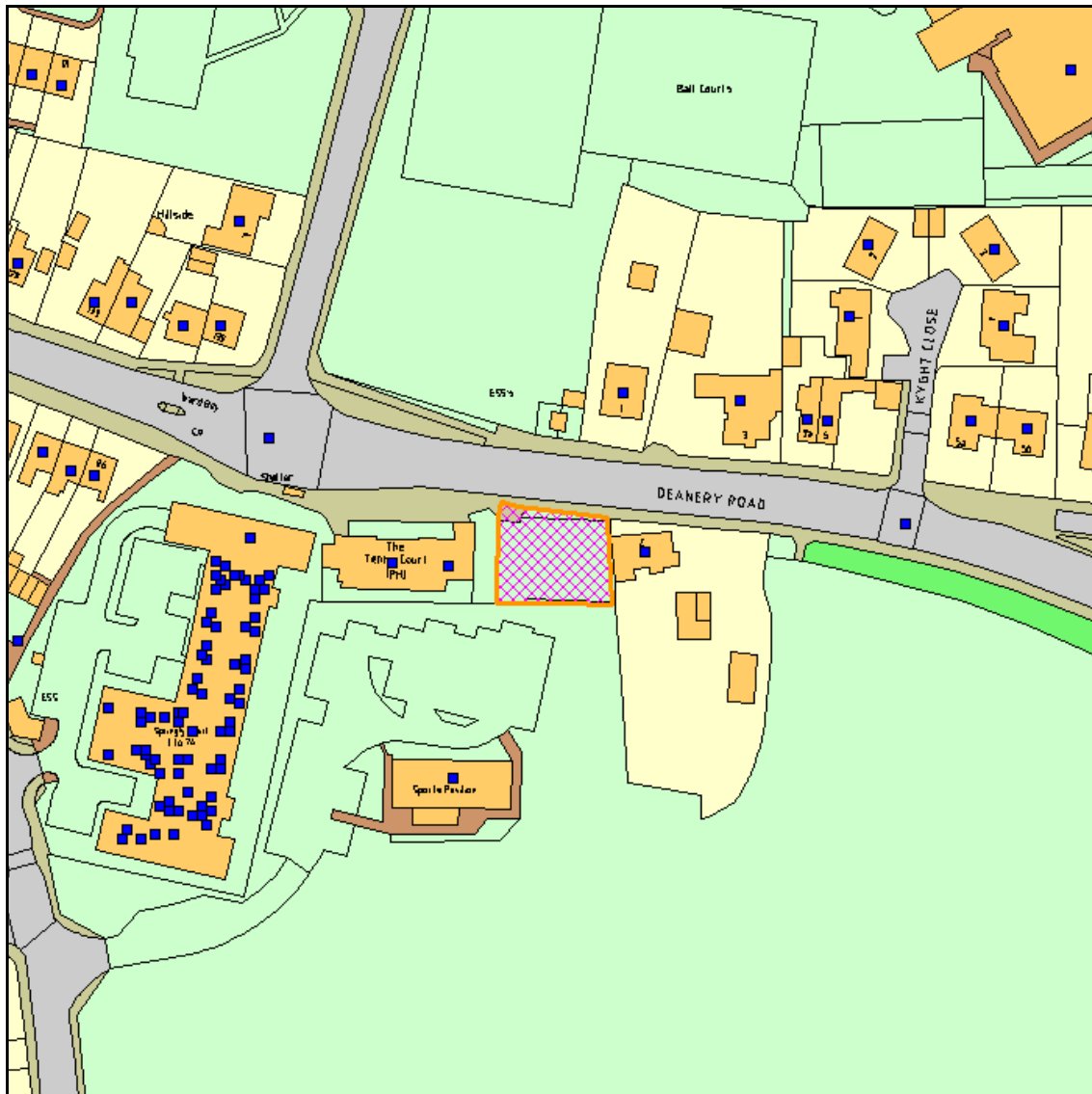
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

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.

**CIRCULATED SCHEDULE NO. 40/16 – 7 OCTOBER 2016**

<b>App No.:</b>	PK16/4272/F	<b>Applicant:</b>	Lawrence And Park Developments Ltd
<b>Site:</b>	Land Adjacent To Tennis Court Inn Deanery Road Kingswood South Gloucestershire BS15 9JA	<b>Date Reg:</b>	19th July 2016
<b>Proposal:</b>	Erection of 2no detached dwellings with associated works.	<b>Parish:</b>	None
<b>Map Ref:</b>	366299 173584	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	8th September 2016



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## **REASON FOR REFERRING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of 2 no. detached dwellings with associated works within the car park of the Tennis Court Inn, Deanery Road, Kingswood.
- 1.2 The Tennis Court Inn is a Locally Listed building, considered to make a significant positive contribution to the character of the locality. The proposal also has the potential to affect the setting of the Grade II Listed buildings nos. 3 and 5 Deanery Road.
- 1.3 The application site is situated within the settlement boundary of the East Bristol Fringe. It is also in an area of archaeological potential, and may have been used for coal mining in the past.
- 1.4 Planning permission PK16/0570/F for two-semi detached houses on this site was granted in May 2016 and is a fall-back situation should this current proposal be refused. The current proposal is almost identical to that previously approved, the only difference being that the houses are now proposed to be detached as opposed to semi-detached.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
The National Planning Practice Guidance 2014  
Planning (Listed Buildings and Conservation Areas) Act 1990

#### 2.2 Development Plans

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

CS1 - High Quality Design  
CS4A – Presumption in Favour of Sustainable Development  
CS5 - Location of Development  
CS6 - Infrastructure and Developer Contributions  
CS8 - Improving Accessibility  
CS9 - Managing the Environment and Heritage  
CS16 - Housing Density  
CS17 - Housing Diversity  
CS18 - Affordable Housing  
CS23 - Community Infrastructure and Cultural Activity  
CS24 - Green Infrastructure, Sport and Recreation Standards  
CS29 - Communities of the East Fringe of Bristol Urban Area

The South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> January 2006 – Saved Policies

- L1 - Trees and landscape
- L5 - Open Spaces
- L9 - Species Protection
- L11 - Archaeology
- L13 - Listed Buildings
- L15 - Buildings and Structures Which Make a Significant Contribution to the Character and Distinctiveness of the Locality
- EP2 - Flood Risk and Development
- EP4 - Noise Sensitive Development
- EP7 - Unstable Land
- T7 - Cycle Parking
- T12 - Highway Safety
- LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
- LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)
- LC12 - Recreational Routes

2.3 Supplementary Planning Guidance

- Trees on Development Sites SPG (Adopted) Nov. 2005.
- The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.
- Affordable Housing SPD Adopted Sept. 2008.
- South Gloucestershire Council Residential Parking Standards (SPD) Adopted.
- Waste Collection: guidance for new developments (SPD) Adopted Jan. 2015

2.4 Emerging Plan

Proposed Submission : Policies, Sites & Places Plan June 2016

- PSP1 - Local Distinctiveness
- PSP2 - Landscape
- PSP3 - Trees and Woodland
- PSP6 - Onsite Renewable & Low Carbon Energy
- PSP8 - Residential Amenity
- PSP11 - Development Related Transport Impact Management
- PSP16 - Parking Standards
- PSP17 - Heritage Assets and the Historic Environment
- PSP19 - Wider Biodiversity
- PSP20 - Flood Risk, Surface Water and Watercourses
- PSP21 - Environmental Pollution and Impacts
- PSP22 - Unstable Land
- PSP43 - Private Amenity Space Standards

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK10/2923/F - Change of use from mixed use Restaurant (Class A3) and Public House (Class A4) to mixed use Restaurant (Class A3), Public House (Class A4) and Takeaway (Class A5) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).

Approved 6<sup>th</sup> Dec. 2010

- 3.2 PK15/2642/O - Demolition of existing public house and erection of 14no. self contained flats (Outline) with access and layout to be determined. All other matters reserved.  
Withdrawn 17<sup>th</sup> July 2015
- 3.3 PK16/0570/F - Erection of 2no. semi-detached dwellings with access, parking, landscaping, screening and associated works.  
Approved 6<sup>th</sup> May 2016
- 3.4 PK16/4731/F - Partial demolition of ancillary buildings. Conversion of public house to form 4no. self-contained flats with access, parking, landscaping and associated works.  
Pending

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

- 4.1 Parish/Town Council  
Not a parished area.

- 4.2 Other Consultees

Sustainable Transport

Subject to provision of parking spaces as shown on the approved plans then, there is no highway objection to this application.

Archaeology Officer

The proposal is in an area of archaeological potential, lying adjacent to the main historic route to London. Given the potential for survival of archaeological remains, a watching brief should be undertaken during ground disturbance.  
Condition HC11: Reason HR05

The Coal Authority

The Coal Mining Risk Assessment is not sufficient, but this can be overcome with a condition.

Highway Structures

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

#### **Other Representations**

- 4.3 Local Residents  
1no. letter/e.mail of objection was received from a local resident. The concerns raised are summarised as follows:
- Height of houses not specified on the plans.



- Height of house on Plot 1 will be significantly higher than neighbouring dwelling no.2.
- Only bungalow allowed on neighbouring site no.2.
- Distance to neighbouring dwelling no.2 not specified on the plan.
- The neighbouring property no.2 does not have a lean-to as described in the D&A Statement.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para. 14 of the NPPF states that decision takers should approve development proposals that accord with the development plan without delay; where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.

### 5-Year Land Supply

- 5.2 The Council's Annual Monitoring Revue (AMR) reveals that the Council cannot currently demonstrate a 5-year housing land supply. As there is provision for windfall sites in the calculation, this weighs in favour of the proposal, which would make a positive contribution, to the housing supply within South Gloucestershire; as such para. 14 of the NPPF is therefore engaged.
- 5.3 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only limited weight can currently be given to most of the policies therein.
- 5.4 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.
- 5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.6 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single

persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments.

- 5.7 It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings'. The NPPF encourages efficient use of land and paragraph 47 requires the need to 'boost significantly the supply of housing'.
- 5.8 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.
- 5.9 Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.
- 5.10 Policy L5 states that within the existing Urban Areas development will not be permitted where it would adversely affect the contribution that an open area makes to the quality, character, amenity and distinctiveness of the locality. Where a site contributes to local character and distinctiveness the council will seek to negotiate measures to enhance and manage these open areas.
- 5.11 The acceptance in principle of two dwellings on this site of very similar scale and design, has already been established with the grant of planning permission PK16/0570/F; this is a material consideration of significant weight in favour of this revised proposal for detached dwellings as opposed to the previously approved semi-detached houses.

#### Analysis

- 5.12 Members will be aware that at this stage, South Gloucestershire Council cannot demonstrate that it has a five-year supply of deliverable housing land. As such, Paragraph 14 of the NPPF is the starting point for the consideration of this planning application. In this instance, the NPPF makes a presumption in favour of approving sustainable development provided that the benefits of doing so (such as the provision of new housing towards the 5yr HLS) are not significantly and demonstrably outweighed by adverse impacts. Notwithstanding this position, the site is located within the urban area where new residential development is acceptable in principle.
- 5.13 On this basis, there is a presumption in favour of approving this application. However, it is necessary to consider the benefit of this proposal against any adverse impact and weigh these factors in the planning balance. The issues for consideration are discussed as follows:

- 5.14 Scale and Design  
Core Strategy Policy CS1 only permits new development where “*the highest possible standards of site planning and design are achieved*”. The Policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.
- 5.15 The street scene along Deanery Road is made up of a mix of properties of varying age, scale and design, there is no particular established architectural vernacular, the properties are each of their time. The houses as proposed are very similar in scale and design to those previously approved, the only difference being that they are now detached as opposed to semi-detached. Officers are satisfied that the proposed scale and design is appropriate for the site and that given the constraints on development, the proposal makes the most efficient use of the land, which lies within the Urban Area.
- 5.16 The occupant of neighbouring no.2 has objected, raising concerns about the scale of the houses as now proposed and the fact that he was refused two-storey houses in his back garden. In the first instance, the submitted drawings are to scale and the houses as now proposed are in fact the same height to ridge and eaves as previously approved. The height of the nearest house in relation to no.2 was previously clearly shown on the approved Street Elevation Plan. Moving to the second point, there would clearly be a very different situation if the houses were to be built to the rear of no.2 as opposed to the side as proposed.
- 5.17 On balance therefore the siting of the buildings would be sufficiently in keeping with the street scene and accords with Core Strategy Policy CS1.

#### Landscape

- 5.18 Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape. Policy L5 resists development that would adversely affect the contribution that an open area makes to the quality, character, amenity and distinctiveness of the locality. Policy CS9 of the South Gloucestershire Local Plan Core Strategy expects new development to conserve and enhance the character, quality, distinctiveness and amenity of the landscape.
- 5.19 The site comprises the former pub car-park and as such is entirely hard-surfaced with little vegetation at all. The site is not considered to be an open space that contributes significantly to the character of the area. Some additional planting is shown on the submitted plans with the retention of the traditional stone walls and introduction of screen fencing. Officers are satisfied that on balance the proposal would be acceptable in landscape terms.
- 5.20 Design and Heritage  
Given the degree of separation from both the public house and no. 3 and 5 Deanery Road, the development would not have a significant impact on the settings of the nearby Listed or Locally Listed buildings.

The proposal is for two detached properties, finished in render and clay double roman tiles, with brick chimneys. The design is much the same as previously approved and subject to large scale details of the eaves and verges and samples of external materials being conditioned, the scheme is considered acceptable.

5.21 The boundary wall along the front of the site is to be retained, and this will help to blend the new-build development into the street scene. The retention of the front wall will be conditioned on the decision notice in the event the application is approved. The provision of the parking space to the front of Plot B would appear slightly intrusive within the street scene, however given that the site is currently a car park, this is not considered to represent significant and demonstrable harm in accordance with paragraph 14 of the NPPF and is the same arrangement as previously approved.

5.22 Residential Amenity

The proposed dwellings are to be orientated facing towards Deanery Road, in a linear formation with respect to no. 2 Deanery Road. No. 2 has a large single-storey structure to the rear which helps to obscure any direct views into the garden of that property and there are no existing facing windows in the side of no.2. The rear openings proposed would provide indirect views into the garden of no.2, however this is only to be expected in densely populated urban areas such as Kingswood. A side window would overlook the area of the car park which is to be retained; there is therefore no need for this window to be obscurely glazed; the rear en-suite windows serving each of Plots A and B are shown obscurely glazed on the submitted plans. Adequate amenity space would be provided for the proposed dwellings.

5.23 The house on Plot A would be closer to the side elevation of no.2 i.e. 1.0m away as opposed to the previously approved 2.7m, however given that the side elevation of no.2 is blank this would not result in a significantly overbearing impact for the occupiers of no.2. There would be no significant adverse impact on residential amenity and the proposal is therefore considered to be in accordance with policy CS1 of the Core Strategy (Adopted) December 2013.

5.24 Transportation Issues

The Transport officer has confirmed that the parking shown on site for the public house and the proposed dwellings is adequate and in accordance with policy. The level of parking provision meets the minimum standards listed in the South Gloucestershire Residential Parking Standards SPD. Adequate bin storage would be provided adjacent to the access for ease of collection. There is also sufficient manoeuvring space on site to allow vehicles to enter and egress the site in a forward gear. As Deanery Road is a classified highway and the site is small, a construction management plan will be necessary to ensure the safe use of the highway during construction. Visibility splays would also be conditioned to be kept clear, which would not conflict with the retention of the boundary wall mentioned in the design section of this report, as it is lower than 0.6 metres and therefore does not affect the splay.

5.25 Given that the residual cumulative impacts of development are not 'severe' the proposal accords with the NPPF and Development Plan Policy, there are therefore no highway objections.

5.26 Archaeology

The proposal is in an area of archaeological potential, lying adjacent to the main historic route to London. Given the potential for the survival of archaeological remains, a watching brief should be undertaken during ground disturbance. This would be conditioned in the event that the application is approved.

Environmental and Drainage Issues

5.27 Any increase in noise levels or anti-social behaviour, would be the subject of normal environmental health controls. Whilst there would inevitably be some disturbance for neighbours during the development phase, this could be adequately addressed by imposing a condition to restrict the hours of working. There are therefore no objections on environmental grounds. In terms of drainage, the site lies in Flood Zone 1 and the Council's Drainage Engineer has raised no objection to the proposal.

5.28 The site lies in an area that has historically been mined for coal. A Coal Mining Risk Assessment has been submitted. Subject to a condition to secure an intrusive site investigation and remedial works if necessary, there are no objections relating to this issue.

5.29 Affordable Housing

The proposal is for 2no. new dwellings only, which is below the Council's threshold for affordable housing provision.

5.30 Community Services

The proposal is for 2no. new dwellings only, which is below the Council's threshold (10) for contributions to Community Services.

Community Infrastructure Levy (CIL)

5.31 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. The introduction of CIL charging commenced on 1<sup>st</sup> August 2015. In the event that a decision to approve this application is issued the scheme would be liable to CIL charging.

## 6. CONCLUSION

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

6.2 The NPPF para. 49, is clear that housing applications should be considered in the context of the presumption in favour of sustainable development. According to the Framework, at paragraph 14, that means that when, as here, there is no five-year housing land supply and relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or specific Framework policies indicate that development should be restricted.

- 6.3 In this case there are some clear benefits to the proposal; in light of the Council's housing land supply situation the provision of 2no. new houses must carry weight in its favour, albeit that 2no. houses would only represent a modest contribution to the 5-year housing supply. The economic benefits for local house builders and suppliers of building materials and for local services would be a further small benefit to which only moderate weight can be afforded. The proposal makes the most efficient use of land for housing in the Urban Area which is a further benefit. The residual cumulative transportation impacts of the development, which are not considered to be 'severe' can only be afforded neutral weight in the final balance as this is expected of all developments.
- 6.4 Weighed against this would be the fact that building houses in this area has the potential to degrade the setting of the nearby Listed and Locally Listed buildings but given the level of mitigation proposed by the design and landscaping of the site and retention of historic walls, any harm would not be so great as to significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or specific Framework policies
- 6.5 On balance therefore officers consider that in their judgement, the proposal should be granted planning permission.
- 6.6 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

2. Prior to the commencement of development details and/or samples 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 thereafter be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework. This information is required prior to commencement in order to prevent remedial works later on.

3. No development shall take place until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicle of site operatives and visitor
- hours of operation
- method of prevention of mud/debris being carried onto highway
- pedestrian and cyclist protection
- proposed temporary traffic restrictions
- arrangements for turning vehicles

Reason

To ensure the safe operation of the highway during construction in accordance with policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006. This is required prior to commencement as the information relates to the period of construction.

4. Prior to the commencement of development, the detailed design of the eaves and verges shall be submitted and approved in writing by the local planning authority. The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details.

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement is necessary in order to ensure that the works serve to preserve the character of the Locally Listed Building and the setting of the adjacent Listed Buildings, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

5. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

#### Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This information is required prior to commencement in order to prevent remedial works later on.

6. Prior to the commencement of development, the following shall take place:
  - \* The submission of a scheme of intrusive site investigations for written approval by the Local Planning Authority;
  - \* The undertaking of that scheme of intrusive site investigations;
  - \* The submission of a report of findings arising from the intrusive site investigations for written approval by the Local Planning Authority;
  - \* The submission of a scheme of remedial works for approval if required; and
  - \* Implementation of those remedial works if required.

#### Reason

To ensure the ground is stable given the coal mining that has taken place in the area, in accordance with policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This information is required prior to commencement to prevent safety issues arising during the construction period.

7. Prior to the first occupation of the new dwellings hereby approved, the off street vehicular and cycle parking facilities shall be provided in accordance with the approved plans and the parking areas shall be maintained for such purpose thereafter.

#### Reason

To ensure the satisfactory provision of car and cycle parking facilities in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy T7 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

8. Prior to the first occupation of the development hereby approved, visibility splays of 2.4 metres by 43 metres from the site access onto the public highway shall be positioned, and maintained thereafter, ensuring no boundary wall, fence or vegetation impedes visibility above a height of 0.6 metres from ground level.

#### Reason

In the interests of highway safety and to accord with Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th December 2013 and Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

9. The stone boundary wall along the front of the site shall be retained (with the exception of the pedestrian accesses indicated on the approved plans) during the period of construction and thereafter.



Reason

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

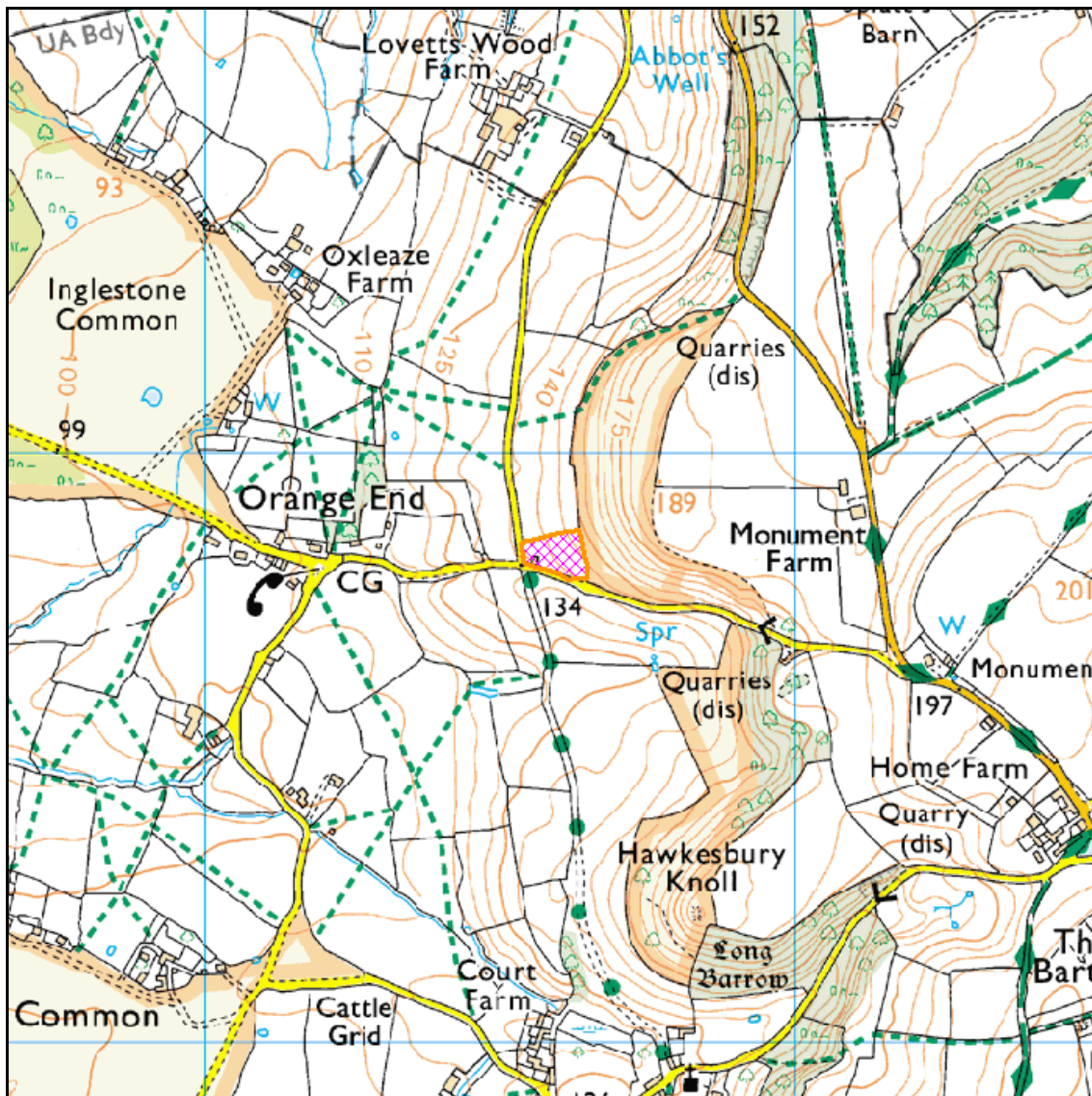
10. The hours of working on site during the periods of demolition and construction shall be restricted to 07.30 to 18.00 Mondays to Fridays, and 08.00 to 13.00 Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition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

Reason

To minimise disturbance to neighbouring properties and to accord with the provisions of the NPPF.

**CIRCULATED SCHEDULE NO. 40/16 – 7 OCTOBER 2016**

<b>App No.:</b>	PK16/4588/F	<b>Applicant:</b>	Mr John Manktelow
<b>Site:</b>	Cold Change Cottage Chase Lane Inglestone Common Badminton South Gloucestershire GL9 1BZ	<b>Date Reg:</b>	4th August 2016
<b>Proposal:</b>	Erection of first floor side extension with balcony and 1no. rear dormer and 1no. front dormer to provide additional living accommodation.	<b>Parish:</b>	Hawkesbury Parish Council
<b>Map Ref:</b>	376557 187819	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Householder	<b>Target Date:</b>	27th September 2016



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 100023410, 2015. N.T.S. PK16/4588/F

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

This application appears on the Circulated Schedule as a result of comments raised.

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of a first floor side extension with balcony and 1no. rear dormer and 1no. front dormer to provide additional living accommodation.
- 1.2 The property is a relatively large and isolated rural dwelling and associated curtilage, located outside of any settlement boundary, off Chase Lane, near Inglestone Common.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
Planning Policy Guidance
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T12 Transportation Development Control Policy for New Development  
L2 Cotswolds AONB  
  
South Gloucestershire Local Plan Core Strategy (Adopted December 2013)  
CS1 High Quality Design  
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Council Residential Parking Standards December 2013

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

- 3.1 N3035 – Bay window. Approved 23<sup>rd</sup> September 1976.
- 3.2 P95/1018 – Single storey rear extension, front porch, living room extension and two dormer windows in the west elevation and three velux windows. Approved 22<sup>nd</sup> February 1995.
- 3.3 PK01/1611/F – Detached double garage. Approved 19<sup>th</sup> November 2001.

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

##### **4.1 Hawkesbury Parish Council**

The Parish would like to see a dormer window instead of doors above the extension and have concerns about the introduction of a balcony into the rural building of which no detail is shown.

##### **Other Representations**

##### **4.2 Local Residents**

No comments received

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

##### **5.1 Principle of Development**

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

##### **5.2 Design / Visual Amenity**

The comments of the Parish are noted. The introduction of a balcony, in its own right, is not considered to give rise to any material or overriding issues taking into account the sites rural location, and the proposals integrate adequately within the site. There is considered to be sufficient details in the design proposals. The proposed extension is of an appropriate standard in design and is not out of keeping with the character of the main dwelling house and surrounding properties. The extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials used will match those of the existing dwelling in terms of the coursed stone and stone tiles. Sufficient private amenity space will remain to serve the dwelling.

##### **5.3 Residential Amenity**

The property is a relatively isolated rural dwelling with no immediate neighbours. Given the overall scale of the proposals and their relationship with the existing dwelling and surrounding properties it is not therefore considered that it would give rise to a significant or material overbearing impact upon neighbouring properties. It is considered therefore that the proposal would be acceptable in terms of residential amenity.

##### **5.4 Transportation**

The proposals would not impact upon the adequate levels of off-street parking that exist within the curtilage of the site.

### 5.5 AONB

It is not considered that the proposals for this extension to an existing dwelling within the existing curtilage of the dwelling at this location would have any impact upon the AONB or its principle and aims in this instance.

## 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 proposals are of an appropriate standard in design and are not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposals accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy 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 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 recommended.

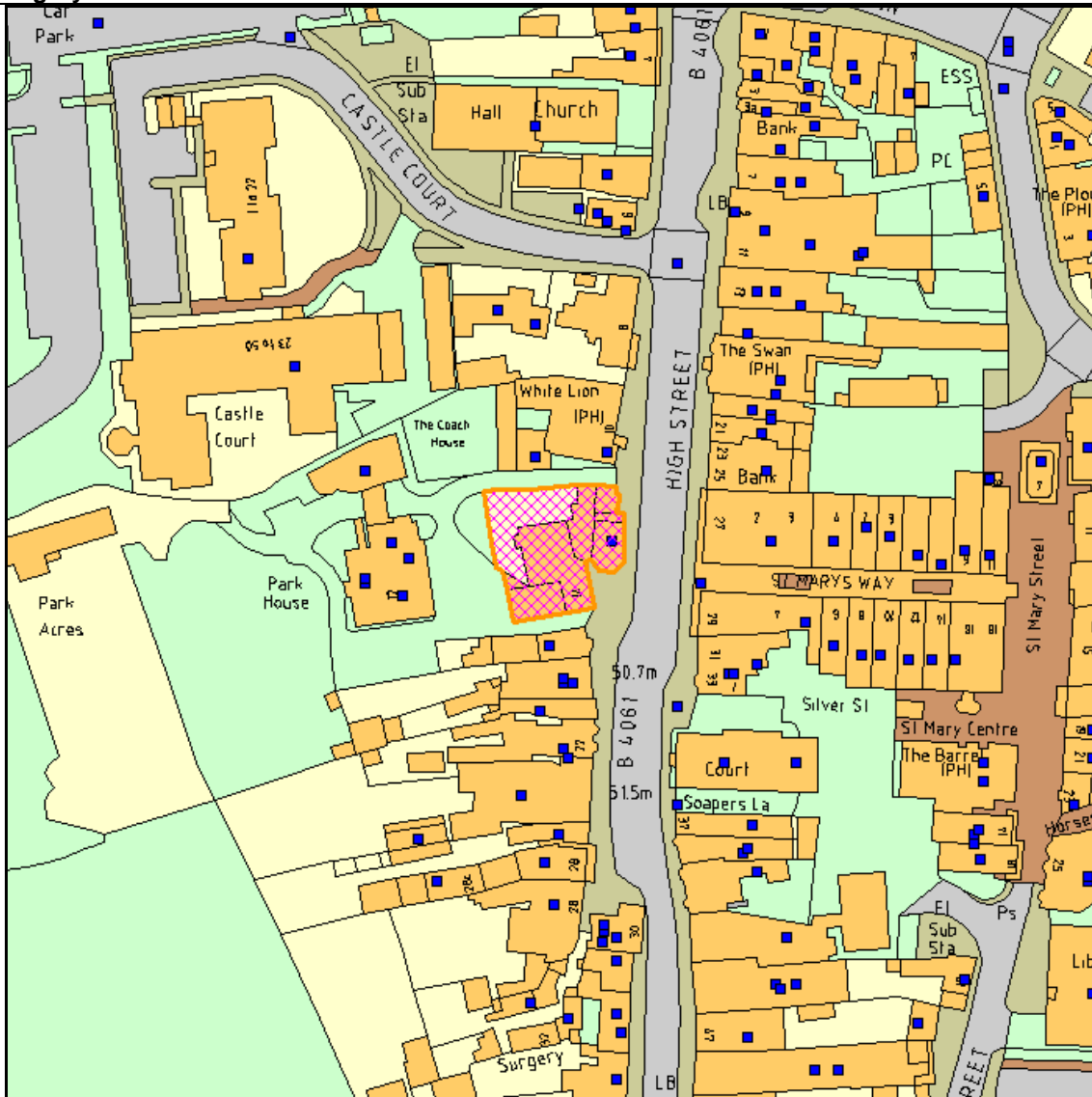
**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## 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 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.

**CIRCULATED SCHEDULE NO. 40/16 – 7 OCTOBER 2016**

<b>App No.:</b>	PT16/1580/F	<b>Applicant:</b>	Wildings Ltd
<b>Site:</b>	14 High Street Thornbury Bristol South Gloucestershire BS35 2AQ	<b>Date Reg:</b>	15th April 2016
<b>Proposal:</b>	Subdivision of building and change of use of one unit from Retail (Class A1) to one Restaurant unit (Class A3) and one retail unit (Class A1) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of plant/machinery on flat roof and external flue to rear elevation.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	363657 190051	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th June 2016



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 100023410, 2015.

**N.T.S.                      PT16/1580/F**

## **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 planning application regards "The Wildings" department store which is comprised of nos. 14 and 12 High Street and a former market hall, all of which are grade II listed buildings located within the Thornbury Conservation Area.
- 1.2 The ground floor of these buildings are understood to function as a department store (Use Class A1), and the first floors are understood to be composed of office space (Use Class B1) and a small ancillary stock room. The proposal aims to sub-divide the unit into two separate units, one restaurant unit (Use Class A3) and one retail unit (Use Class A1). The submitted planning statement suggests that "Wildings" will occupy the proposed retail unit. The first floor office use will remain.
- 1.3 The proposal includes mostly internal works which requires listed building consent and will be assessed in full within planning ref. PT16/1582/LB. Externally, the proposal includes proposals to replace glazing panels and also to replace an existing link canopy at the site. Further to this, the remaining development involves the change of use as described above.
- 1.4 Located within Thornbury High Street, the application site is within a designated Town Centre, Primary Shopping Frontage, Settlement Boundary and Primary Shopping Area (designated within the emerging PSP Plan).
- 1.5 Over the course of the planning application a number of amended plans have been submitted in order to overcome issues regarding the conservation of the building as well as the proposal's impact on the nearby environment. In response to such revisions, appropriate periods of consultation have occurred.
- 1.6 There are a number of other applications relating to this site currently pending determination. Specifically, planning ref. PT16/1582/LB, is an application for listed building consent corresponding to the proposed works within this planning application, as well as internal and external works which require listed building consent. Further to this, the following applications PT16/2446/ADV and PT16/1054/LB, are all pending determination and regard and advertisement/shopfront proposal at the site.

### **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  
CS9 Managing the Environment and Heritage  
CS12 Safeguarded Areas for Economic Development  
CS13 Non-Safeguarded Area for Economic Development  
CS14 Town Centres and Retail  
CS32 Thornbury

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

L12 Conservation Areas  
L13 Listed Buildings  
T12 Transportation  
E3 Employment Development within the Urban Area and Defined Settlement Boundary  
RT1 Development in Town Centres  
RT9 Change of Use of Retail Premises within the Urban Areas and the  
RT10 Defined Settlement Boundary  
RT12 Use of Upper Floors in Town, Local and Village Centres

South Gloucestershire Local Plan: Proposed Submission: Policies, Site and Places Plan, June 2016

PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP11 Development Related Transport Impact Management  
PSP16 Parking Standards  
PSP21 Environmental Pollution and Impacts  
PSP31 Town Centre Uses  
PSP33 Shopping Frontages  
PSP35 Food and Drink Uses

The Proposed Submission Draft Policies Sites and Places Plan (PSP Plan) is a further document that will eventually form part of the South Gloucestershire Local Plan. The PSP plan will set out new planning policies for South Gloucestershire. Submission and Examination of this plan is expected to take place in late 2016, with scheduled adoption in 2017. Accordingly, with regard to the assessment of this planning application limited weight is attached to the policies within the PSP plan at this time – weight grows as the plan progresses.

2.3 Supplementary Planning Guidance

South Gloucestershire Waste Collection SPD (Adopted) January 2015  
South Gloucestershire Design Checklist SPD (Adopted) August 2007

2.4 Other Council Documents

South Gloucestershire Council Town Centres and Retailing August 2015

3. **RELEVANT PLANNING HISTORY**

PT16/2446/ADV

Pending Determination



Display of 2 no. halo illuminated signs, 1no. externally illuminated projection sign, 1no. internally illuminated fascia sign and menu sign.(Re submission of PT16/1024/ADV.

PT16/1054/LB Pending Determination  
Display of 2no. sets of halo illuminated text, 1no. externally illuminated projection sign, 1no. internally illuminated window sign and 4no. LED light lines inside first floor window. Repainting of shop front and window frames.

PT16/1582/LB Pending Determination  
Internal and external alterations to facilitate subdivision of building and conversion of one unit from retail to restaurant.

PT00/3066/LB Approve with Conditions 04/01/2001  
Fix bronze plaque to front elevation.

PT00/1154/ADV Approved 15/06/2000  
Display of signs on awnings (to read `Wildings Est 1874').

PT00/1153/LB Approve with Conditions 15/06/2000  
Repositioning of an entrance door. Erection of replacement awnings.

PT00/1152/F Approve wit Conditions 15/06/2000  
Repositioning of an entrance door. Existing awnings to be removed and replaced with new style.

P89/2820/L Listed Building Consent 25/10/1989  
Re-Rendering and re-painting exterior of building; replace tiles on roof.

P86/3009/L Listed Building Consent 11/02/1987  
Erection of first floor rear extension to provide additional storage accommodation (in accordance with the amended plans received by the council on 26TH January 1987).

P86/2978 Approval Full Planning 11/02/1987  
Erection of first floor rear extension to provide additional storage accommodation. (In accordance with the amended plans received by the council on the 26TH January 1987).

N56/LBC Approved 17/05/1977  
Alterations to elevations of building by reinstatement of original shop entrance and closure of existing entrances.

N2448/2 Approve with Conditions 26/05/1983  
Erection of single storey rear and side extension to existing retail premises to form approximately 80 sq. ms. (864 sq. ft.) of additional retail floor space.

N2448/1 Approve with Conditions 17/05/1977  
(Comprising or including works for the alteration or extension of a Listed Building).  
Reinstatement of original shop entrance and closure of existing entrance.

N2448 Approve with Conditions 18/08/1976

(Comprising or including works for the alteration or extension of a listed building). Provision of new fascia to shop premises (as amended by letter received by the Council on 4th June, 1976).

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

##### **4.1 Thornbury Town Council**

Objection:

- Officers must address concerns of neighbours in detail;
- Extractor fans and machinery on the flat roof;
- Impact of the proposal with regard to noise and smells from extractor fans;
- Historic importance of the listed building;
- Would like to see the advice of the Conservation Officer carried through (comment submitted at a time when the Conservation Officer was objecting to the proposal);
- Town Clock must be retained as well as other historic and architectural features;
- All permissions and legal matters should be resolved prior to permission being granted.

##### **4.2 Sustainable Transport**

No objection.

##### **4.3 Tree Officer**

No objection, no trees on site, and all off site trees are on a lower ground level meaning they will not be affected.

##### **4.4 Conservation Officer**

No objection subject to a number of conditions. It should be noted that the Conservation Officer originally objected to the proposal, however, over the course of the application a number of amendments were made to overcome such objections, hence the Conservation Officer's revised advice:

*"I would now advise that subject to the conditions...the amended scheme should ensure that the significance of these designated heritage assets should be preserved".*

##### **4.5 Environmental Protection**

No objection subject to the development according with the submitted noise and odour reports, as well as, DEFRA guidance.

##### **4.6 Economic Development**

No objection.

#### **Other Representations**

##### **4.7 Member of Parliament – Luke Hall**

Can the Council ensure that the concerns of Ms Fergus are taken into account prior to making the final decision.

#### 4.8 Local Residents

Approximately 15 comments have been submitted with regard to this application from members of the public, as well as solicitors appointed to make comment on behalf of a resident. These comments are mostly all in objection to the proposed development, they are summarised below:

##### *Administrative Concerns*

- The site description is incorrect.

##### *Heritage Concerns*

- A new door is proposed near an existing door to open out onto a narrow road adjacent to the northern elevation of the application site – this will result in loss of historic fabric;
- Extraction equipment will harm the historic fabric and significance;
- The original nature of the High Street shop frontage and presence of a separate market hall will be lost at ground floor level;
- The proposed roof link fails to enhance the poor previous development;
- Colours of paint finishes would need to be approved by the Conservation Officer with preference to pastel shades for the rendered surfaces (white should be avoided);
- Proposal is harmful to Conservation Area and listed buildings.

##### *Economic Concerns*

- Wildings staff will lose their jobs;
- There are already restaurants in the area – this may result in other restaurants going out of business – more unemployment;
- Residential development on the outskirts of Thornbury will result in an increased demand for retail units;
- There are too many restaurants within Thornbury;
- Existing vacant restaurant sites in the high street;
- Thornbury needs more shops;
- Saturation of food shops/take away/ restaurants in the High Street;
- Small independent traders have been forced out of Thornbury;
- Thornbury does not need a large chain such as Prezzo;
- Disadvantage small business.

##### *Amenity Concerns*

- Congestion and parking problems within the High Street and surrounding area;
- A new door is proposed near an existing door to open out onto a narrow road adjacent to the northern elevation of the application site – this will result in bins being pulled along this strip of road;
- Bin store is not nice to look at and will attract vermin;
- Cooking smells;
- Views of extraction equipment;
- Noise from extraction equipment;
- Trade vehicle impacts;
- Disruption from food waste collections;

- Smell from food waste;
- Impact on nearby residential occupiers;
- Litter problems;
- The proposal would detrimentally harm the Park House and surrounding properties.

*Ownership – regarding the Park House, 12 High Street Thornbury*

- The driveway and forecourt area on the north of, south and west sides of the application site is within the ownership of owner of the Park House;
- Under a deed dating from 1987 relating to the area at the south western corner of the application site, a right of way on foot only was granted to the then owner to escape from the application site;
- The limited 1987 fire escape is the only express right enjoyed by the occupiers of the application site;
- The applicant has no right to create the new opening at the bin store side;
- There is an enforceable restrictive covenant on the applicants title to the area at the south-western corner of the application site limiting its use to retail shop;
- The applicant has no right to create access/openings with the walls which are under the ownership of the occupier of the Park House;
- No rights will be granted by the occupiers of the Park House;
- The application appears to imply that the applicant has rights to use the occupiers of the Park House property, the occupier of the Park House will grant no such rights;
- No rights for access will be granted over driveway to north of the site.

*Other Matters*

- The applicant displayed a poster/banner at the Wildings stating ‘The Great £290, 000 Redevelopment Sale’.

## **5. ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for the change of use and sub-division of a retail unit (Class A1) into a unit to be used as a restaurant (Class A3); and a unit to be used as a retail unit (Class A1). The application site is within a number non-statutory and statutory designations:

- Listed building;
- Conservation Area;
- Town Centre;
- Primary Shopping Frontage;
- Settlement Boundary;
- Primary Shopping Area (designated within the emerging PSP Plan).

### 5.2 Principle of Development

Policy CS5 ‘Location of Development’ of the South Gloucestershire Core Strategy (adopted December 2013) states that all new development in Thornbury must be of a scale appropriate to revitalise the town centre and

strengthen community services and facilities. Policy CS32 'Thornbury' of the South Gloucestershire Core Strategy (adopted December 2013) sets out the vision for Thornbury; of particular significance for the proposed development are the following requirements:

- Provide increased and diversified employment opportunities, particularly within the town centre, through improvement to existing sites, premises and communications infrastructure;
- Conserve and enhance the special character and significance of Thornbury's historic assets and their settings.

5.3 Thornbury is a designated town centre location as defined within Policy CS14 of the Core Strategy. Policy CS14 states that new investment in main town centre uses consistent with the NPPF will be directed into the town and district centres, reflecting the scale and function of the centre – the policy also states that proposals must ensure the vitality and viability of the centre. The NPPF goes on to state that local planning authorities should set out policies for the management and growth of town centres; paragraph 23 of the NPPF then states that local planning authorities should:

*'define the extent of town centres and primary shopping areas, based on clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations'.*

5.4 With this in mind, the application site is within a primary shopping frontage as defined by the adopted Local Plan. Saved policy RT9 'Primary Shopping Frontages' of the adopted Local Plan will only support changes of uses from A1 retail uses within primary shopping frontages if:

- *It can be demonstrated that the premises could not be retained in a viable retail use; or*
- *The proposed use would make a positive and complementary contribution to the vitality and viability of the centre, and would not undermine the retail function of the frontage, or part of it; and*
- *The proposed use would not result in unacceptable environmental or transportation effects, and would not prejudice residential amenity.*

5.5 Further to this, the emerging PSP development plan document which is currently going through consultation provides guidance, policy PSP33 'Shopping Frontage' states that changes of use of shops (Class A1) within a primary shopping frontage will only be permitted where the proposal would:

- *Make a positive contribution of the vitality and viability of the centre;*
- *Not undermine the retail function of the frontage, or part of it;*
- *Include a shopfront with a display function and be accessible to the public from the street; and*
- *Maintains an active ground floor use.*

- 5.6 PSP33 is afforded limited weight, however, its content is largely consistent with both saved policy RT9 and the NPPF. Overall, the proposal is acceptable in principle provided the development contributes positively to the vitality and viability of the centre; and does not undermine the retail function of the frontage.
- 5.7 Change of Use  
Both the proposed A3 and A1 uses are acceptable uses in town centre locations; both are main town centre uses. However, it must be assessed if the proposed uses are acceptable in principle within a primary shopping frontage, which the application site inhabits. With this in mind, as elaborated on above within the principle of development section, the proposed change of use must:
- Contribute positively to the vitality and viability of the centre;
  - Not undermine the retail function of the frontage.
- 5.8 *A3 Unit – Restaurant Use*  
Annex 2 of the PPG defines ‘primary and secondary frontages’ as follows:
- ‘Primary frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods. Secondary frontages provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses’.*
- 5.9 In this way, the proposed restaurant would not be considered to be a pure retail use, rather more of a leisure use, despite its retail element. The policy approach would therefore normally prefer A3 uses to be within secondary shopping frontages, this is consistent with the PPG’s interpretation of primary and secondary frontages above. With this in mind, officers must determine whether the proposal would have an acceptable impact on the retail frontage, as well as the vitality and viability of the town centre.
- 5.10 The development proposes to change the use and sub-divide the unit into two separate units: one unit in an A3 use class and one unit in an A1 use class. The use class should be considered rather than the specific restaurant group who aim to utilise the restaurant. With this in mind, the fact that ‘Prezzo’ may wish to use the unit should not attract significant weight, apart from specific facilities they require which form part of the proposal. The individual operator may well change within an A3 use, just as this can happen within an A1 unit.
- 5.11 The existing department store is one of the largest A1 units within the town centre, forming approximately 4.6% of the total A1 uses within the primary shopping frontage (Town Centres and Retailing August 2015), it has been an important feature of retail make-up of Thornbury. With this in mind, combined with relevant policy, the development must clearly demonstrate how the proposed use would contribute positively to the vitality and viability of the centre; and also how the proposal would not undermine the retail function of the frontage.

- 5.12 The development proposed has a clear economic development, which would be 30 full time equivalent jobs.
- 5.13 The proposal does retain approximately 25% of the complete ground floor as a retail unit, the first floor above the retail unit is also retained as part of this retail unit, it is understood this will likely be ancillary storage space for the unit. Further to this, the ground floor of the remaining unit will retain active frontages contributing to the vitality and vibrancy of the centre, especially as the proposed opening hours are from 8:00am until 23:30 (Monday to Sunday) meaning the proposed restaurant has the potential to perform throughout the day and evening contributing to the economy of the High Street as well as its vitality and vibrancy.
- 5.14 The existing unit is not an ideal unit for retail uses due to its physical form, layout and shop front, and in some ways the ground floor of unit is more suited to a restaurant use. Traditionally, the application site has been a 'gathering place', especially when considering its previous use as a market hall. Certainly, the application site and buildings form a prominent feature within the High Street, both in terms of its presence, and also its historical function. The proposed use of the unit as a retail unit, but primarily a larger restaurant unit, does lend itself to the importance and distinctiveness of application site and its buildings. As stated the site was once a market hall, where people would gather etc. and the proposed restaurant use would continue such a function. It would attract people to the High Street and the site in particular to use the restaurant, and in this way, the vibrancy and vitality of the primary shopping frontage is not materially harmed. Rather officers feel that the proposed use would likely improve the vitality of the High Street when compared to the existing use at the site.
- 5.15 The application site contributes 25 metres of shopping frontage to the total 713.3 metres which forms the primary shopping frontage, 538.6 metres of which represents A1 uses (retail) – according to the Town Centres and Retailing August 2015 study. To put this in context, the existing site constitutes just 4.6% of the total A1 uses within the primary shopping frontages. The proposal, if approved, would result in only 7 metres of the existing site frontage remaining in an A1 use, a loss of 18 metres at the site. Currently 75.5% of the primary shopping frontage is composed of retail use, should this proposal be approved, 73% of the shopping frontage would be within a retail use. Accordingly, the development proposed is unlikely to materially harm the retail function of the primary shopping frontage.
- 5.16 A further consideration is the Thornbury Town Centre Strategy 2009-2019 which is a visionary document for the future of Thornbury Town Centre prepared by the Thornbury Town Centre Strategy Group. Although this document does not form part of the Development Plan, it is a material consideration attracting less than significant weight in this assessment.

This strategy document sets out a number of priorities for the town centre, one of which is to:

*'...maintain quality cafes, restaurants and food pubs in the centre of Thornbury to make it a destination town for people who enjoy good food and drink whilst at work or at play' (Priority 2).*

- 5.17 Although the proposed development involves a new restaurant, it clearly has the potential to contribute positively to this priority, especially by attracting people into the town centre.
- 5.18 Accordingly, the proposed change of use is considered to be acceptable with regard to function of the town centre and the primary shopping frontage.
- 5.19 Heritage and Design  
As the site is subject to heritage designations the proposal must preserve the setting, architectural and historic interest of the property and the character and appearance of the conservation area in order to accord with saved policies L12 and L13 of the adopted Local Plan. Policy CS9 expects new development to ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance.
- 5.20 "The Wildings" department store is comprised of numbers 14 and 12 High Street, a former market hall and Toll House, all of which are grade II listed buildings. The site is also located in what can be regarded as a prominent position within the Thornbury Conservation Area. The subject buildings can also be considered to form part of the setting of a number of neighbouring designated heritage assets immediately to the north (White Lion Public House), south (numbers 16 and 16a) and to the west (Park House).
- 5.21 Number 12 High Street is an early seventeenth century building of modest scale being one storey with attic over within a steep gabled roof. This description however refers to the Toll House that fronts onto the High Street rather than the larger and later (mid-19<sup>th</sup> century) number 12 High Street that along with number 14 High Street is considered to date from the mid-nineteenth century. Together they form the largest of the buildings that comprise of "The Wildings", although as indicated on the 1880s OS map, it was once two separate properties with the property to the south being L-shaped on plan with the top of the "L" abutting the curved garden boundary wall which survives although internalised to the south. Three-storeys in height with rendered elevations under a double Roman tile and slate roof, both buildings feature bays at first floor, however, at ground floor level these bays have been lost to modern shop fronts which have crudely replicated the canted forms of the bays above. Although the shop fronts are set forward from the upper floors with the original position building line of the shop front for the southern section of no.14 indicated by a run of cast irons columns which have remained in situ.



- 5.22 The Market Hall is considered to date from the mid-eighteenth century but with seventeenth century origins. The market hall was once an open Doric Colonnade and although the columns remain, the spaces between are now glazed.
- 5.23 The Toll House is identified within the listed description as being part of no. 12 High Street rather than being a separate or fourth distinct component - along with numbers 12 and 14 High Street and the Market Hall. However, in the evolution of the proposal it can now be considered that the Toll House with its historic modest scale and proportions will now read as a clearly distinct element rather than be subsumed into the main space.
- 5.24 The existing shopfront of no. 14 High Street is proposed to be retained. The proposal includes a new glazed entrance panel to the Market Hall, as well as this existing link between the Market Hall, no. 14 and no. 12. The existing link features a Perspex canopy that spans between the three listed buildings, this existing feature is of no design or historic merit. This proposal includes a replacement, a continuously glazed lantern structure that will replace the existing canopy. Although acceptable, this is a missed opportunity in which a much more light weight structure in a traditional design would have been preferable. Nonetheless, the development is acceptable in principle subject to large scale details being submitted, such details will be secured through condition within the associated listed building consent.
- 5.25 The majority of the plant proposed is positioned on the modern flat roof section of the existing building, this will mostly be screened by a timber fence which is acceptable, notwithstanding this, details of the screening fence will be required through condition within the associated listed building consent. Further to this, the extraction flue has now been repositioned to the rear of no. 12 and reduced in scale to just above eaves level. Views of the flue will be limited from the High Street as well as Castle Court, further visual mitigation will also be achieved through securing the colour of the flue so that it matches the render colour of no. 12, this will be achieved through the aforementioned condition regarding large scale details.
- 5.26 An existing unsightly corrugated roof section which provide external stair access will be removed, this is considered to represent enhancement.
- 5.27 Although the submitted Design and Access Statement, and Heritage Statement, make reference to painting the store, no such information has been submitted, with this in mind, officers have no detail to assess. Notwithstanding this, as a safeguard, the associated listed building application will include a condition that requires details to be submitted in the case that any material changes to the external render is proposed.

- 5.28 Officers note the concerns of the Town Council with regard to the retention of the existing Town Clock on the road side elevation, the submitted plans show the clock will be retained.
- 5.29 Overall, the proposed development has a fairly limited impact on the external appearance of the building, further than a replacement of a canopy/link section, the removal of an unsightly staircase housing and the replacement/re-design of a number of glazed panels. With this in mind, the proposal is found to be acceptable in terms of its impact on the wider Conservation Area and also the host listed buildings, as well as those adjacent.
- 5.30 Environmental Protection and Residential Amenity Concerns  
Although the application site is within Thornbury High Street, there are residential neighbours within the vicinity. For example, the White Lion to the north is likely to have residents living within the upper floors, as do many of the nearby units. The Coach House to the north west is a residential unit, there are also other residential flats in the vicinity.
- 5.31 With residential uses in the vicinity, as well as the High Street and other town centre uses, the impacts of the development on their amenity must be considered. The primary consideration is the suggested opening hours for the proposed units. Firstly, the restaurant is proposed to open between the hours of 08:00 and 23:30, in the context of its location being within the High Street, these opening hours are acceptable.
- 5.32 The Council's Environmental Protection Team have been consulted with regard to assessing the proposal's impact with regard to the proposed plant and extraction equipment. RandTech Consulting/ EXTRACAIR Installations Limited have prepared a noise assessment and EXTRACAIR Installations Limited have prepared a report regarding odour control measures. The noise report assesses the proposal for the use of the plant between the hours of 09:00 and 23:00. The report concludes that the proposal includes adequate mitigation for controlling external noise with the nearest noise critical receptor in mind. Similarly, the submitted odour assessment is considered to be acceptable. Both reports include a number of measures to ensure adequate mitigation, a condition on planning permission would ensure that the proposed plant equipment operated in accordance with such measures. A condition is also required in order to limit the time periods in which the plant equipment can operate. The plant equipment has been assessed between the hours of 09:00 and 23:00, however, the restaurant opening hours are to be 08:00 and 23:30. Officers have no issue with the plant operating from 08:00 onwards, 08:00 is considered to be a daytime hour. However, officers do have issues with the plant operating after 23:00 as this is no longer daytime hours, and the noise assessment did not assess the plant after 23:00. Accordingly, a condition restricting the hours of plant operation to only 08:00 to 23:00 is suggested.
- 5.33 A member of the public has raised an issue with the fact that the submitted noise report uses background noise figures from a site (Domino's takeaway) within the nearby high street. The Council's Environmental Health Officer has expressed that this is acceptable. Overall, officers find the submitted noise report to be sound.

- 5.34 The proposal includes an internal bin store which is acceptable, this is positioned within the more modern section of the existing building, and it is understood will either be serviced through the building or by an access route to the north. It has been submitted by a member of the public that the bin store will attract vermin, the bin store is internal and the operator of the restaurant will have their own management programme to stop the attraction of vermin – this is in their interests. Notwithstanding this, there is separate legislation to prevent and remove vermin, this is therefore not for further consideration within this application. Members of the public have suggested that the bin store would result in bins being collected from the narrow lane to the north of the site, this is unlikely as bin collection vehicles rarely access private roads. The proposal does not suggest that bins will be removed through this private lane, given the internal route which bins removal could take.
- 5.35 Given the limited nature of the external works, and the high street location (as well as the other designations which encourage town centre uses), the proposal is considered to have an acceptable impact on the residential occupiers within the vicinity of the area.
- 5.36 Highway Safety  
The existing use of the site is an A1 retail unit, with no restriction on delivery times or amount. When considering the proposed use, consideration should be made to the existing position with regard to vehicular movements and wider highway safety repercussions. For example, the delivery arrangements associated with a convenience store, or other high turnover goods retail outlets would result in a high amount of transportation movements with regard to deliveries.
- 5.37 Notwithstanding this, the proposed restaurant use will utilise smaller vehicles than associated with the existing retail use occurring at the site. The agent has suggested that following delivery hours: 07:00 until 20:00 for each day of the week. Such delivery hours are considered to be acceptable given the nature of the application site being within a high street. As is the case now, it is likely that on-street deliveries would occur in relation to the development proposed, this is considered to be acceptable.
- 5.38 Officers note that concerns have been raised regarding vehicular parking provisions. The application site is within a highly sustainable location which justifies the fact that no car parking provisions are proposed. Notwithstanding this, there is on street parking provided within the High Street, there are also car parks in the close vicinity. Officers do not foresee the proposed development to result in material harm to the car parking situation within the High Street.
- 5.39 Overall, the proposed change of use and sub-division is considered acceptable in highway safety terms, especially as the proposed use is unlikely to create anymore congestion than is currently the case.

#### 5.40 Other Matters

A comment has suggested that the description of the development is incorrect, officers have up-dated the description in order to reflect the proposal more accurately.

5.41 A number of comments have questioned the ownership of the application site, these comments have mostly been in relation to the ownership of the external walls. The applicant has completed Certificate A within the submitted application form. In doing so this means that 21 days prior to the date at which the certificate was signed, the applicant was confident that nobody except the applicant was the owner of any part of the land to which the application relates to, and that none of the land to which the application relates is, or is part of, an agricultural holding. Officers have contacted the applicant to ensure that Certificate A is the correct certificate for the application site and proposal, and the applicant has responded confirming Certificate A to be correct to the best of his and his legal advisors knowledge. The Authority has to accept this on face value. It should be noted that there is a penalty for knowingly or recklessly completing a false or misleading certificate – the fine for which is up to £5,000. With this in mind the onus is on the applicant/agent to provide the correct information. To the best of Authority's knowledge the submitted certificate is correct.

5.42 A comment/statement submitted by Sims Cook and Teague LLP suggest that new openings are proposed within the exterior walls. There are two openings within the exterior walls, one on the western ground floor elevation, and one on the northern ground floor elevation. The proposal retains these openings, the submitted elevation plans do not suggest a major change to such elevational openings.

5.43 Further to this, comments have been received regarding access rights, title deeds and covenants. Notwithstanding the submitted certificate of ownership, matters of ownership are considered to be civil matters, controlled by legislation other than the planning. The matter of ownership is not a material consideration within this planning assessment. An informative pointing out that the developer must ensure all relevant consents and permissions are in place will be included within the decision notice. This is not a reason to delay a planning decision.

## 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 and on the decision notice.

**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 hours of working for the restaurant unit hereby permitted shall be restricted to the following time period:  
Monday to Sunday: 08:00 - 23:30.

Reason

In the interests of the amenity of the nearby residential occupiers and the wider High Street and to accord with Policy RT9 of the South Gloucestershire Local Plan (Adopted) January 2006, and Policies CS9 and CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, and the provisions of the National Planning Policy Framework.

3. The hours of working for the retail unit hereby permitted shall be restricted to the following time period:  
Monday to Sunday: 08:00 - 22:00.

Reason

In the interests of the amenity of the nearby residential occupiers and the wider High Street and to accord with Policy RT9 of the South Gloucestershire Local Plan (Adopted) January 2006, and Policies CS9 and CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, and the provisions of the National Planning Policy Framework.

4. The plant and extraction equipment hereby permitted shall only be operational (turned on) during the following time period:  
Monday to Sunday: 08:00 - 23:00.

Reason

In the interests of the amenity of the nearby residential occupiers and the wider High Street and to accord with Policy RT9 of the South Gloucestershire Local Plan (Adopted) January 2006, and Policies CS9 and CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, , and the provisions of the National Planning Policy Framework.

5. The hours of delivery for both the retail and restaurant units shall be restricted to the following time period:  
Monday to Sunday: 07:00 - 20:00.

Reason

In the interests of the amenity of the nearby residential occupiers and the wider High Street and to accord with Policy RT9 of the South Gloucestershire Local Plan (Adopted) January 2006, and Policies CS9 and CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

6. Prior to the first use of the restaurant unit hereby permitted, the plant and extraction equipment hereby permitted shall be installed and operational strictly in accordance with the agreed details listed below. The plant and extraction equipment shall then be maintained in strict accordance with the agreed details listed below. The relevant details are as follows:

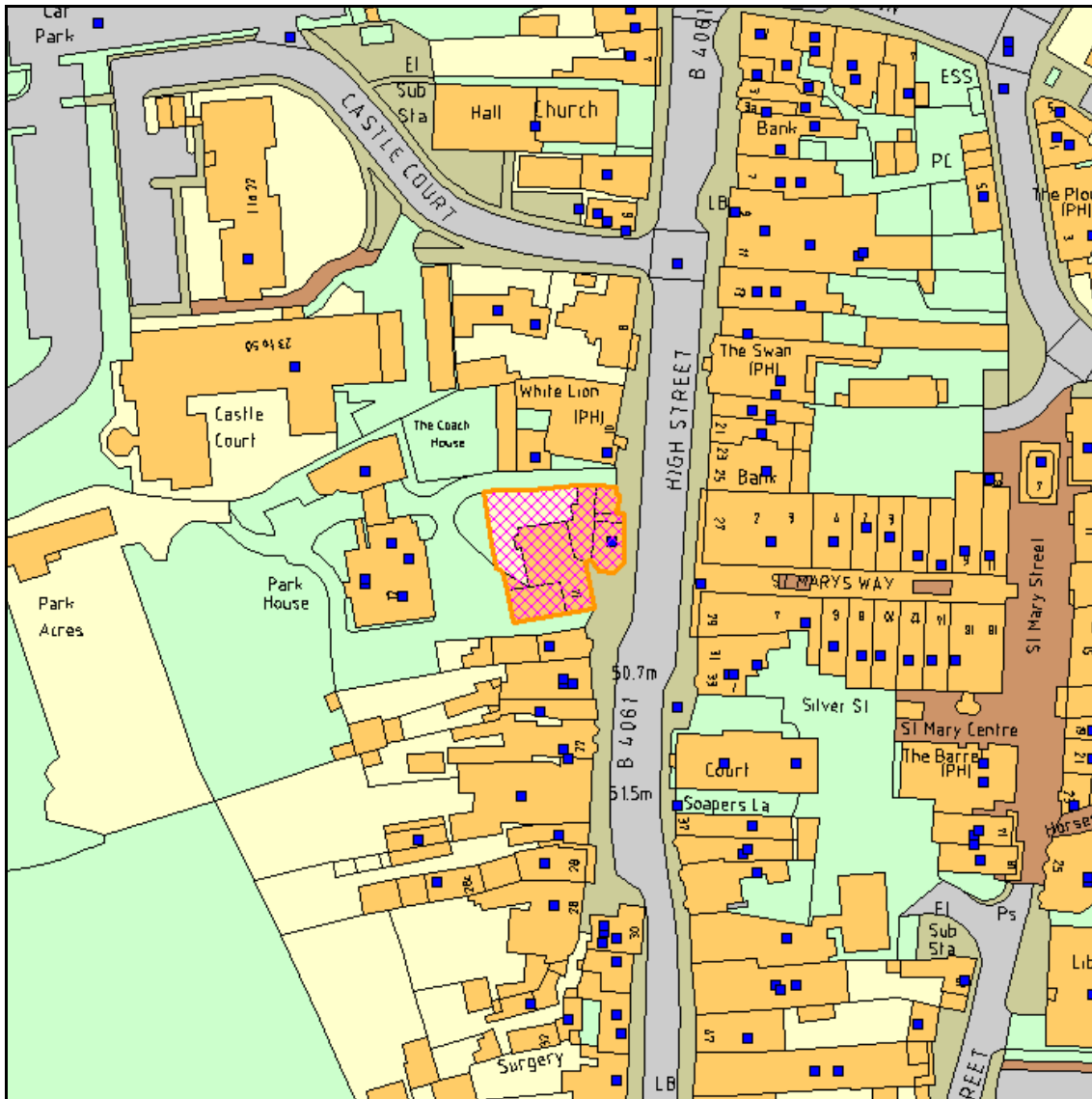
Mechanical Scheme (dwg no. LX8291/1/Rev6);  
RandTech Consulting, Extracair Installations Ltd 'Revised Plant Noise Assessment' dated the 20/08/2016, Ref: MDR/J2870b;  
Extracair Installations Ltd 'Odour Control Measures Proposed to New Prezzo Restaurant Thornbury' received by the Council on the 23/09/2016.

Reason

In the interests of the amenity of the nearby residential occupiers and the wider High Street and to accord with Policy RT9 of the South Gloucestershire Local Plan (Adopted) January 2006, and Policies CS9 and CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

**CIRCULATED SCHEDULE NO. 40/16 – 7 OCTOBER 2016**

<b>App No.:</b>	PT16/1582/LB	<b>Applicant:</b>	Wildings Ltd
<b>Site:</b>	14 High Street Thornbury Bristol South Gloucestershire BS35 2AQ	<b>Date Reg:</b>	15th April 2016
<b>Proposal:</b>	Internal and external alterations to facilitate subdivision of building and conversion of one unit from retail to one restaurant unit and one retail unit.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	363657 190051	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th June 2016



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 100023410, 2015. **N.T.S.** **PT16/1582/LB**

## **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 planning application regards "The Wildings" department store which is comprised of nos. 14 and 12 High Street and a former market hall, all of which are grade II listed buildings located within the Thornbury Conservation Area.
- 1.2 Currently, the ground floor of the host buildings are understood to function as a department store (Use Class A1), and the first floors are understood to be composed of office space (Use Class B1) and a small ancillary stock room. The proposal aims to sub-divide the unit into two separate units, one restaurant unit (Use Class A3) and one retail unit (Use Class A1). The submitted statement suggests that the "Wildings" will occupy the proposed retail unit. The first floor office use will remain. This application seeks Listed Building Consent for internal and external alterations required to facilitate the subdivision of the building into two units, as well as the works required to change the use of one of these units into a restaurant.
- 1.3 The proposal includes mostly internal works. Externally, the proposal includes proposals to replace glazing panels and also to replace an existing link canopy at the site.
- 1.4 Located within Thornbury High Street, the application site is with a designated Town Centre, Primary Shopping Frontage, and Settlement Boundary.
- 1.5 Over the course of the application a number of amended plans have been submitted in order to overcome issues regarding the conservation of the building as well as the proposal's impact on the nearby environment. In response to such revisions, appropriate periods of consultation occurred.
- 1.6 There are a number of other applications relating to this site currently pending determination. Specifically, planning ref. PT16/1580/F, is an application for planning permission corresponding to the proposed works within this application for listed building consent. Further to this, the following applications PT16/2446/ADV and PT16/1054/LB, are all pending determination and regard and advertisement/shopfront proposal at the site

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Planning (Listed Buildings and Conservation Areas) Act 1990  
NPPF National Planning Policy Framework March 2012  
PPG National Planning Proactive Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013



CS1 High Quality Design  
CS9 Managing the Environment and Heritage  
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L12 Conservation Areas  
L13 Listed Buildings

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

PSP1 Local Distinctiveness  
PSP17 Heritage Assets and the Historic Environment

The Proposed Submission Draft Policies Sites and Places Plan (PSP plan) is a further document that will eventually form part of the South Gloucestershire Local Plan. The PSP plan will set out new planning policies for South Gloucestershire. Submission and Examination of this plan is expected to take place in late 2016, with scheduled adoption in 2017. Accordingly, with regard to the assessment of this planning application limited weight is attached to the policies within the PSP plan at this time – weight grows as the plan progresses.

**3. RELEVANT PLANNING HISTORY**

PT16/2446/ADV Pending Determination  
Display of 2 no. halo illuminated signs, 1no. externally illuminated projection sign, 1no. internally illuminated fascia sign and menu sign.(Re submission of PT16/1024/ADV.

PT16/1054/LB Pending Determination  
Display of 2no. sets of halo illuminated text, 1no. externally illuminated projection sign, 1no. internally illuminated window sign and 4no. LED light lines inside first floor window. Repainting of shop front and window frames.

PT16/1580/F Pending Determination  
Subdivision of building and change of use of one unit from Retail (Class A1) to Restaurant (Class A3) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of plant/machinery on flat roof and external flue to rear elevation.

PT00/3066/LB Approve with Conditions 04/01/2001  
Fix bronze plaque to front elevation.

PT00/1154/ADV Approved 15/06/2000  
Display of signs on awnings (to read `Wildings Est 1874').

PT00/1153/LB Approve with Conditions 15/06/2000  
Repositioning of an entrance door. Erection of replacement awnings.

PT00/1152/F Approve wit Conditions 15/06/2000  
Repositioning of an entrance door. Existing awnings to be removed and replaced with new style.

P89/2820/L	Listed Building Consent	25/10/1989
Re-Rendering and re-painting exterior of building; replace tiles on roof.		
P86/3009/L	Listed Building Consent	11/02/1987
Erection of first floor rear extension to provide additional storage accommodation (in accordance with the amended plans received by the council on 26TH January 1987).		
P86/2978	Approval Full Planning	11/02/1987
Erection of first floor rear extension to provide additional storage accommodation. (In accordance with the amended plans received by the council on the 26TH January 1987).		
N56/LBC	Approved	17/05/1977
Alterations to elevations of building by reinstatement of original shop entrance and closure of existing entrances.		
N2448/2	Approve with Conditions	26/05/1983
Erection of single storey rear and side extension to existing retail premises to form approximately 80 sq. ms. (864 sq. ft.) of additional retail floor space.		
N2448/1	Approve with Conditions	17/05/1977
(Comprising or including works for the alteration or extension of a Listed Building). Reinstatement of original shop entrance and closure of existing entrance.		
N2448	Approve with Conditions	18/08/1976
(Comprising or including works for the alteration or extension of a listed building). Provision of new fascia to shop premises (as amended by letter received by the Council on 4th June, 1976).		

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

##### **4.1 Thornbury Town Council**

###### **Objection:**

- Officers must address concerns of neighbours in detail;
- Extractor fans and machinery on the flat roof;
- Impact of the proposal with regard to noise and smells from extractor fans;
- Historic importance of the listed building;
- Would like to see the advice of the Conservation Officer carried through (comment submitted at a time when the Conservation Officer was objecting to the proposal);
- Town Clock must be retained as well as other historic and architectural features;
- All permissions and legal matters should be resolved prior to permission being granted.

###### **Conservation and Listed Building Officer**

No objection subject to a number of conditions. It should be noted that the Conservation Officer originally objected to the proposal, however, over the

course of the application a number of amendments were made to overcome such objections, hence the Conservation Officer's revised advice:

*"I would now advise that subject to the conditions...the amended scheme should ensure that the significance of these designated heritage assets should be preserved".*

Council for British Archaeology

None received.

Georgian Group

None received.

Twentieth Century Society

None received.

Society for the Protection of Ancient Buildings

None received.

Victorian Society

None received.

Ancient Monuments Society

None received.

**Other Representations**

4.2 Local Residents

Approximately 6 comments have been submitted with regard to this application from members of the public, as well as solicitors appointed to make comment on behalf of a resident. These comments are mostly all in objection to the proposed development, they are summarised below:

*Administrative Concerns*

- The site description is incorrect.

*Heritage Concerns*

- A new door is proposed near an existing door to open out onto a narrow road adjacent to the northern elevation of the application site – this will result in loss of historic fabric;
- Extraction equipment will harm the historic fabric and significance;
- The original nature of the High Street shop frontage and presence of a separate market hall will be lost at ground floor level;
- The proposed roof link fails to enhance the poor previous development;
- Colours of paint finishes would need to be approved by the Conservation Officer with preference to pastel shades for the rendered surfaces (white should be avoided);
- Proposal is harmful to Conservation Area and listed buildings.

*Economic Concerns*

- Concerns regarding the proposed restaurant use.

### *Amenity Concerns*

- Congestion and parking problems within the High Street and surrounding area;
- A new door is proposed near an existing door to open out onto a narrow road adjacent to the northern elevation of the application site – this will result in bins being pulled along this strip of road;
- Bin store is not nice to look at and will attract vermin;
- Cooking smells;
- Views of extraction equipment;
- Noise from extraction equipment;
- Trade vehicle impacts;
- Disruption from food waste collections;
- Smell from food waste;
- Impact on nearby residential occupiers;
- Litter problems;
- The proposal would detrimentally harm the Park House and surrounding properties.

### *Ownership – regarding the Park House, 12 High Street Thornbury*

- The driveway and forecourt area on the north of, south and west sides of the application site is within the ownership of owner of the Park House;
- Under a deed dating from 1987 relating to the area at the south western corner of the application site, a right of way on foot only was granted to the then owner to escape from the application site;
- The limited 1987 fire escape is the only express right enjoyed by the occupiers of the application site;
- The applicant has not right to create the new opening at the bin store side;
- There is an enforceable restrictive covenant on the applicants title to the area at the south-western corner of the application site limiting its use to retail shop;
- The applicant has no right to create access/openings with the walls which are under the ownership of the occupier of the Park House;
- No rights will be granted by the occupiers of the Park House;
- The application appears to imply that the applicant has rights to use the occupiers of the Park House property, the occupier of the Park House will grant no such rights;
- No rights for access will be granted over driveway to north of the site.

### *Other Matters*

- The applicant displayed a poster/banner at the Wildings stating 'The Great £290, 000 Redevelopment Sale'.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 This application seeks Listed Building Consent for works to a number of grade II listed building within the Thornbury Conservation Area.

5.2 Principle of Development

This is an application for listed building consent. As such, the only consideration is what impact the proposed development would have on the special historic or architectural features of the property in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Specifically, when

5.3 Assessment of Impact on Heritage Asset

“The Wildings” department store is comprised of numbers 14 and 12 High Street, a former market hall and Toll House, all of which are grade II listed buildings. The site is also located in what can be regarded as a prominent position within the Thornbury Conservation Area. The subject buildings can also be considered to form part of the setting of a number of neighbouring designated heritage assets immediately to the north (White Lion Public House), south (numbers 16 and 16a) and to the west (Park House).

5.4 Number 12 High Street is an early seventeenth century building of modest scale being one storey with attic over within a steep gabled roof. This description however refers to the Toll House that fronts onto the High Street rather than the larger and later (mid-19<sup>th</sup> century) number 12 High Street that along with number 14 High Street is considered to date from the mid-nineteenth century. Together they form the largest of the buildings that comprise of “The Wildings”, although as indicated on the 1880s OS map, it was once two separate properties with the property to the south being L-shaped on plan with the top of the “L” abutting the curved garden boundary wall which survives although internalised to the south. Three-storeys in height with rendered elevations under a double Roman tile and slate roof, both buildings feature bays at first floor, however, at ground floor level such bays have been lost to modern shop fronts which have crudely replicated the canted forms of the bays above. Although the shop fronts are set forward from the upper floors with the original position building line of the shop front for the southern section of no.14 indicated by a run of cast irons columns which have remained in situ.

5.5 The Market Hall is considered to date from the mid-eighteenth century but with seventeenth century origins. The market hall was once an open Doric Colonnade and although the columns remain, the spaces between are now glazed.

5.6 The Toll House is identified within the listed description as being part of no. 12 High Street rather than being a separate or fourth distinct component - along with numbers 12 and 14 High Street and the Market Hall. However, in the evolution of the proposal it can now be considered that the Toll House with its historic modest scale and proportions will now read as a clearly distinct element rather than be subsumed into the main space.

5.7 *No. 14 High Street*

Turning to the internal alterations to no. 14 High Street, originally an excessive amount of original internal walls were proposed to be removed, or 'punched' through. This was resisted by officers as such walls held historic significance, in that such walls were the only surviving historic fabric at ground floor level. The removal or further erosion of such walls would also impact on the ability to perceive the scale and outline or layout of the original listed building at ground floor level. With this in mind, officers stated that the levels of works with regard to removing or 'punching' through internal walls must be reduced, after extensive discussions the level of removal was reduced to acceptable parameters.

5.8 Unfortunately, the application failed to include details on how the loads currently carried by load bearing walls would be accommodated post-proposal. This is concerning as future structural intervention that may be required could be intrusive. A condition which requires structural information be submitted prior to the relevant stage of the development is suggested.

5.9 The proposed "new wall" to infill and thus separate the restaurant from the retail unit is acceptable, although the materials proposed are not clear and so need to be clarified. Further information on the recess adjacent to the "new walls" is also required. Such details will be required through condition.

5.10 Originally, the application included proposals to remove internal and external partition walls to the southern part of no. 14, as well as a section of the historic garden wall boundary which has been internalised. Such a removal would also result in loss of 2no. niches within the wall, features of great importance. Fortunately, the most recent amendments to the proposal displays such walls and features being retained, which addresses a significant concern.

5.11 The proposal includes the retention of the existing shopfront, the link between no. 14, no. 12 and the Market Hall will be discussed at a later stage of the report. The proposal includes no changes to the first and second floors, of any changes were proposed, internal finishes would require further consent.

5.12 *Market Hall*

Originally officers were concerned that the proposal would open the hall out meaning the space would bleed into a larger unit. With this in mind, the proposed internal treatment of this and adjoining spaces has been the subject of significant consideration. With the now proposed contrasting internal floor and wall finishes, it is considered that internally the Market Hall will retain a degree of visual separation from the link so its historic character and scale will not be absorbed into one large space.

5.13 *No. 12 High Street*

No 12 represents the remains of a former cottage thought to date from the seventeenth century, it understood to have been used as the Toll House associated with the Market Hall. The proposal will result in the enhancement of this section of the building, it is important for this building to retain a sense of separation and distinctiveness in the context of the wider unit. It has been confirmed within more recent amendments that the Toll House will benefit from

its own internal treatment. Since the scheme was submitted, the suspended floor has been removed to reveal the original floor level and a fire place has also been revealed. The intention is to retain both with the fire place reinstated, although no details have been submitted and so a condition is advised to pick up this detail. Details of floor, wall and ceiling finishes also need to be agreed, as there are some areas of historic lath and plaster ceiling that should be retained along with historic roof timbers, and so conditions to address this will be required should.

5.14 *The Link*

The proposal includes a new glazed entrance panel to the Market Hall, as well as this existing link between the Market Hall, no. 14 and no. 12. The existing link features a Perspex canopy that spans between the three listed buildings, this existing feature is of no design or historic merit. This proposals includes a replacement, a continuously glazed lantern structure that will replace the existing canopy. Although acceptable, this is a missed opportunity in which a much more light weight structure in a traditional design would have been preferable. Nonetheless, the development is acceptable in principle subject to large scale details being submitted, should listed building consent be granted, this would be requested through a condition.

5.15 *Plant*

The majority of the plant proposed is positioned on the modern flat roof section of the existing building, this will mostly be screened by a timber fence which is acceptable, notwithstanding this, details of the screening fence will be required through condition. The extraction flue has now been repositioned to the rear of no. 12 and reduced in scale to just above eaves level. Views of the flue will be limited from the High Street as well as Castle Court, further visual mitigation will also be achieved through securing the colour of the flue so that it matches the render colour of no. 12 – a condition to achieve this is recommended.

5.16 *Other Issues*

An existing unsightly corrugated roof section which provide external stair access will be removed, this is considered to represent enhancement.

5.17 Although the submitted Design and Access Statement, and Heritage Statement, make reference to painting the store, no such information has been submitted. Notwithstanding this, as a safeguard, a condition is suggested that requires details to be submitted in the case that any material changes to the external render is proposed.

5.18 Officers note the concerns of the Town Council with regard to the retention of the existing Town Clock on the road side elevation, the show plans suggest the clock will be retained.

#### 5.19 Summary

Overall, a lot of detail remains outstanding but it is felt this can reasonably be addressed by conditions. However, in principle the proposals are now far more convincing in their treatment of the different spaces which should ensure that all collectively coming together to form one restaurant. The Toll House, no. 12, no. 14 and the Market Hall should remain as clearly discernible separate entities which would help preserve their historic character and appearance. Moreover, in the case of the Toll House, the proposal actually represents a degree of enhancement.

#### 5.20 Other Matters

Officers note a number of concerns submitted by members of the public regarding the proposal, the majority of which are not relevant to this application for listed building consent. This is because applications for listed building consent can only give regard to the special architectural or historical interests which subject listed buildings possess, the majority of the other concerns submitted have been addressed through the associated application for planning permission ref. PT16/1580/F. This means that issues surrounding noise, odour, highway safety, residential amenity, litter etc. are not relevant to this application for listed building consent and as such will not be addressed within this assessment.

5.21 A comment has suggested that the description of the development is incorrect, the description of development has been altered to more accurately reflect the proposal.

5.22 A number of comments have questioned the ownership of the application site, these comments have mostly been in relation to the ownership of the external walls. The applicant has completed Certificate A within the submitted application form. In doing so this means that 21 days prior to the date at which the certificate was signed, the applicant was confident that nobody except the applicant was the owner of any part of the land to which the application relates to, and that none of the land to which the application relates is, or is part of, an agricultural holding. Officers have contacted the applicant to ensure that Certificate A is the correct certificate for the application site and proposal, and the applicant has responded confirming Certificate A to be correct to the best of his and his legal advisors knowledge. The Authority has to accept this on face value. It should be noted that there is a penalty for knowingly or recklessly completing a false or misleading certificate – the fine for which is up to £5,000. With this in mind the onus is on the applicant/agent to provide the correct information. To the best of Authority's knowledge the submitted certificate is correct.

5.23 A comment/statement submitted by Sims Cook and Teague LLP suggest that new openings are proposed within the exterior walls. There are two openings within the exterior walls, one on the western ground floor elevation, and one on the northern ground floor elevation. The proposal retains these openings, the submitted elevation plans do not suggest a major change to such elevational openings.



5.24 Further to this, comments have been received regarding access rights, title deeds and covenants. Notwithstanding the submitted certificate of ownership, matters of ownership are considered to be civil matters, controlled by legislation other than the planning. The matter of ownership is not a material consideration within this planning assessment. An informative pointing out that the developer must ensure all relevant consents and permissions are in place will be included within the decision notice. This is not a reason to delay a planning decision.

## **6 CONCLUSION**

6.1 The recommendation to **approve** listed building consent has been taken in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990. Specifically with regard to Section 16(2) which requires Local Planning Authorities to determine applications with

## **7. RECOMMENDATION**

7.1 It is recommended that Listed Building Consent be **GRANTED** subject to the conditions listed below and on the decision notice.

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

## **CONDITIONS**

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

Reason

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

2. Prior to commencement of relevant works, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.

- a) All new windows and internal and external fixed glazing (including cill, head, reveal and glass details)
- b) Rooflights (lantern details)
- c) All new doors (including frames and furniture) internal and external
- d) All other internal joinery - skirtings/ architraves
- e) All new vents and flues include finishes (for the flue)
- f) Eaves (including rainwater goods), verges and ridges
- g) Timber fence screen to roof plant
- h) Fire place and surround to Toll House.
- i) Balustrades

The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details.

Reason

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

3. Prior to commencement of relevant works, full details of the proposed floor, wall and ceiling finishes for numbers 12, 14, "the link", the Market Hall and the Toll House shall be submitted and agreed in writing by the local planning authority. The development shall thereafter be carried out strictly in accordance with the agreed details.

Reason

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

4. Prior to the commencement of the relevant works, details of the structural intervention to the load bearing walls that are proposed to be removed are to be submitted to the local planning authority for written approval. The development shall thereafter be carried out strictly in accordance with the agreed details.

Reason

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

5. Prior to the commencement of the relevant works, the design of the opening proposed for the original wall to number 12 (between the kitchen and main restaurant seating area) is to be submitted via scaled elevations to the local planning authority for written approval. The development shall thereafter be carried out strictly in accordance with the agreed details.

Reason

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

6. Prior to any material changes to the external render of the building associated with this proposal, a representative sample panel of facing render, of at least one metre square, showing the texture and finish, shall be erected on site and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the approved panel, which shall be retained on site until completion of development, for consistency.

Reason

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

**CIRCULATED SCHEDULE NO. 40/16 – 7 OCTOBER 2016**

<b>App No.:</b>	PT16/1790/F	<b>Applicant:</b>	Mr Ken Hodges
<b>Site:</b>	Yew Tree Cottage And Penrose Cottage Main Road Easter Compton South Gloucestershire BS35 5RE	<b>Date Reg:</b>	4th May 2016
<b>Proposal:</b>	Demolition of existing building. Erection of 2 no. detached dwellings with new access and associated works.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	357168 182533	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd June 2016



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 100023410, 2015. **N.T.S.** **PT16/1790/F**

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

This application has been referred to the Circulated Schedule following the receipt of letters/e-mails from 2no. local residents, which raise concerns that are contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to a pair of vacant cottages located on the north-eastern side of Main Road, Easter Compton. Whilst the site lies within the rural settlement boundary it is washed over as Green Belt. The site, which is 0.1ha in area, presently accommodates a pair of semi-detached cottages together with associated garage and outbuildings and green houses. There is currently a single vehicular access off Main Road.
- 1.2 The application seeks a full planning permission for the demolition of the existing cottages and outbuildings; and the erection of 2no. detached replacement dwellings. The existing access point would be utilised to provide a widened vehicular access.
- 1.3 The application is supported by the following documents:
  - Extended Phase 1 Habitat Survey by Abricon July 2016
  - Bat and Hedgehog Surveys by Abricon Sept. 2016
  - Design and Access Statement

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

The South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> January 2006 (saved policies)

- L1 - Trees and landscape
- L5 - Open Areas within the Existing Urban Areas and Defined Settlements
- H4 - Development within Existing Residential Curtilages
- L9 - Species Protection
- L11 - Archaeology
- EP2 - Flood Risk and Development
- T7 - Cycle Parking
- T12 - Highway Safety
- LC12 - Recreation Routes

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

- CS1 - High Quality Design
- CS4A – Presumption in Favour of Sustainable Development
- CS5 - Location of Development
- CS6 - Infrastructure and Developer Contributions

- CS8 - Improving Accessibility
- CS9 - Managing the Environment and Heritage
- CS15 - Distribution of Housing
- CS16 - Housing Density
- CS17 - Housing Diversity
- CS18 - Affordable Housing
- CS23 - Community Infrastructure and Cultural Activity
- CS24 - Green Infrastructure, Sport and Recreation Standards
- CS34 - Rural Areas

### 2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.  
 The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.  
 South Gloucestershire Council Residential Parking Standards (SPD) Adopted.  
 SG Landscape Character Assessment as adopted Nov 2014.  
 Development in the Green Belt SPD Adopted June 2007.  
 SGC Waste Collection: guidance for new developments SPD Adopted Jan. 2015

### 2.4 Emerging Plan

#### Proposed Submission: Policies, Sites & Places Plan June 2016

- PSP1 - Local Distinctiveness
- PSP2 - Landscape
- PSP3 - Trees and Woodland
- PSP4 - Designated Local Green Spaces
- PSP5 - Undesignated Open Spaces within Urban Areas and Settlements
- PSP6 - Onsite Renewable & Low Carbon Energy
- PSP7 - Development in the Green Belt
- PSP8 - Residential Amenity
- PSP11 - Development Related Transport Impact Management
- PSP16 - Parking Standards
- PSP19 - Wider Biodiversity
- PSP20 - Flood Risk, Surface Water and Watercourses
- PSP21 - Environmental Pollution and Impacts
- PSP43 - Private Amenity Space Standards

## 3. **RELEVANT PLANNING HISTORY**

3.1 None

## 4. **CONSULTATION RESPONSES**

### 4.1 Almondsbury Parish Council

No Objection, providing it complies with South Gloucester's parking regulations.

#### Other Consultees

### 4.2 The Open Spaces Society

No response

4.3 Highway Structures

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.

4.4 Lead Local Flood Authority

No objection subject to a condition to secure a SUDS drainage scheme and an informative relating to land drainage consent.

4.5 Transportation D.C.

This development in transportation terms is essentially like for like, the only change being the widening of the existing access to facilitate easier access which is welcomed. The properties comply with the residential parking SPD, as such there is no transportation objection to this proposal.

4.6 PROW

Public footpath OAY61 runs alongside the south eastern site boundary and then into the field at the rear of the site. It appears that the hedge dividing Penrose and Collingwood is to be retained and so it is unlikely that the footpath here will be affected. However, where the footpath runs close to the north eastern corner of the site and works are being carried out to the boundary the applicant needs to ensure that the footpath is not obstructed and there is no interference with its use.

Ecology

4.7 No objection subject to a condition to secure bat and bird boxes.

4.8 Landscape Officer

There is no landscape objection to the development with regards to L1 and CS1. Conditions should secure a landscape scheme.

**Other Representations**

4.10 Local Residents

2no. letters/e-mails have been received from local residents; the concerns raised are summarised as follows:

- Loss of cottages/historic architecture
- Jackdaws nest in the chimney pots.
- Possible bat roosts.
- The buildings should be no higher than shown on the plans.
- Shed to north side of Yew Tree Cottage should not be affected.
- No damage should occur to the party wall adjacent to shed of Penrose Cottage or to adjacent Beech Tree.
- The Yew Trees to the front should be preserved.
- No new access should be allowed in the future.
- The stone wall adjacent to the access should be preserved and not replaced by brick.
- The boundary wall and proposed gap with Collingwood should be maintained in the future.

- A high voltage cable runs the length of the driveway to Collingwood.
- Visibility at the access to Collingwood should not be blocked during construction.
- A variety of birds nest in the gardens.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para. 14 of the NPPF states that decision takers should approve development proposals that accord with the development plan without delay; where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.

### 5-Year Land Supply

5.2 The Council's Annual Monitoring Review (AMR) reveals that the Council cannot currently demonstrate a 5-year housing land supply. As there is provision for windfall sites in the calculation, this weighs in favour of the proposal, which would make a positive contribution, to the housing supply within South Gloucestershire albeit a very small one; as such para. 14 of the NPPF is therefore engaged and officers must in this case consider how much weight to give to this in determining this application. Whilst the lack of a 5-year housing land supply is a material consideration that would weigh in favour of the proposal this would not in itself amount to a very special circumstance to outweigh harm to the Green Belt by reason of inappropriateness and any other harm. In this case the contribution that 2no. replacement dwellings would make to the 5-year housing supply i.e. no net gain in numbers, would be some benefit but only a very small one, to which officers can only give very modest weight.

5.3 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only limited weight can currently be given to most of the policies therein. It should be noted that the original policies relating to housing provision and settlement boundaries have now been removed from the PSP Plan and these will now be progressed through a separate plan.

5.4 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.

- 5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.6 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments.
- 5.7 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: *Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.*
- 5.8 Core Strategy Policy CS5 6(C) requires proposals for development in the Green Belt to comply with the provisions of the NPPF. Policy CS8 (1) does not support proposals which are car dependant or promote unsustainable travel behaviour.
- 5.9 Impact on the Openness of the Green Belt  
Paragraph 79 of the NPPF states that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5.10 Inappropriate development is by definition harmful to the openness of the Green Belt and should not be approved except in very special circumstances (para. 87).
- 5.11 The five purposes of including land within the Green Belt are listed at para. 80 of the NPPF and are as follows:
- To check the unrestricted sprawl of large built up areas;
  - To prevent neighbouring towns merging into one another;
  - To assist in safeguarding the countryside from encroachment;
  - To preserve the setting and special character of historic towns; and
  - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.12 Para. 89 of the NPPF states that; planning authorities should regard the construction of new buildings as inappropriate in the Green Belt but lists the following exceptions:
- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;



- Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

5.13 Given that this is a scheme to replace the existing semi-detached cottages with two detached houses, officers must firstly consider the application in the light of bullet point two. Clearly the two proposed dwellings would be in the same use as the building they would replace i.e. residential (Use Class C3). It is however noted that the replacement dwellings are larger in both volume and foot-print than the existing cottages that they would replace. The footprint of the cottages is 124sq.m. compared to the proposed dwellings 184sq.m (the footprint of the outbuildings to be demolished however is an additional 79sq.m giving a total foot-print of buildings demolished of 203sq.m.). As regards volume, the existing cottages are 530cu.m. and the garage/outbuildings 175cu.m giving an overall total of 705cu.m., whereas the volume of the proposed dwellings is 892cu.m. in total. This equates to a percentage volume increase of 26% over the existing buildings on the site.

5.14 Under a strict interpretation of bullet point two the proposal is inappropriate development, being materially larger than the building it replaces. Nevertheless, given that this is a previously developed (brownfield) site involving redundant buildings, bullet point four comes into play. Officers must consider whether or not the proposal would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

5.15 In making this assessment, officers are mindful that this site lies within the village development boundary and is within the middle of a linear form of development along Main Road, where limited infilling would be acceptable. Furthermore, officers are mindful that a 30% increase in volume for an extension of the existing cottages would normally be considered acceptable in Green Belt terms. The residential curtilage is already in existence and would not increase in size so there would be no further encroachment into the countryside.

5.16 Having regard to all of the above, officers consider that on balance the proposal would not harm the openness of the Green Belt and as such is not inappropriate development within the Green Belt; furthermore the proposal would not be contrary to the 5 purposes of including land in the Green Belt. There is therefore no in-principle Green Belt objection to the proposed development.

5.17 Design and Landscape Issues

The NPPF promotes the highest standards of design stating at para.56 that, *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* Core Strategy Policy CS1 only permits new

development where good standards of site planning and design are achieved. The Policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

- 5.18 Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape. Policy L5 states that within the existing urban areas and settlements as defined on the proposals map, development will not be permitted where it would adversely affect the contribution that an open area makes to the quality, character, amenity and distinctiveness of the locality.
- 5.19 The existing cottages are quite old and do to some extent reflect a certain charm. They are however not Locally Listed and neither do they lie within a Conservation Area. The applicant submits that the cottages are now redundant and due to economic reasons, it is not viable to refurbish the buildings and officers have no reason to disbelieve this assertion. If the cottages are not replaced, the likelihood is that they will fall into further dereliction with the associated issues of unsightliness, vandalism and anti-social use. Officers therefore consider that there is no in-principle objection to the replacement of the cottages with appropriately designed dwellings.
- 5.20 The detailing, siting and design of the proposed buildings should have regard to the local vernacular. Officers have assessed the built development within this part of the village and concluded that it is characterised by a mix of different styles which reflect the period when the properties were built. In the vicinity of the site there is no established vernacular to give the street scene any particular local distinctiveness.
- 5.21 The proposal seeks to maintain the site's semi-rural character through careful consideration of the buildings' location and setting within the overall site and the treatment of the building finishes together with an integrated landscape solution. The proposals utilise a palette of local materials drawing on the vernacular that can be seen in the locality, namely the use of render, with cast stone cills and plinth, tiled roof and modern – veneered cladding, self-coloured windows all to provide a high quality finish. The use of varying materials and building forms e.g. gables and single-storey sections, helps to break up the massing of the facades, all of which respects the scale and design of the neighbouring properties and results in a high quality design solution.. As such the design of the proposed dwellings would not in urban design terms appear out of place within the street scene or wider village environment..
- 5.22 The site is located within the settlement boundary of Easter Compton within the heart of the village. The proposed houses are well designed and the development would not, in general landscape terms, have a significant adverse impact on the rural character of the village. Much of the garden areas would be retained as would the most important vegetation most notably the Yew Trees to the front of the site; nevertheless a comprehensive scheme of landscaping would be secured by condition should planning permission be granted.

5.23 Subject to a condition to secure a detailed landscape scheme to include appropriate boundary treatments, the proposal would accord with Policies L1 and L5 of the adopted local plan.

5.24 Impact Upon Residential Amenity

The proposed dwellings would be set back a sufficient distance from the site boundary and nearest residential properties. There are no obvious reasons why the proposal should be refused on privacy or overbearing issues. Adequate amenity space would be made available to the proposed dwellings.

5.25 Transportation Issues

Sufficient parking space would be provided within the site to satisfy the minimum Residential Parking Standards SPD. Access would be via an existing access that would be widened to allow vehicular entry and exit in forward gear which is an enhancement on the current situation. The location is considered to be a sufficiently sustainable one and traffic generation would be negligible. There are therefore no transportation objections to the proposal.

5.26 Environmental and Drainage Issues

Any increase in noise levels or anti-social behaviour, would be the subject of normal environmental health controls. Whilst there would inevitably be some disturbance for neighbours during the development phase, this could be adequately mitigated by imposing a condition to restrict the hours of working. In terms of drainage, the means of foul disposal is indicated as being to the mains sewer. Surface water would be disposed of to a Sustainable Drainage System, the details of which could be secured by condition.

5.27 The site lies in Flood Zone 1 so is not prone to flooding, there are no objections on drainage or flooding grounds. The site does not lie within a Coal Referral Area.

5.28 Ecology

The site is not covered by any statutory or non-statutory nature conservation designations. An Extended Phase 1 Habitat Survey report has been provided. Bat and hedgehog surveys recommended in the original report (Abricon, July 2016) have been completed and submitted to the Council. The Further Ecological Surveys report (Abricon, September 2016) details the results and recommendations for the development to provide ecological gain.

5.29 Species protected under the Conservation Regulations 2012 (as amended), known as European Protected Species, and Wildlife & Countryside Act 1981 (as amended):

- Bats – three bat surveys were completed in line with current guidance. No bats were observed emerging or entering the building, therefore a European Protected Species licence is not required. Bats were observed commuting through the site;

European Hedgehog (not currently protected but a severely declining UK and South Gloucestershire Priority Species):

- Hedgehog – hedgehog tunnels were left in situ for five days, but no evidence of hedgehog was recorded.

5.30 There is no ecological objection to this application. Should permission be granted, the following Condition is recommended:

‘The type and location of bat and bird box, as recommended in Section 6.3.1 of the Further Ecological Surveys report (September, 2016), should be submitted to the council in writing prior to the commencement of works in accordance with Policy L9.

Informatives relating to bats, nesting birds and landscaping using native species are also recommended.

#### 5.31 Affordable Housing

The proposal is for 2no. replacement dwellings only, which is below the Council’s threshold for affordable housing provision.

#### 5.32 Community Services

The proposal is for 2no. replacement dwellings only, which is below the Council’s threshold for contributions to Community Services.

#### CIL Matters

5.33 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. CIL charging commenced on 1<sup>st</sup> August 2015 and this development, if approved, would be liable to CIL charging.

#### Other Matters

5.34 Of the concerns raised by local residents that have not been addressed above:

- The buildings should be no higher than shown on the plans – *development must be carried out in accordance with the approved plans*
- No damage should occur to the party wall adjacent to shed of Penrose Cottage – *an appropriate informative would be added to any permission informing the applicant as to their responsibilities under the Party Wall Act.*
- No new access should be allowed in the future – *this would need planning permission in its own right.*
- Visibility at the access to Collingwood should not be blocked during construction – *this would be a matter for the police rather being controlled through the planning system.*

## 6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in

accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The proposal is not inappropriate development in the Green Belt. In the planning balance, whilst there is no net gain in housing numbers, the scheme would provide modern, well designed accommodation more suitable to modern family occupation which weighs in favour of the scheme. Furthermore, there would be some economic benefits for local house builders and some ecological enhancements,, so much so that any harm to result from the loss of the more traditional albeit redundant and increasingly derelict cottages, would not significantly and demonstrably outweigh the benefits of the scheme described above.

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

## **7. RECOMMENDATION**

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

**Contact Officer: Roger Hemming**

**Tel. No. 01454 863537**

## **CONDITIONS**

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

Reason

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

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

Reason

To minimise disturbance to neighbouring properties and to accord with the Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the provisions of the NPPF.

3. Prior to the first occupation of the houses hereby approved, the access, car parking facilities and turning areas shall be implemented in accordance with the approved Proposed Site Plan Drawing No. 16/0113/010 and maintained as such thereafter.

Reason

To ensure adequate access, on-site parking provision and turning areas in the interests of highway safety and to accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policy CS8 of The South Gloucestershire Local Plan Core Strategy Adopted 11th Dec. 2013 and to accord with The South Gloucestershire Residential Parking Standards (SPD) Adopted.

4. Prior to the commencement of the development hereby approved, a scheme of landscaping, which shall include details of all existing trees and hedgerows on and adjacent to 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) plus a 5-year maintenance schedule, boundary treatments and areas of hard-surfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To ensure the satisfactory appearance of the development and to protect the landscape character in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013 and the provisions of the NPPF. This is a prior to commencement condition to ensure that those trees/hedgerows to be retained are adequately protected for the whole duration of the development.

5. Prior to the commencement of the development hereby approved, details showing the type and location of bat and bird boxes, as recommended in Section 6.3.1 of the Further Ecological Surveys report (September, 2016), shall be submitted to and approved in writing by, the Local Planning Authority. All works are to be subsequently carried out in accordance with the approved details and completed prior to the first occupation of the approved dwellings.

Reason

In the interests of protected species and to accord with Policy L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013. This is a pre-commencement condition to ensure that the dwellings can be erected in accordance with the approved details.

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

#### Reason

To ensure that adequate drainage is provided in accordance with Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy Adopted 11th Dec. 2013 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006. These details are required to be agreed prior to the commencement of development given the nature of drainage works, which need to be agreed at the earliest stage of building works.

## CIRCULATED SCHEDULE NO. 40/16 – 7 OCTOBER 2016

**App No.:** PT16/3632/F

**Applicant:** Mr & Mrs  
Goodman

**Site:** 21 Court Road Frampton Cotterell  
South Gloucestershire BS36 2DE

**Date Reg:** 13th June 2016

**Proposal:** Erection of single storey rear extension  
to form Orangery.

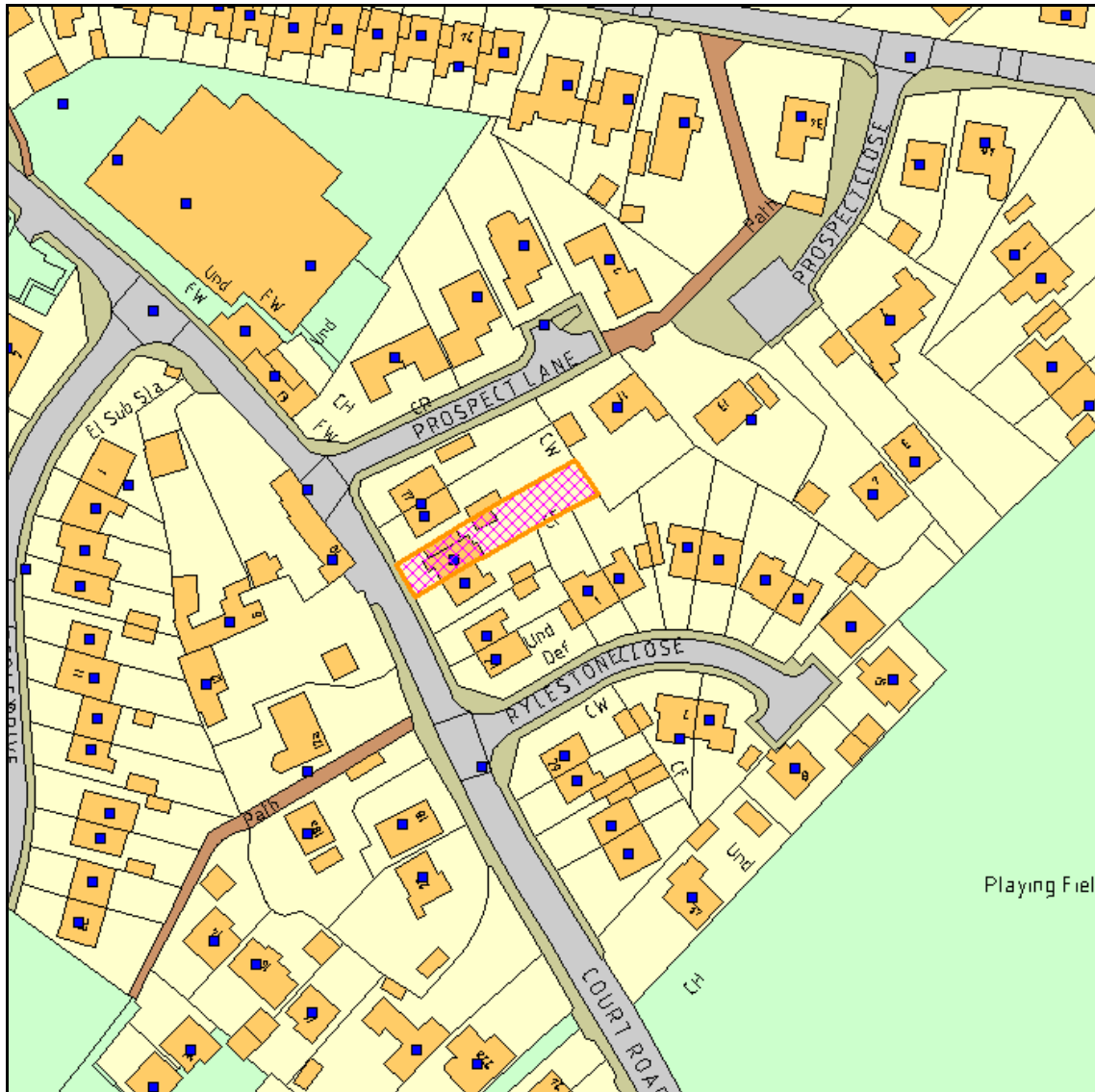
**Parish:** Frampton Cotterell  
Parish Council

**Map Ref:** 365812 181744

**Ward:** Winterbourne

**Application Category:** Householder

**Target Date:** 4th August 2016



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100023410, 2015. N.T.S. PT16/3632/F



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

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

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a single storey rear extension.
- 1.2 The application site is no. 21 Court Road, located within a residential area of Frampton Cotterell. The host dwelling is a semi-detached two storey dwelling.
- 1.3 The proposal extends to the rear of the existing dwelling and connects to an existing detached single storey garage. The proposal has flat roof with a sky-lantern included as well. The submitted information describes the development as an orangery. Over the course of the application revised plans were submitted, the revised plans included an obscure glazed side elevation window, whereas the original plans included a transparent side elevation window.
- 1.4 In 2010, planning permission was granted for a two storey and single storey rear extension (planning ref. PT10/2217/F). This development has been implemented and built-out, the proposed rear extension will extend to the rear from this 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

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

T12 Transportation  
H4 Development within Existing Residential Curtilages

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

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

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

- 3.1 PT10/2217/F Approve with Conditions 12/10/2010  
Erection of two storey and single storey rear extension to form additional living accommodation.

- |     |  |                         |            |
|-----|--|-------------------------|------------|
| 3.2 | P99/1313<br>Erection of car port.  | Approval Full Planning  | 13/05/1999 |
| 3.3 | N5103<br>Erection of single storey rear extension to kitchen and extension to garage to include W.C. | Approve with Conditions | 07/12/1978 |

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

- 4.1 Frampton Cotterell Parish Council  
No objection.
- 4.2 Winterbourne Parish Council  
None received.
- 4.3 Archaeology Officer  
No objection.

#### **Other Representations**

- 4.4 Local Residents  
One letter has been submitted with regard to this planning application, this member of the public lives at no. 23 Court Road. This letter contained comments of objection:
- There is an existing extension to the rear of no. 21; the proposal will further compromise levels of light ('my right of light');
  - Outlook from key rooms such as kitchen and dining room windows would be restricted;
  - The proposal represents overbuild;
  - Windows within proposed orangery would result in a loss of privacy;
  - The garden cannot accommodate a building such as this.

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

- 5.1 This application seeks planning permission for the erection of single storey rear extension.
- 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 Design and Visual amenity  
The proposal will extend from the existing rear extension at the application site, the proposal will also extend off the existing detached garage at the site. The proposal extends from the existing extension by 3.2 metres, and cumulatively the proposal (and previous extension) extends from the original rear elevation by 5.8 metres. The proposal has a maximum height of 3.8 metres (eaves height 2.8 metres in height). The height of the proposal is not excessive, nor is the depth of the proposed rear extension. Although the combined depth of the rear extension is 5.8 metres, officers do not find this to be overly excessive in design terms. Especially when the Government have introduced a larger householder extension permitted development right, where householders can extend semi-detached dwellings by 6 metres subject to prior notifying the Authority. The materials used within the proposal will all match those used in the existing dwelling which is acceptable, and the proposed fenestration is appropriate. Overall the proposal has an acceptable design which accords with policy CS1 of the adopted Core Strategy.
- 5.5 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. The proposal is set away from the neighbouring property (no. 23 Court road) by approximately 1.4 metres, further to this the proposed development has an acceptable scale. With this in mind, the proposed development is unlikely to result in a material loss of light to any nearby occupier. A resident who lives at the adjacent dwelling no. 23 Court Road has expressed concerns with regard to levels of outlook. The proposed unit would not materially impact upon the levels of outlook currently experienced by the occupiers of no. 23 Court Road when compared to the existing situation at the site, due to the existing rear extension.
- 5.6 The proposal includes a rear elevation triple-folding door, it has been suggested that such fenestration would harm the levels of privacy enjoyed by nearby residents. Officers do not agree with this, the proposed folding door will result in views to the rear of the property down through the garden, there may likely be some indirect views into adjacent gardens. However, such views would be filtered by nature of the existing boundary treatments. As such, officers do not find that the proposed rear elevation doors would result in a material loss of privacy to any nearby residents.
- 5.7 The proposal includes a side elevation window which is proposed to be obscure glazed. Should planning permission be granted, officers suggest a condition to ensure that such a window is retained as an obscure glazed window to ensure overlooking views do not result from the development.

- 5.8 As the proposal has an acceptable scale and is set back from the shared boundary with both adjacent occupiers, the proposal is not considered to represent a materially overbearing structure.
- 5.9 Overall, subject to the suggested condition, the proposal is considered to represent an acceptable development in terms of the proposal's impact on residential amenity.
- 5.10 Transport and Parking  
The proposal does not represent an additional bedroom at the application site, and the development does not materially impact upon the existing car parking facilities at the site. With this in mind, the proposal has an acceptable impact on highway safety.

## 6. CONCLUSION

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

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

## CONDITIONS

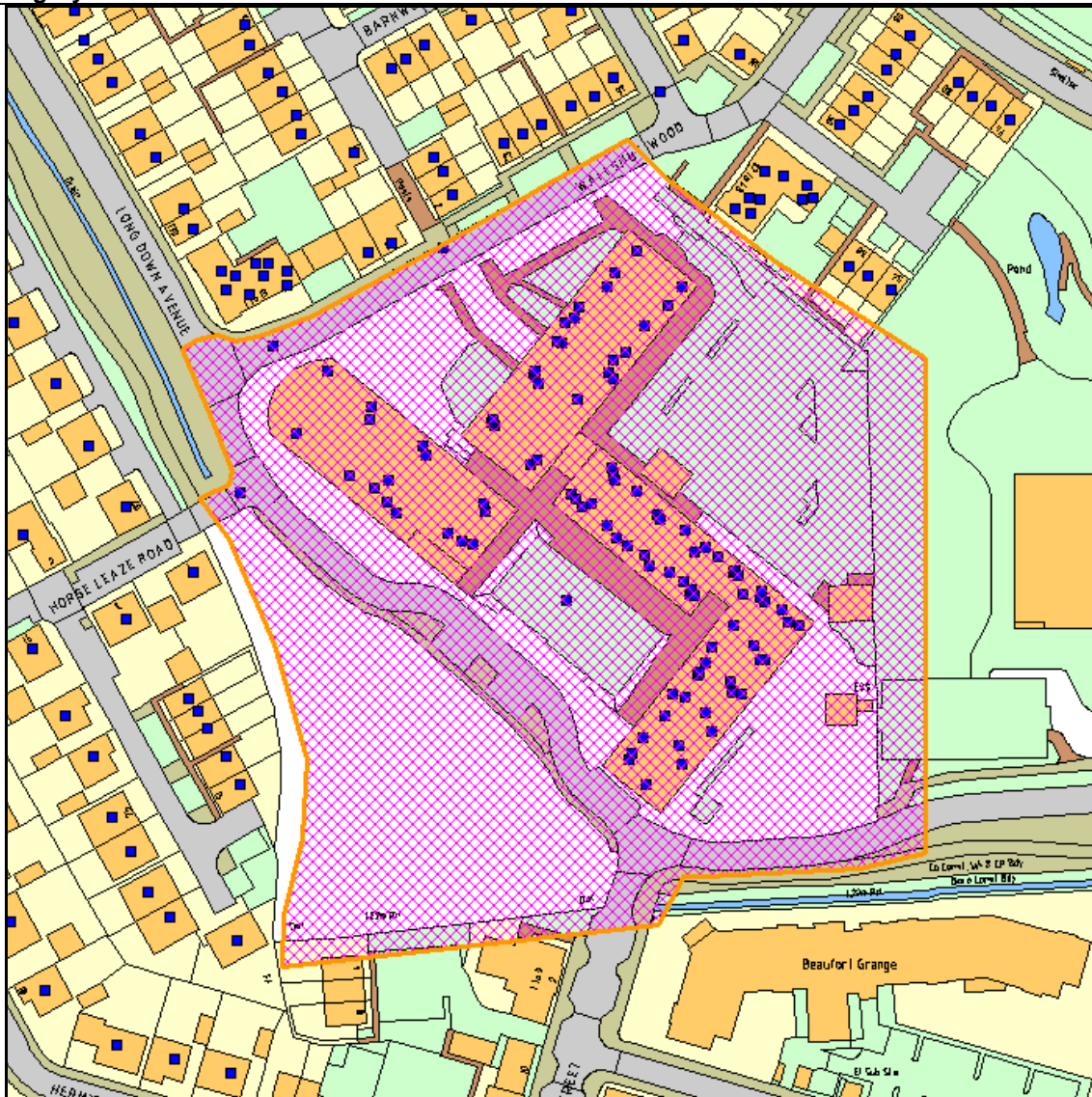
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason  
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed window on the side (south eastern) elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

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

**CIRCULATED SCHEDULE NO. 40/16 – 7 OCTOBER 2016**

<b>App No.:</b>	PT16/4034/RVC	<b>Applicant:</b>	Mr Tac Vien
<b>Site:</b>	Unit 13 The Square Long Down Avenue Stoke Gifford South Gloucestershire BS16 1GZ	<b>Date Reg:</b>	14th July 2016
<b>Proposal:</b>	Variation of condition 6 attached to Planning Application PT12/0684/RM to change the approved opening hours for a restaurant and take-away (Class A3/A5) from the previously approved 0900hrs to 1800hrs to 0900hrs to 2300hrs every day.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	361243 177747	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>	Major	<b>Target Date:</b>	11th October 2016



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 100023410, 2015. N.T.S. PT16/4034/RVC

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

This application is referred to the Circulated Schedule to an objection being received from a local resident.

### **1. THE PROPOSAL**

- 1.1 This application seeks consent to vary condition 6 attached to planning consent PT12/0684/RM. The condition as attached currently reads as follows:

*The hours of opening of the units hereby approved shall accord with the Proposed Opening Hours schedule as received on 21st August 2012. The units numbers set out within the schedule shall accord with the units numbers identified on the Proposed Lower Ground Floor Plan (drg no.P04 Rev.I) and Proposed Ground Floor Plan (drg no.P05 Rev.J), as both received by South Gloucestershire Council on 14 June 2012. There also shall be no outdoor music played at any time.*

*Reason:*

*To protect the amenity enjoyed by those living in the locality and to accord with Policies EP1 & RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.*

- 1.2 The "Proposed Opening Hours" schedule specified the open hours for unit 13 as being from 0900hrs to 1800hrs every day. The proposal seeks to extend the opening hours into the evening so the opening hours will be 0900hrs to 2300hrs every day.
- 1.3 As initially submitted, the applicant sought an extension of hours from the above to 0700hrs to 2300hrs, but following concerns about impact on the amenities of local residents from the Council's Environment Protection Officer, the hours of extension proposed for the morning was dropped from the proposed variation. The proposal is therefore only to extend the hours of opening by 5 hours from a previously approved 1800hrs to 2300hrs finish.
- 1.4 Unit 13 forms part of "The Square", the newly constructed mixed-use local centre at Cheswick Village that will see a mixture of residential, retail and business uses brought together to create a vibrant and sustainable centre.

### **2. POLICY CONTEXT**

- 2.1 National Planning Guidance  
National Planning Policy Framework  
National Planning Policy Guidance

- 2.2 Development Plans

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

T7 Cycle Parking

T8 Parking Standards

T12 Transportation Development Control Policy for New Development

- EP4 Noise Sensitive development
- RT8 Small Scale Retail Uses within the Urban Areas and the Boundaries of Settlements.

South Gloucestershire Local Plan Core Strategy (Adopted)

- CS1 High Quality Design
- CS4a Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS6 Infrastructure and Developer Contributions
- CS7 Strategic Transport Infrastructure
- CS8 Improving Accessibility
- CS9 Environmental Resources and Built Heritage
- CS14 Town Centres and Retail
- CS25 Communities of the North Fringe of Bristol Urban Area

Emerging Plan

Proposed Submission : Policies, Sites and Places Plan June 2016

- PSP9 Residential Amenity
- PSP12 Transport Impact Management
- PSP17 Parking Standards
- PSP22 Environmental Pollution and Impacts
- PSP33 Local Centres Parades and Facilities
- PSP36 Food and Drink Uses (including drive through takeaway facilities).

Supplementary Planning Guidance

South Gloucestershire Design Checklist – Adopted

**3. RELEVANT PLANNING HISTORY**

- 3.1 DOC16/0098: Discharge of condition 8 (Extraction systems) of planning permission PT12/0684/RM-Provision of local neighbourhood centre to comprise of 2,425 square metres of retail floorspace (Class A1/A2/A3/A4/A5), 633 square metres of D1 floorspace (including 262 sq metres nursery); 363 square metre gymnasium (Class D2); 137 residential units (C3); with car parking, landscaping and infrastructure works. (Approval of reserved matters to be read in conjunction with planning permission PT04/0684/O).

Following extension negotiations between the applicant and the Council's Environmental Protection Officer to secure an appropriate system of extraction, this condition has been discharged.

- 3.2 PT15/3722/RVC Variation of condition 6 attached to planning permission PT12/0684/RM in order to permit unit 4 (the convenience store) to open to customers for an additional hour between 06:00 and 23:00 seven days a week instead of 07:00 and 23.00.  
Approved November 2015
- 3.3 PT12/0684/RM Provision of local neighbourhood centre to comprise of 2,425 square metres of retail floorspace (Class A1/A2/A3/A4/A5), 633 square metres of D1 floorspace (including 262 sq metres nursery); 363 square metre



gymnasium (Class D2); 137 residential units (C3); with car parking, landscaping and infrastructure works. (Approval of reserved matters to be read in conjunction with planning permission PT04/0684/O).  
Approved August 2012

- 3.4 PT04/0684/O Residential development at a density of 50 units per hectare overall across the site together with supporting infrastructure and ancillary facilities.  
Approved 04<sup>th</sup> November 2005. This planning permission also agreed the details of the access from Coldharbour Lane. A Master Plan, required of a section 106 legal agreement, has also been approved.
- 3.5 PT06/1893/F Extension and alteration to access road (from MoD roundabout).  
Approved.
- 3.6 PT07/1107/F Alterations to existing access road (from Coldharbour Lane)  
Approved.
- 3.7 PT07/1432/RM Access road for construction vehicles.  
Approved.
- 3.8 PT07/1886/F Alterations to access and junction (onto Coldharbour Lane).  
Approved.
- 3.9 PT07/2424/R3F Formation of public transport bus link. Approved 11 October 2007.
- 3.10 PT07/1715/RM Erection of 100No. dwellings (Phase 1).  
Approved 15 November 2007.
- 3.11 PT07/3519/RM Erection of 225No. dwellings (Phase 2).  
Approved 16 May 2008.
- 3.12 PT08/3093/F Construction of Access Road to link Phases 4,5 and 6 and Primary School Site.  
Approved 06 February 2009.
- 3.13 PT08/3118/RM Erection of 77 Dwellings (Phase 4).  
Approved 03/11/09
- 3.14 PT09/5504/RM Erection of 121 dwellings (Phase 2B).  
Approved 20/01/10
- 3.15 PT09/5336/RM Erection of 194 dwellings (Phase 3).  
Approved 26/02/10

3.16 PT11/1684/RVC Variation of condition 9 attached to PT04/0684/O to allow the submitted reserved matters applications to achieve a minimum density of 40 dwellings per hectare across the site.  
Approved 20<sup>th</sup> July 2011.

3.17 PT11/2698/RM Erection of 97 dwellings (Phase 7).  
Approved 06/03/12

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

4.1 Stoke Gifford Parish Council  
No objection

Other Consultees [including internal consultees of the Council]

4.2 Transportation D.C.  
There is no transportation objection to the extended opening hours.

4.3 Environmental Health Officer  
As noted above, since the application has been submitted the proposed extension of hours has been reduced from a 7am opening back to the previously approved 9am opening. The approval of the extraction system (ref DOC16/0098) has also occurred during the consideration of this application.

There is therefore no objection to the proposed scheme subject to the following conditions and restrictions being put in place to help protect the amenities of local residents.

- 1) Opening hours shall be 0900hrs (as previously approved);
- 2) Any ancillary takeaway use shall be limited to 0900 and 2200hrs;
- 3) The restaurant use shall be limited to 0900 and 2300hrs.

Reasons: to safeguard residential amenity by reason of noise and avoidance of general disturbance.

#### **Other Representations**

##### Local Residents

2no. consultations response were received from local residents.

1no. consultations response objected to the proposed extension of hours on the following summarised grounds:

- The proposed extension of hours will have a significant detrimental effect on the environment and local community through an increased level of customers and cars and the subject noise and litter that will result;
- The opening hours should be 10am to 6pm with no opening hours on bank or public holidays;

- Residential properties are situated directly above the ground floor units and so there is a concern about the impact of both noise and odour affecting local residents;
- The levels of sound insulation do not provide any mitigation against the noise generated by people walking in The Square;
- The proposed increase in hours will result in a loss of privacy; and
- The proposed increase in hours will result in an impact on highway safety.

The second consultation response sought clarified on what type of restaurant/ takeaway is proposed.

## 5. **ANALYSIS OF PROPOSAL**

5.1 The scope of a variation 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 conditions, 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.

5.2 In assessing this application it is necessary to consider whether or not the relevant condition (6) or any variations 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

5.3 Being mindful of the reason for attaching the condition (6) in the first place, when assessing this current application officers will consider whether the varied opening hours would undermine the objective of Policy RT8 of the South Gloucestershire Local Plan (Adopted) to take account of the amenity of those living in the locality.

### Analysis of Proposal

5.4 The original application related to the erection of a neighbourhood centre that along with a range of proposed retail and business uses, included 137 residential units. This application relates only to unit 13 of the approved development which is a large ground floor retail unit front directly addresses the “The Square” itself. Although completed, a number of the other units still remain vacant.

5.5 In considering this application to extend the hours of operations, officers are mindful of the obligation as set out in the NPPF for local planning authorities to positively and proactively encourage sustainable economic growth.

- 5.6 The function of “The Square” and how it developed is also considered a material consideration. The local centre (phase 5) of the Wallscourt Farm new neighbourhood (now named Cheswick Village) was identified at concept stage. Its purpose (which was carried through the outline and detailed approvals) was to provide the new neighbourhood with a local centre that would provide for a range of facilities and uses that would be expected of a town centre that would help create a vibrant and sustainable heart to the development. To facilitate this, The Square therefore comprised of approximately 2500m<sup>2</sup> of mixed use floor space at ground floor level with 137 residential flats above. A care home has also recently been constructed on the other side of Long Down Avenue.
- 5.7 As part of the consideration of the detailed application for the local centre (ref. PT12/0684/RM), a range of appropriate local centres uses for the units were identified. This however was considered to be only provisional, as it was assumed that flexibility would be required to respond to commercial interest. This flexibility is reflected in the range of uses approved within the description of development. To put another way, it was not possible to be prescriptive on what particular uses each unit would accommodate with any degree of certainty. It was though important to establish a baseline so the range of uses could be controlled to ensure a mix of retail functions was maintained in the interests of delivering and maintaining a viable and vibrant local centres.
- 5.8 Along with the uses, the hours of operation were also established at detailed stage through condition 6 which requires compliance with a “Schedule of Opening Hours”. As with the uses, it was difficult at the time of determining the application to be prescriptive on the hours of operation in terms of achieving the right balance of the amenity of neighbouring residents with the wider public benefit of providing a local centre. It was however considered that as a local centre, it was important that a night economy be established for serve local residents. Therefore as would expected of a local town centre, the tolerances on acceptable levels of residential amenity should be higher than in the surrounding purely residential areas.
- 5.9 To reflect this, as noted on the “Schedule of Opening Hours”, it can be noted that unit 2 and units 4 and 5 (convenience store) were approved with an 11pm closing time, as was unit 6 (takeaway), unit 7 (bar/ restaurant) and unit 14 (café/ restaurant). Therefore it is considered that in establishing this baseline though the consent, there was clear intention to provide a facility that operates into the evening. It is in this context the proposal has to be considered
- 5.10 To conclude, the extension in opening hours would allow the unit to trade into the evenings and so contribute to the night economy, which is considered a key objective of the function of the local centre in terms of “offer” and would complement the other evening uses established or approved. The proposals would also contribute positively towards the government’s objective of achieving sustainable economic growth by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth.

- 5.11 In regard to the objections from the local resident, it is considered that following the approval of the extraction system, the only issue to consider is the potential disturbance from the general operation of the restaurant in regard to the movements of customers.
- 5.12 As noted above, it is intended that The Square functions as a town centre and so the expected levels of residential amenity levels should reflect that. With takeaway restricted to 10am and other evening uses already approved (some of which are already in operation), it is not considered that the proposed extension of hours would result in an intrusive use in respect of the amenity of the local residents. The proposed increase in hours is therefore considered acceptable.
- 5.13 Other Relevant Conditions  
In terms of all other conditions that were attached to application PT12/0684/RM, most are no longer relevant as the development has been completed. Only the relevant conditions will be carried forward.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That planning permission is **APPROVED** subject to the conditions below.

**Contact Officer: Robert Nicholson**  
**Tel. No. 01454 863536**

## **CONDITIONS**

1. With the exception of Units 4, 5 which may open for trade from 0600hrs and unit 13 which may open from 0900 until 2300hrs, the hours of opening of the units hereby approved shall accord with the Proposed Opening Hours schedule as received on 21st August 2012 in relation to application PT12/0684/RM. The units numbers set out within the schedule shall accord with the units numbers identified on the Proposed Lower Ground Floor Plan (drg no.P04 Rev.I) and Proposed Ground Floor Plan (drg no.P05 Rev.J), as both received by South Gloucestershire Council on 14 June 2012 in relation to application PT12/0684/RM. There also shall be no outdoor music played at any time.

Reason:

To protect the amenity enjoyed by those living in the locality and to accord with the requirements of Policy RT1 of the South Gloucestershire Local Plan (Adopted) and the NPPF.

2. Notwithstanding the uses noted on the approved floor plans, for their first commercial use the uses of the units hereby approved shall accord with uses set out in the approved schedule of opening and delivery hours as received on 21st August 2012 submitted with application PT12.0684/RM.

Reason:

In the interests of ensuring an appropriate mix of uses and to protect the amenity enjoyed by those living in the locality to accord with Policy RT1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the requirements of the NPPF.

3. No extraction systems associated with the commercial uses hereby approved shall be installed without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of residents living in the locality and the visual amenity of the area, and to accord with Policy RT1 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) and the NPPF.

4. The development must be carried out in accordance with the approved lighting scheme received by the Council on 1st October 2014 submitted in relation to application PT12/0684/RM.

Reason:

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

5. The development shall be completed and occupied in accordance with the approved Travel Plan received by the Council on 1st October 2014 in relation to application PT12/0684/RM

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.

6. Prior to the commencement of the relevant part of the development, details of the design of the bus shelters to be located either side of Long Down Avenue to serve the local centre are to be submitted to the local planning authority for written approval.

Reason:

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

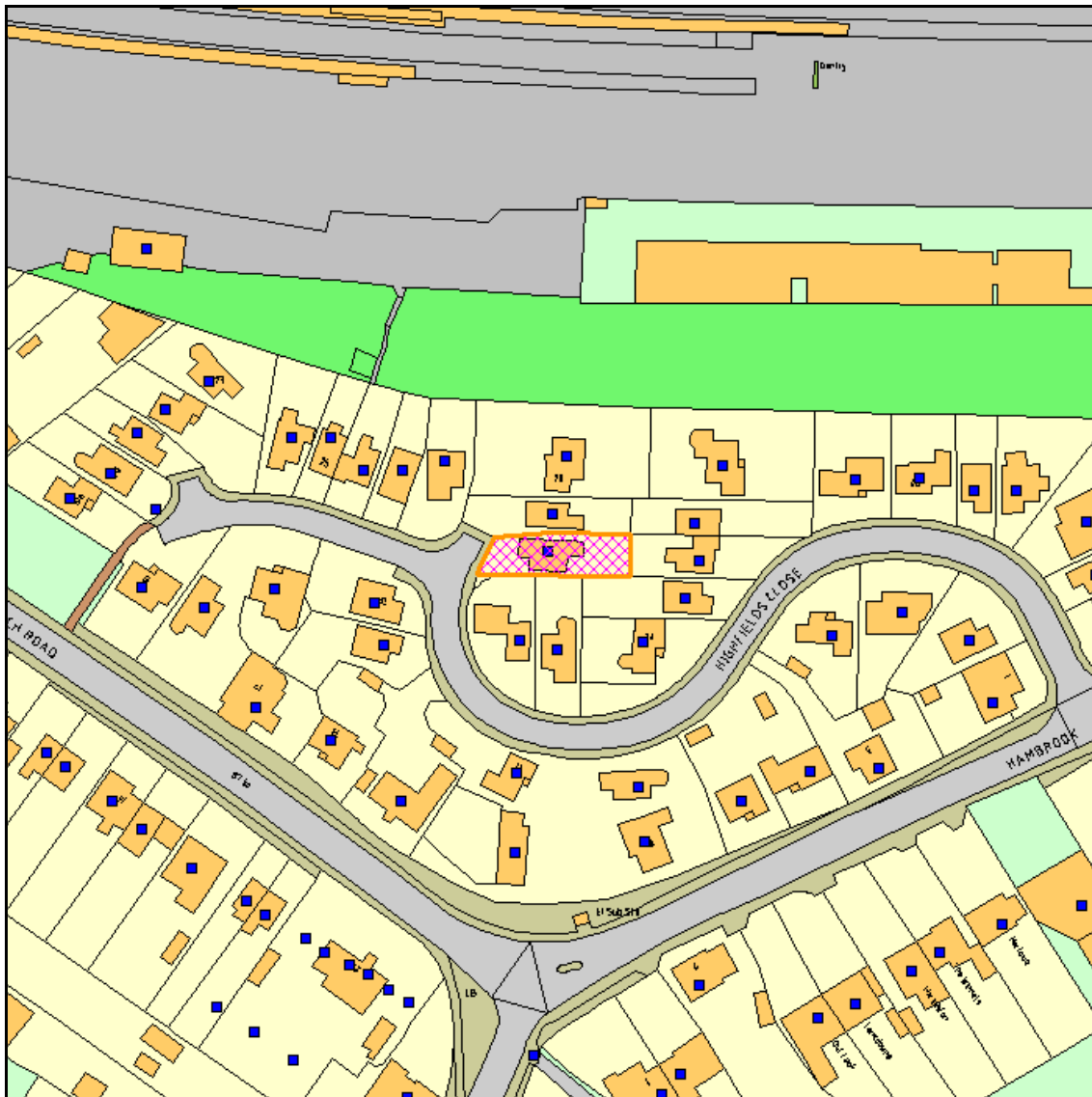
7. Any ancillary takeaway sales are not permitted beyond the hours of 2200hrs.

Reason:

To protect the amenity enjoyed by those living in the locality and to accord with the requirements of Policy RT1 of the South Gloucestershire Local Plan (Adopted) and the NPPF.

**CIRCULATED SCHEDULE NO. 40/16 – 7 OCTOBER 2016**

<b>App No.:</b>	PT16/4654/F	<b>Applicant:</b>	Mr Lev Darabant
<b>Site:</b>	31 Highfields Close Stoke Gifford Bristol South Gloucestershire BS34 8YB	<b>Date Reg:</b>	9th August 2016
<b>Proposal:</b>	Erection of a single storey front extension to provide additional living accommodation.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362555 179460	<b>Ward:</b>	
<b>Application Category:</b>	Householder	<b>Target Date:</b>	3rd October 2016



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

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

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a single storey front extension to provide additional living accommodation. The application site relates to a two-storey detached property situated within a modern estate in the established residential area of Stoke Gifford.
- 1.2 During the course of the application revised plans were requested and received to indicate the required amount of off-street parking could be achieved on site.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework  
Planning Policy Guidance

#### **2.2 Development Plans**

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

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Environmental Resources and Built Heritage

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

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

#### **2.3 Emerging policy: South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016**

PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP38 Development within Existing Residential Curtilages

#### **2.4 Supplementary Planning Guidance**

Design Checklist SPD (Adopted) 2007  
Residential Parking Standard SPD (Adopted) 2013

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

- 3.1 P85/1964 Approved 21/08/1985  
Erection of single storey rear extension to form dining room; erection of side entrance porch.
- 3.2 N5131/3 Approved with Conditions 21/07/1983

Erection of 46 detached houses and 3 detached bungalows together with associated garages; provision of access roads, footpaths, and landscaping on 2.2 ha. (5.4 acres) (as amended by letter and plans received by the Council on 17th May 1983 and on the 18th May 1983).

- 3.3 N5131/2 Approved with Conditions 21/07/1983  
Erection of 50 houses and ancillary development on approximately 2.2 ha. (approx. 5.4 acres). (As amended by letter and plan received by the Council on 16th February 1983). (Outline).
- 3.4 N5131/1 Refused 28/10/1982  
Residential and ancillary development on approximately 2.2 ha (approx. 5.4 acres). (Outline).

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

##### 4.1 Stoke Gifford Parish Council

Objection:

Council concurred with the Transportation Officers concern about the need for two car parking spaces – remarking that the current Google aerial shot identified that would be impossible to accommodate on the existing driveway should this development occur.

##### 4.2 Other Consultees

###### Sustainable Transport

The applicant seeks to convert and extend the existing integral garage to be used as additional living accommodation. This would result in the loss of a garage and would shorten the existing driveway. It appears that this dwelling has 3 bedrooms. SGC minimum parking standards state that a 3 bed dwelling requires 2 off street parking spaces. As such, please can the applicant provide a scale plan showing the location of 2 off street parking spaces within the site boundary, each measuring 4.8m by 2.4m.

###### *Updated comments:*

Existing and Proposed Parking Layout received 30/09/2016.

*The level of off-street parking is now adequate. However, access to the space on the left can be improved by removing the remaining grass area. Subject to a condition that the remaining grass area be removed to allow access for the second parking space, there are no transportation objections.*

###### Archaeologist

No Objection

#### **Other Representations**

- 4.3 Local Residents  
None received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular importance is the overall design and its impact on the character of the area (CS1); the impact on the residential amenity of occupiers present and future and that of closest neighbours (H4); and the impact the proposal would have on highway safety and on-street parking (T12; Residential Parking Standards SPD). The proposal is considered to accord with the principle of development.

### 5.2 Design

The application site is part of a modern estate in Stoke Gifford. Design, scale and appearance of dwellings in this estate differ slightly. The proposed lean-to front extension would measure approximately 2.8 metres in width, extend out 2.5 metres from the front elevation, with an eaves height of 2.4 metres and a maximum height of 3.6 metres. The exterior would be finished in materials to match the main house. Openings would be in the front and side.

5.3 It is considered that the proposed front extension is of a scale and design that would remain in-keeping with the character and appearance of the dwelling. There are a few examples of front extensions in the area of a similar style and design. As such, the proposal is considered an appropriate addition that is acceptable in terms of design.

### 5.4 Residential Amenity

The existing integral garage is set back from the main front building line by about 2.5 metres. Under this proposal, the resulting front building line of this part of the property would be in line with the current situation. Neighbours to the south at Nos. 32 and 33 Highfields Close are rear-on to the application site. These properties are separated by their respective rear gardens and by a boundary which includes about 1.5 metre high brick walling and 1.8 metres high concrete post and timber fencing. It is noted that these neighbours have openings in their rear elevations, but given the boundary treatments, the proposed ground floor window and side door serving the new playroom would not have an adverse impact on the amenity of these properties in terms of inter-visibility or overlooking. The proposed ground floor front window would face directly out onto the cul-de-sac. Accordingly, there are no concerns in terms of residential amenity.

### 5.5 Highways

The proposed extension of the existing integral garage would result in the loss of the garage and encroach on the existing driveway to the front. Vehicular parking requirements for dwellings are assessed on the number of bedrooms. A dwelling with up to three bedrooms requires a minimum of two parking spaces. This parking needs to be provided within the site boundary. The Parish Council raised a concern that the required amount of parking could not be achieved. However, revised plans indicate that the level of off-street parking can be achieved on-site to the front of the property following the development, if a strip of remaining grass is removed. There are therefore no highway

objections subject to a condition ensuring the remaining grass area is removed to allow access for the second parking space.

## 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 materials considerations set out in the report.

## 7. **RECOMMENDATION**

- 7.1 That the application is **APPROVED** subject to the conditions on the decision notice.

**Contact Officer: Helen Braine**  
**Tel. No. 01454 863133**

## **CONDITIONS**

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

3. Prior to the first occupation of the single storey front extension hereby approved, the area laid to grass to the west of the second parking space adjacent the carriageway, identified on the Existing and Proposed Parking Layout plan - received 30/09/2016, shall be removed to provide two off-street parking facilities, and thereafter retained for that purpose.

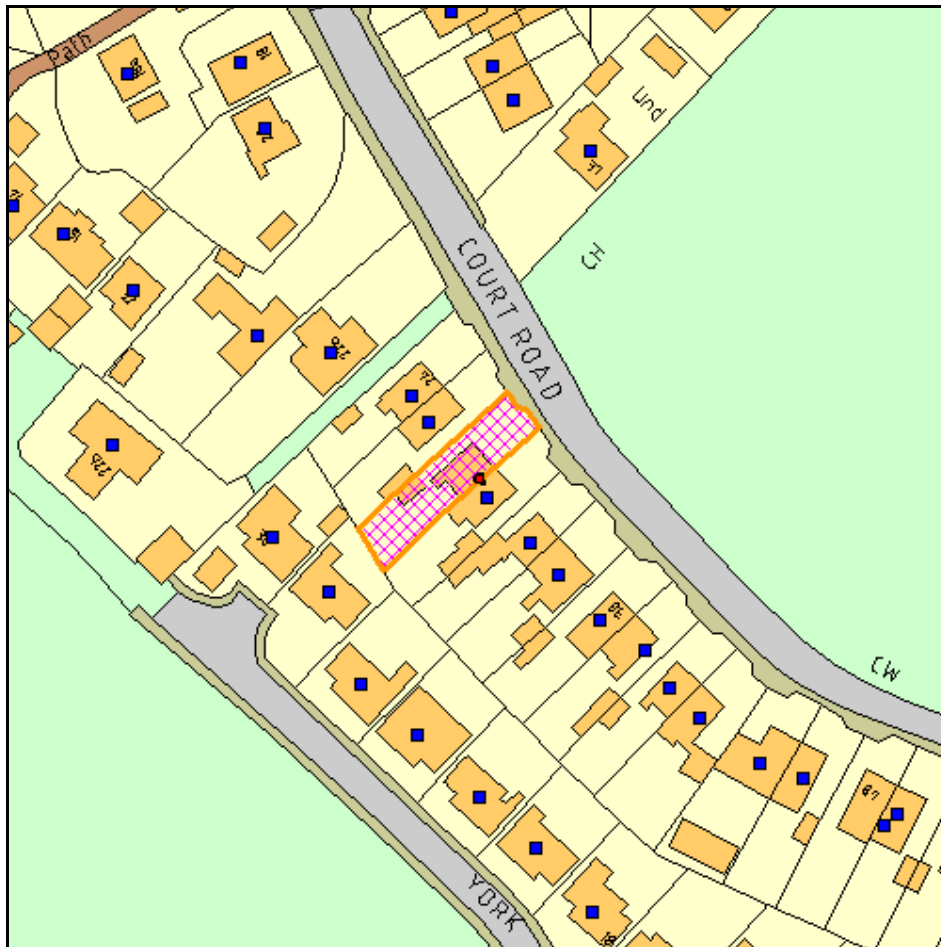
Reason

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

**CIRCULATED SCHEDULE NO. 40/16 – 7 OCTOBER 2016**

<b>App No.:</b>	PT16/5073/CLP	<b>Applicant:</b>	Mr And Mrs Mike And Faye White
<b>Site:</b>	28 Court Road Frampton Cotterell Bristol South Gloucestershire BS36 2DN	<b>Date Reg:</b>	7th September 2016
<b>Proposal:</b>	Application for the certificate of lawfulness for the proposed installation of 1no rear dormer to facilitate loft conversion.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365843 181615	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>		<b>Target Date:</b>	31st October 2016

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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer window at No. 28 Court Road, Frampton Cotterell 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, Class B

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 There is no relevant planning history

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection.

#### **Other Representations**

- 4.2 Local Residents  
None received.

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

- 5.1 Location Plan  
Proposed Plans  
Existing Rear Elevation

Plans received by the Council on 06/09/2016

## 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 of the GPDO 2015.

6.3 The proposed development consists of a dormer window to the rear of a semi-detached house. This development would fall within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows dormer additions subject to the following:

#### **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 dormer window would not exceed the highest part of the roof, and therefore meets this criterion.

**(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 will be situated at the rear elevation and would not front 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 a semi-detached house and the proposal would result in an additional volume of less than 50 cubic meters (Approximately 23.3 cubic meters).

**(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 proposal includes none of the above.

**(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;**

As per the Proposed Plans which were submitted 06/09/2016, the materials used in the exterior work will be of similar appearance to existing materials.

**(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 be greater than 0.2 metres from the outside edge of the eaves of the original roof and does not protrude beyond the outside face of any external wall of the original dwellinghouse.

**(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.**

The dormer window would be located at the rear elevation of the property and would not have any side windows.

## **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 rear dormer falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning General Permitted Development Order 2015.

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