



**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. 32/16**

**Date to Members: 12/08/2016**

**Member's Deadline: 18/08/2016 (5.00 pm)**

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.

**Dates and Deadlines for Circulated Schedule**  
**During August Bank Holiday Period 2016**

<b>Schedule Number</b>	<b>Date to Members</b> <b>9am on</b>	<b>Members</b> <b>Deadline</b> <b>4.30pm on</b>
No.35/16	Friday 26 August	Friday 02 September

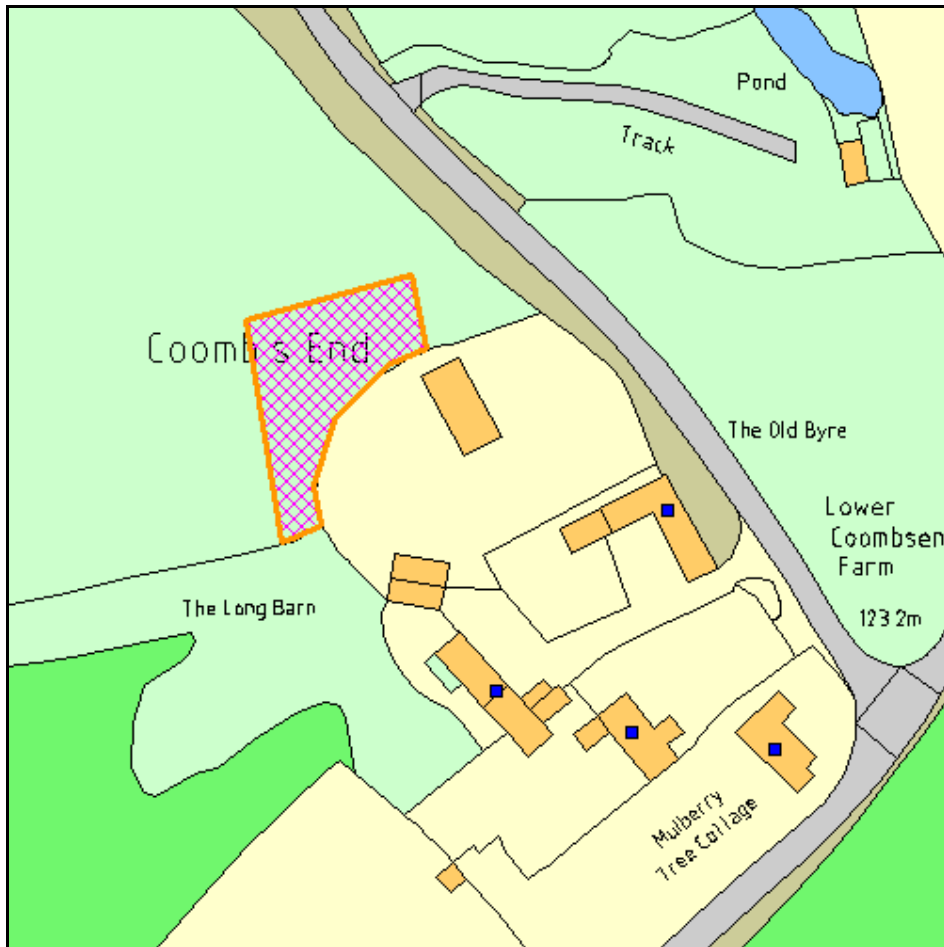
Above are details of the schedules that will be affected by date changes due to August Bank Holiday.

# CIRCULATED SCHEDULE - 12 August 2016

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PK16/1173/F</b>	Approve with Conditions	Lower Coombs End Farm Chapel Lane Old Sodbury South Gloucestershire BS37 6SQ	Cotswold Edge	Sodbury Town Council
2	<b>PK16/1787/F</b>	Approve with Conditions	200 High Street Hanham South Gloucestershire BS15 3HJ	Hanham	Hanham Abbots Parish Council
3	<b>PK16/3750/F</b>	Approve with Conditions	170 Downend Road Downend South Gloucestershire BS16 5EB	Downend	Downend And Bromley Heath Parish Council
4	<b>PK16/3751/LB</b>	Approve with Conditions	170 Downend Road Downend South Gloucestershire BS16 5EB	Downend	Downend And Bromley Heath Parish Council
5	<b>PK16/3758/R3F</b>	Deemed Consent	Warmley Park School Tower Road North Warmley South Gloucestershire BS30 8XL	Siston	Siston Parish Council
6	<b>PK16/3878/TRE</b>	Approve with Conditions	14 Marshfield Park Cleeve Wood Road Downend South Gloucestershire BS16 2TA	Downend	Downend And Bromley Heath Parish Council
7	<b>PK16/3892/ADV</b>	Approve	Traffic Roundabout At Jct Station Rd / Station Link Rd Station Road Kingswood South Gloucestershire BS15 4GQ	Rodway	None
8	<b>PK16/3974/CLE</b>	Approve	53 Broad Street Chipping Sodbury South Gloucestershire BS37 6AD	Chipping	Sodbury Town Council
9	<b>PT16/1723/F</b>	Refusal	The Old Milking Parlour Moorend Road Hambrook South Gloucestershire BS16 1SP	Winterbourne	Winterbourne Parish Council
10	<b>PT16/3297/F</b>	Approve with Conditions	Land At Vattingstone Lane Alveston South Gloucestershire BS32 4PQ	Severn	Aust Parish Council
11	<b>PT16/3466/F</b>	Approve with Conditions	Former Western Coach House Car Park Bristol Road Frampton Cotterell South Gloucestershire	Frampton Cotterell	Frampton Cotterell Parish Council
12	<b>PT16/3972/ADV</b>	Approve with Conditions	6 Dragon Road Winterbourne South Gloucestershire BS36 1BQ	Winterbourne	Winterbourne Parish Council
13	<b>PT16/4120/CLP</b>	Approve with Conditions	21 Orchard Rise Olveston South Gloucestershire BS35 4DY	Severn	Olveston Parish Council

**CIRCULATED SCHEDULE NO. 32/16 – 12 AUGUST 2016**

<b>App No.:</b>	PK16/1173/F	<b>Applicant:</b>	Mr Antony Pullen
<b>Site:</b>	Lower Coombs End Farm Chapel Lane Old Sodbury South Gloucestershire BS37 6SQ	<b>Date Reg:</b>	21st April 2016
<b>Proposal:</b>	Change of use of land to residential curtilage.	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	375250 180796	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	15th June 2016



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 100023410, 2008. **N.T.S.** **PK16/1173/F**

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

This application appears on the Circulated Schedule as it represents a departure from relevant Green Belt Policy within the adopted Development Plan.

In this case any resolution to grant planning permission for this development does not need to be referred to the Secretary of the State for Communities and Local Government as the development is not of a large enough scale and it would not have a significant impact on the openness of the Green Belt (referral criteria is set out in the Departure Direction 2009).

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the change of use land from agricultural to residential. During the course of the application the description of development has changed to exclude the erection of a single storey side extension to form additional living accommodation. Revised plans have been received and put out for full consultation.
- 1.2 The application site relates to Lower Coombs End Far, Chapel Lane, Old Sodbury. The site is situated outside a settlement boundary, in the open countryside in the Bristol/Bath Green Belt and the Cotswold AONB.
- 1.3 Given that the change of use of land is considered inappropriate in the Green Belt very special circumstances to support the application were also requested and the application advertised as a departure.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Practice Guidance May 2016

#### **2.2 Development Plans**

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

L1	Landscape Protection and Enhancement
L2	Cotswolds AONB
L9	Species Protection
L16	Protecting the Best Agricultural Land

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

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS34	Rural Areas

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

South Gloucestershire Design Checklist (Adopted 2007)

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

- 3.1 PK12/3065/F      Erection of single storey side extension to provide additional living accommodation. Erection of detached double garage/workshop.  
Approved                      15.11.12

### **4. CONSULTATION RESPONSES**

- 4.1 Old Sodbury Parish/Town Council  
No objection

- 4.2 Other Consultees

Listed Building Officer  
No objection

Archaeologist  
No objection

Sustainable Transport  
No objection

Landscape Officer  
No objection

#### **Other Representations**

- 4.3 Local Residents  
None received

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

- 5.1 Principle of Development

The proposal stands to be assessed against the above listed policies and all material considerations. The proposal is for the change of use of land only. The site lies in the Green Belt where the change of use of land does not fall within the NPPF list of appropriate forms of development in this sensitive area. Inappropriate development is by definition harmful to the Green Belt and as such very special circumstances are required to show that the proposed development would outweigh any harm by reason of definition and harm to the openness of the area. The case for very special circumstances was submitted during the application and this is discussed in more detail below.

- 5.2 Green Belt

The NPPF states the Green Belt serves five purposes to check the unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into each other; 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. The essential characteristics of Green Belts are, as outlined by paragraph 79, their openness and their permanence. Substantial weight is afforded to the fundamental aim of the Green Belt, which is to prevent urban sprawl by keeping land permanently open.

- 5.3 In assessing this application for a change of use, substantial weight is therefore given to the Green Belt designation of the land and the fundamental aim of it, as summarised above. With regard to openness, it is reasonable to assume that the inclusion of agricultural land within a residential curtilage would result in that land being used for domestic purposes with all the associated paraphernalia. This can be harmful and the extent of harm must be balanced against the benefit of the proposal.
- 5.4 A supplementary document of very special circumstances has been provided by the applicant to justify the inclusion of this land within the residential curtilage. This statement cites:
- the background history to the property which was originally constructed as accommodation for the adjacent farm and there being no need for segregation, the land was neither agricultural nor residential
  - the area that is now designated as residential is mainly laid to lawn but also includes driveway, garage and other amenities. The area that is the subject of this application is also laid to grass but at a slightly lower level
  - the additional land was fenced off some time ago and was included with the bungalow when it was sold in 2006. The present owner has used the land as part of the garden of the bungalow and would like to continue to do so
  - the land will remain in the ownership of the Bungalow and will not return to agricultural use so its designation as agricultural will have little significance
  - the Bungalow currently sits awkwardly against the existing North-west boundary of the residential curtilage. The occupier does have plans to extend at this end of the Bungalow to make the house more suitable for modern family life with flexible accommodation and improved bathroom facilities. The extension can be achieved within the existing curtilage but the setting of the house and the scope for appropriate landscaping would be much improved if the extra land is included. If the Change of Use is granted the proposal is to establish a robust hedge of native species with selected hedgerow trees planted along its length to create a natural boundary to the field that will become a wildlife refuge and form an appropriate boundary between the agricultural and residential land.
- 5.5 The above set of very special circumstances provided to support this application describe the situation quite clearly. The area of land being assessed is a strip to the side of the property which on casual inspection appears to already be part of the garden to the property and should sensibly



have been included as residential in the original development. It is currently separated from the adjacent field by a simple stock-proof fence and the difference is very clear whereby the field remains in its natural state the area of land in question has been carefully maintained. It appears from the evidence provided that this has been the case for a number of years – perhaps almost 10 years, and as such Officers are satisfied that very special circumstances are sufficient to justify that it is appropriate for this small piece of land to be included within the residential curtilage of The Bungalow.

5.6 Visual Amenity and impact on Landscape

Lower Coombs End Farm, is a single storey dwelling of modern, uncomplicated design and appearance. The landscape proposals include a native hedge with a number of trees along its length on the northern and western boundaries. If this is properly executed and maintained it should be adequate to partially screen and visually soften the inclusion of this area into residential use within about five years.

- 5.7 A landscape condition should be attached which requires the submission of a detailed landscape plan showing species, densities and size at planting and specification for planting, how the plants will be protected from grazing animals (including cattle reaching over the fence and rabbits) and a five year maintenance plan. The trees should be native trees and include a number of large species such as oak or beach. Additional planting will also be required in the front boundary on the eastern boundary, there is currently a beach hedge here which is struggling to establish. This section of hedge should be inter-planted with mixed native shrubs and a number of small native trees, such as Field Maple.

5.8 Residential Amenity

The application site is in a rural location in Old Sodbury. Closest neighbours lie to the south side, furthest away from the area of land under consideration in this application. The proposal would therefore not have a negative impact on these neighbours and is therefore acceptable in these terms.

6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 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** and the decision can be issued after 5<sup>th</sup> August 2016.

**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).

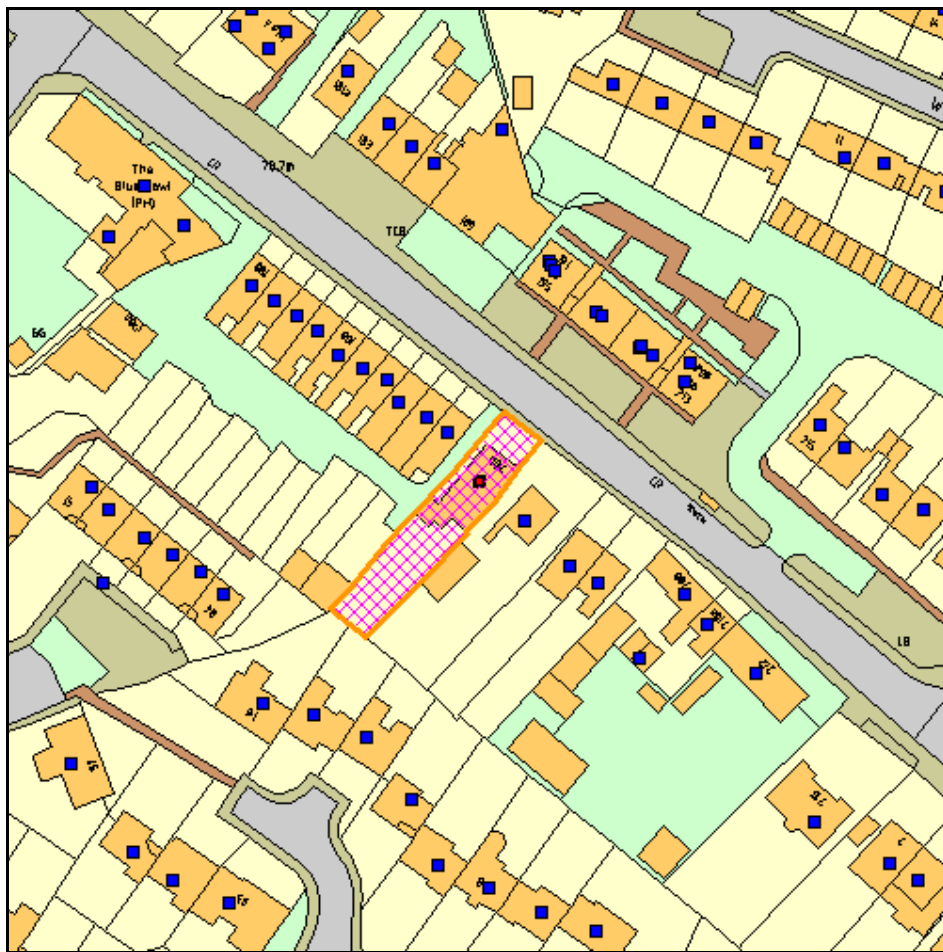
2. Within three months of the decision a detailed landscape plan showing species, densities and size at planting and specification for planting, how the plants will be protected from grazing animals (including cattle reaching over the fence and rabbits) and a five year maintenance plan shall be submitted to the LPA in writing for approval. The trees should be native trees and include a number of large species such as oak or beach. Additional planting will also be required in the front boundary on the eastern boundary, there is currently a beach hedge here which is struggling to establish. This section of hedge should be inter-planted with mixed native shrubs and a number of small native trees, such as Field Maple.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, South Gloucestershire SPD: Green Belt (Adopted) 2007 and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 32/16 – 12 AUGUST 2016**

<b>App No.:</b>	PK16/1787/F	<b>Applicant:</b>	Mr And Mrs Verinder
<b>Site:</b>	200 High Street Hanham Bristol South Gloucestershire BS15 3HJ	<b>Date Reg:</b>	29th April 2016
<b>Proposal:</b>	Erection of single storey side and rear extension to provide additional living accommodation. Erection of rear balcony and 1no rooflight	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	364804 171987	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Householder	<b>Target Date:</b>	23rd June 2016



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

This application has been submitted to the Council's Circulated Schedule procedure following an objection from a local resident which is contrary to the officer recommendation detailed within this report.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a single storey side and rear extension to provide additional living accommodation, and the installation of 1 no. roof lantern at 200 High Street, Hanham.
- 1.2 Permission is sought for the development to provide a larger kitchen and lobby area, as well as to provide additional light to the kitchen.
- 1.3 The application did originally show a small balcony, however this proposal was removed following concerns from officers with regards to overlooking, and amendments were received on 8<sup>th</sup> July 2016. As the proposal had reduced in scale, a period of re-consultation was not deemed necessary. There is currently a large existing balcony atop the kitchen, to be replaced with the roof lantern, however this does not appear to benefit from planning permission.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Practice Guidance

#### 2.2 Development Plans

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

CS1 High Quality Design  
CS8 Improving Accessibility

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

T12 Transportation  
H4 Development within Existing Residential Curtilages

##### South Gloucestershire Policies Sites and Places Development Plan Document (Submission Draft) June 2016

PSP1 Location Distinctiveness  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP38 Extensions within Residential Curtilages  
PSP43 Private Amenity Space Standards

#### 2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Residential Parking Standard (Adopted) December 2013

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

- 3.1 PK04/2164/F Refused 21/07/2004  
Construction of new vehicular access onto classified road (Resubmission of PK03/3871/F)

*Refusal reason:*

*1- The use of the proposed access would result in reversing movements onto and off a busy principal classified road, the A431, resulting in additional road safety hazards faced by other road users. The access cannot be considered to be safe contrary to Policy T12B of the South Gloucestershire Local Plan (Revised Deposit Draft) and would have an unacceptable effect upon road, pedestrian and cyclist safety contrary to Policy T12C of the South Gloucestershire Local Plan (Revised Deposit Draft).*

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council  
No comment.

#### **Other Representations**

- 4.2 Local Residents  
One letter of objection was received prior to the amendments being submitted. The letter stated the following:
- Proposal seems to relate to work which has previously been undertaken
  - Gap between the house in question and the properties on The Meadows will be reduced and will result in a lack of privacy, particularly if balcony is used

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

- 5.1 Principle of Development  
Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and in accordance with policy CS1 of the Core Strategy, and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.
- 5.2 Design  
The provision of a roof lantern atop the flat roof kitchen extension is considered preferable to the existing large unauthorised balcony, however as this issue could be addressed through enforcement action this has not been given weight in the decision. The lawful default position would be a flat roof, and the provision of a roof light is considered to add architectural interest to the structure. The single storey side and rear extension has a modest footprint and continues the building line of the existing rear lean-to extension up to the south-eastern boundary of the site.

Subject to a condition ensuring that the materials will match the existing dwelling, there is no objection to the proposed extension and it is considered to be in accordance with policy CS1 of the Core Strategy.

5.3 Residential Amenity

The previously proposed balcony was considered to overlook principal windows on the side of 202 High Street to the south-east. The existing larger balcony in the same position is not considered to set a precedence as it does not appear to benefit from planning permission. The applicant submitted amended plans on 8<sup>th</sup> July 2016 to show the balcony had been removed, and only the lantern now sits atop the flat roof. A condition on the decision notice will clarify that the roof cannot be used as a balcony in the future.

5.4 The objection letter received stated that the gap between the property to be extended at the properties along The Meadows would be reduced, having an impact on privacy. As the nearest point of curtilage along The Meadows is over 20 metres away from the single storey extension, this is not considered to be possible. The balcony, which was also a cause of concern to the neighbour to the rear, has been removed from the proposal. The low height of the extension and the lantern are unlikely to overbear onto 202 High Street and there are no facing windows proposed towards their garden. The development is now considered to accord with policy H4 of the Local Plan.

5.5 Transport

The existing parking arrangement at the property is unaffected, and the proposal does not increase the capacity of the dwelling. There is no transportation objection to the proposal.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

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

## **CONDITIONS**

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

Reason

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

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

Reason

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

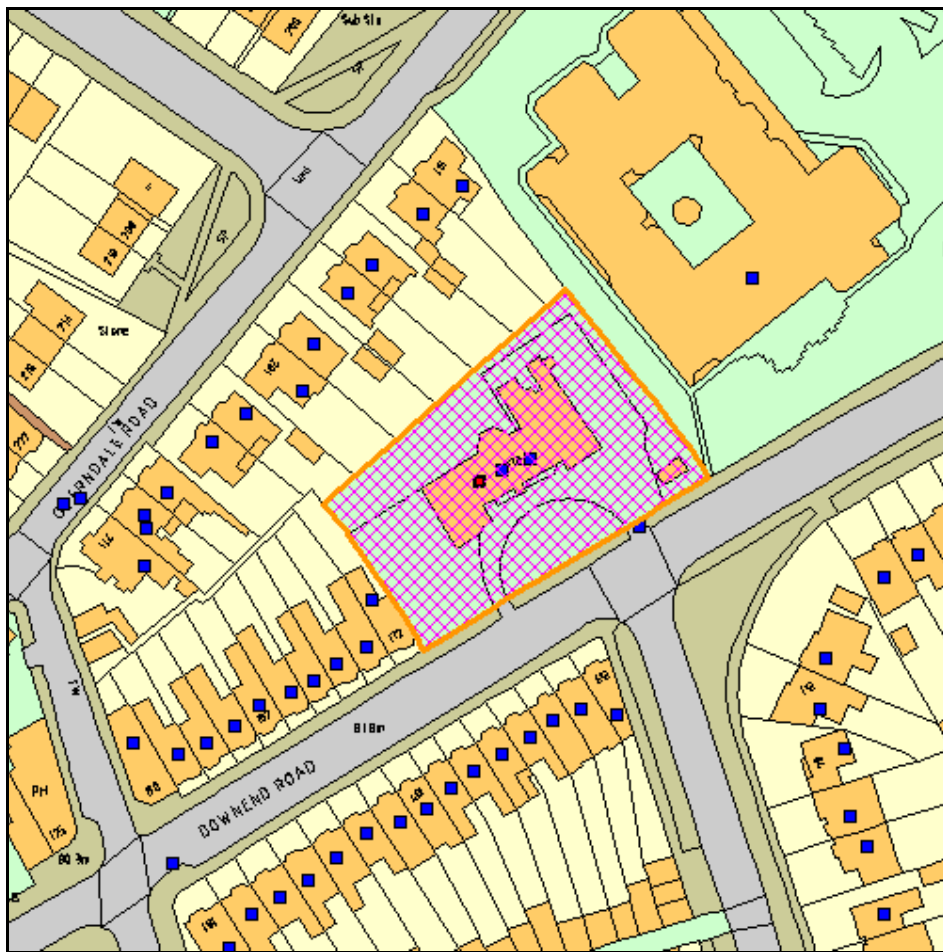
3. The roof area surrounding the roof lantern hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason

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

**CIRCULATED SCHEDULE NO. 32/16 – 12 AUGUST 2016**

<b>App No.:</b>	PK16/3750/F	<b>Applicant:</b>	Early Years Investment Ltd
<b>Site:</b>	170 Downend Road Downend South Gloucestershire BS16 5EB	<b>Date Reg:</b>	30th June 2016
<b>Proposal:</b>	Erection of a yurt building, partial demolition of rear wall and fence, erection of store, fencing and associated works.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	364291 176375	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	23rd August 2016



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

This application appears on the Circulated Schedule due to an objection from a local resident.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a yurt building, the partial demolition of a rear wall and fence, the erection of a store, fencing and associated works.
- 1.2 The application site relates to Wendover House, a grade II listed building situated within the established settlement boundary of Downend. The building is a children's nursery.
- 1.3 This application should be read in conjunction with listed building application PK16/3751/LB.

### **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

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

- T12 Transportation Development Control Policy for New Development
- L13 Listed building
- LC4 Proposals for Education and Community Facilities within Existing Urban Areas

- 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

- 2.4 Supplementary Planning Guidance

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

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

- |     |               |   |
|-----|---------------|---|
| 3.1 | PK16/3751/LB  | Partial demolition of rear wall and fence, erection of fencing and associated works   |
|     | Pending       |   |
| 3.2 | PK15/4098/LB  | Display of 5no. non-illuminated signs attached to front boundary wall.  |
|     | Approved      | 26.11.15  |
| 3.3 | PK15/4047/ADV | Display of 1no. non-illuminated post mounted sign and 5no. non-illuminated wall sign to south elevation.  |
|     | Approved      | 26.11.15  |
| 3.4 | PK14/2623/LB  | Erection of second floor extension and other multiple internal and external alterations to facilitate the conversion of building to an Early Years Day Nursery.   |
|     | Approved      | 28.8.14   |
| 3.5 | PK14/2622/F   | Erection of second floor extension and other multiple alterations to facilitate the change of use to an Early Years Day Nursery (Class D1) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). |
|     | Approved      | 25.9.14   |

### 4. **CONSULTATION RESPONSES**

#### 4.1 Downend and Bromley Health Parish Council

No objection

#### 4.2 Other Consultees

##### Listed Building Officer

No objection – the the works affect modern fabric erected as part of the previous consent for conversion to a nursery.

##### Drainage and Flood Risk Management Team

No objection

##### Highways Structures

No objection

##### Tree Officer

No objection

##### Sustainable Transport

No objection

## **Other Representations**

### **4.3 Local Residents**

One letter has been received from a local resident. The points are summarised as:

- Difficulty parking outside my house since the nursery opened
- The expansion of the business is likely to increase parking problems for me and other residents
- Plans are not accurate – there will be a loss of 5 parking spaces and not 1 as stated

## **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 relevance here would be the resulting impact on the host grade II listed property and the character of the area in general (CS1, CS5, CS9, L13). Any impact on the residential amenity of closest neighbours (H4) must be taken into consideration as must any impact on highway safety and on-street parking (T12, CS8). In addition Policy LC4 supports proposals for improvements to education facilities provided they are accessible by foot, would not unacceptably prejudice residential amenities, nor give rise to unacceptable levels of street parking to the detriment of the surrounding area.

The proposal is considered to accord with the principle of development and this is discussed in more detail below.

### **5.2 Design, visual amenity and impact on listed building**

Wendover House is an early 19<sup>th</sup> century, grade II listed house located in the 20<sup>th</sup> century suburban development between Downend and Fishponds. The house is a formal, classically designed building with a central two and a half storey block with rendered walls, end gables, plate glass sashes in moulded architraves and three modern dormers lighting the attic space. The building has been extended and altered with two sets of flat-roof, rendered blocks attached to the North East and South West gables of the main building. In 2014 it was granted permission to change use to become a nursery.

### **5.3 The purpose of the yurt is to make allowance for the admission of an additional 12 children to the nursery and under this proposal several small alterations would be required in order to achieve the introduction of a yurt to the northern corner of the site, these are listed as:**

- the partial removal of a modern garden wall that currently separates the parking area from the play area and associated fence/gate
- the installation of a vertical boarded timber fence to separate the increased play area and proposed yurt
- the installation of a buggy store and additional refuse storage area, the removal of 4 no. parking spaces and the addition of 3no. parking spaces adjacent to the new fence
- new timber fence to the rear of the yurt with gates to secure play area

- 5.4 The site for the yurt is presently an underused and unsightly area of scrub/tarmac at the back of the listed building. This application follows discussions between the applicant and the listed building officer and it was considered an appropriate, relatively unobtrusive location for the placement of a temporary garden structure which would expand the play-area and out-door facilities for the children attending the nursery. It is stated that yurt buildings are handmade, eco-friendly, semi-permanent structures and along with providing additional facilities for the children attending the nursery will be available for use by community groups and events and weekends and most evenings. Details show it to be timber framed with a polyester inner liner, fire retardant felt insulation and a polyester cotton canvas cover. Quite a large expanse of glazing would be to the front, but this has been justified by the intention to ensure sufficient natural light to the space and also to ensure good visibility for staff looking after the children. It is for this same reason that the area to the rear of the yurt would be secured from access by children.
- 5.5 Given the above the proposed yurt is considered acceptable in terms of its design, scale, massing and materials. In addition, the other alterations including those to boundary wall/fence/bin store to accommodate the proposal are also acceptable. It is further considered that the proposal would not have a negative impact on the setting of or listed building itself.
- 5.6 Residential Amenity/Environmental Impact  
The yurt will be positioned to the rear of the site on the northern side, with its windows facing into the site. It is considered that given the boundary treatment and the distance between the proposed yurt and closest neighbours there would be no negative impact following the proposed development. Similarly, in terms of the other proposed changes to the fencing, walls, storage and refuse areas, there would be no adverse effect and the proposal is considered to accord with policy.
- 5.7 Given the nature of the development it is considered it would not have an unacceptable environmental impacts and can be supported.
- 5.8 Sustainable Transport  
Planning permission is sought for the erection of a new yurt building to the rear of Wendover House with associated external alteration to allow for additional use for the existing nursery activities. This nursery was given planning consent under application PK14/2622/F in October 2014. Comments from a concerned neighbour are noted and are addressed in the following section.
- 5.9 The proposed yurt will be located in the car park to the northeast of the nursery building, on the site of three existing car parking spaces. The original scheme for a day nursery was approved with ten formal parking spaces on the site, although it was acknowledged there was space on site for additional parking. With the proposed yurt building in place, the parking layout on site would be altered taking to take into account the new facility. Plans submitted with this application show that there will be total of 9 (nine) parking spaces as opposed to 10 (ten) spaces previously approved associated with the 2014 application.

- 5.10 Associated with this current application, the applicant has submitted the details of a parking accumulation survey to ascertain the usage of the existing parking on site (for one week between 9<sup>th</sup> and 13<sup>th</sup> May 2016). The results of this survey show that on average across the week, the time with the highest number of vehicles parked in the car park was 13.00 (eight vehicle) and at 17.50 (seven vehicles). The highest number of vehicles parked in the car park at any one time is shown to be 10 and this occurred only for short periods between 0800-0805 and 0810-0815.
- 5.11 From the site inspection, Officers confirm that on-street parking on Downend Road outside and close to the application site occurs. However, as a public highway, this use cannot necessarily be attributed to the day nurse. The South Gloucestershire Council parking standards for a day nurse requires 1 space per 2 staff plus a requirement for adequate and safe space for the pickup /set down of children. Plans submitted with this application shows that total of 9 (nine) parking spaces will be retained on site. Transportation Officers are satisfied that the proposed number of spaces on site is adequate to serve the nurse's parking needs and further satisfied that the minimal reduction in parking provision (i.e. 10 spaces reduced to 9 parking – a net loss of 1 space) can occur without any harm to users of the facility or surrounds. It is also worth noting that the original approval to this day nurse was conditional on the applicant making a financial contribution toward traffic management and road safety. This is being processed by the Council's Traffic management department. Furthermore, it should be reported that the original consent to the nurse use included implementation of a 'Travel Plan' by the occupier in order to encourage staff and parents to travel by means other than private car. The applicant has confirmed that the 'travel plan' is in operation. It is noted that the nurse is accessed via two footway crossovers with Downend Road. These operate as 'in and out' arrangement and will not change as part of this proposal.
- 5.12 It is considered that the above has illustrated that the proposal would be acceptable in highway safety and parking terms and can be supported subject to a condition regarding the parking must be as per the plans and retained thereafter.

## 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. 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.

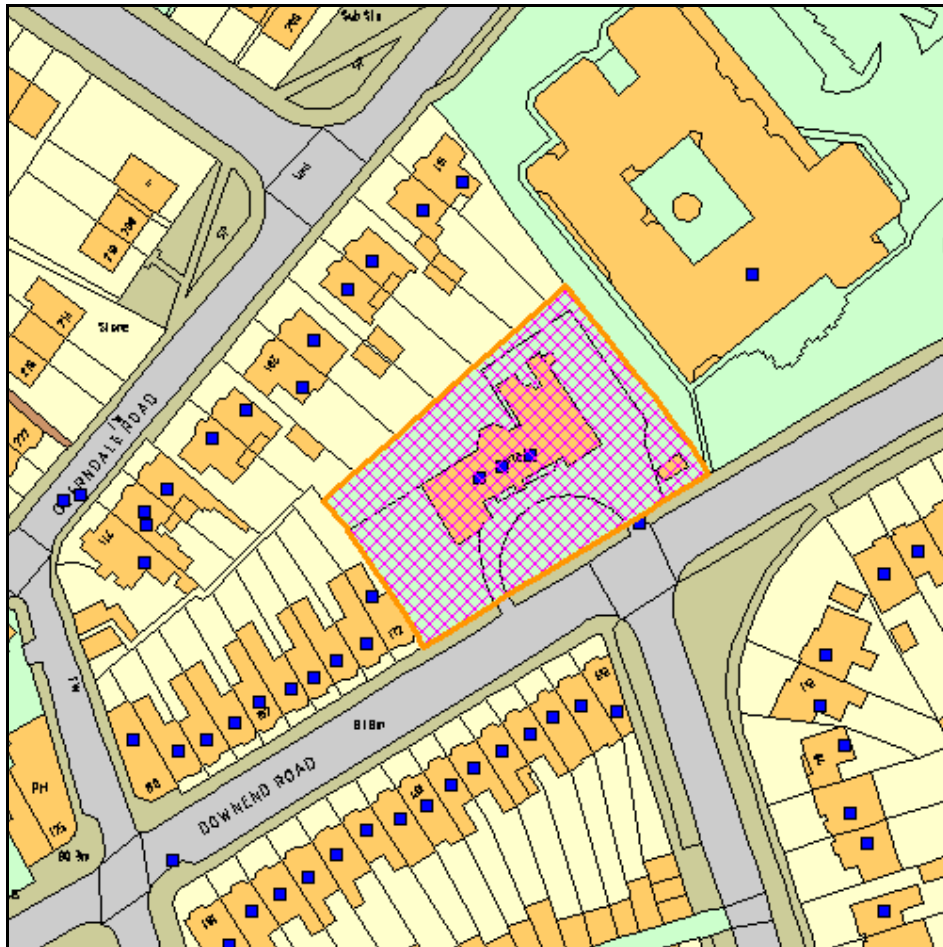
3. The off-street parking facilities for all vehicles, including cycles shown on the plans hereby approved, shall be provided before the building is first occupied, and thereafter retained for that purpose.

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.

CIRCULATED SCHEDULE NO. 32/16 – 12 AUGUST 2016

<b>App No.:</b>	PK16/3751/LB	<b>Applicant:</b>	Early Years Investment Ltd
<b>Site:</b>	170 Downend Road Downend South Gloucestershire BS16 5EB	<b>Date Reg:</b>	30th June 2016
<b>Proposal:</b>	Partial demolition of rear wall and fence, erection of fencing and associated works.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	364291 176375	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	23rd August 2016



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100023410, 2008. **N.T.S.** **PK16/3751/LB**

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

This application appears on the Circulated Schedule due to an objection from a local resident. The application should be read in conjunction with a full application PK16/3750/F and although this is an application for listed building consent, it is felt necessary and for the sake of completeness, to include it on the circulated schedule as the two proposals are linked.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks listed building consent for the partial demolition of a rear wall and fence, the erection of fencing and associated works. The application site relates Wendover House, now a nursery in Downend
- 1.2 Wendover House is an early 19<sup>th</sup> century, grade II listed house located in the 20<sup>th</sup> century suburban development between Downend and Fishponds. The house is a formal, classically designed building with a central two and a half storey block with rendered walls, end gables, plate glass sashes in moulded architraves and three modern dormers lighting the attic space. The building has been extended and altered with two sets of flat-roof, rendered blocks attached to the North East and South West gables of the main building.
- 1.3 This application should be read in conjunction with planning application PK16/3750/F which fully addresses the concerns raised by the neighbour with regard to highway and parking issues.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

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

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

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

- 3.1 PK16/3750/F                      Erection of a yurt building, partial demolition of rear wall and fence, erection of store, fencing and associated works  
  
Pending consideration
- 3.2 PK15/4098/LB                  Display of 5no. non-illuminated signs attached to front boundary wall.  
  
Approved                              26.11.15



- |     |               |  |
|-----|---------------|--|
| 3.3 | PK15/4047/ADV | Display of 1no. non-illuminated post mounted sign and 5no. non-illuminated wall sign to south elevation.<br>26.11.15   |
|     | Approved      |  |
| 3.4 | PK14/2623/LB  | Erection of second floor extension and other multiple internal and external alterations to facilitate the conversion of building to an Early Years Day Nursery.<br>28.8.14   |
|     | Approved      |  |
| 3.5 | PK14/2622/F   | Erection of second floor extension and other multiple alterations to facilitate the change of use to an Early Years Day Nursery (Class D1) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).<br>25.9.14 |
|     | Approved      |  |

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

- 4.1 Downend and Bromley Heath Parish Council  
No objection
- 4.2 Other Consultees  
  
Listed building officer  
No objection – the works affect modern fabric erected as part of the previous consent for conversion to a nursery.

#### **Other Representations**

- 4.3 Local Residents  
One letter of objection has been received from a local resident. The points raised are :
- Difficulty parking outside my house since the nursery opened
  - The expansion of the business is likely to increase parking problems for me and other residents
  - Plans are not accurate – there will be a loss of 5 parking spaces and not 1 as stated

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

- 5.1 Principle of Development  
This application stands to be assessed against National Planning Policy Framework (March 2012) and Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.2 Assessment  
The application is for the partial demolition of a rear wall and fence and the erection of fencing and associated works to improve the functioning of the nursery business.

- 5.3 It is noted that the building was granted a change of use to a nursery in 2014 and given that the wall is a modern addition, Officers have no objection to its demolition. With regards to the other proposed work which entails:
- the partial removal of a modern garden wall that currently separates the parking area from the play area and associated fence/gate
  - the installation of a vertical boarded timber fence to separate the increased play area and proposed yurt
  - the installation of a buggy store and additional refuse storage area, the removal of 4 no. parking spaces and the addition of 3no. parking spaces adjacent to the new fence
  - new timber fence to the rear of the yurt with gates to secure play area

The introduction of the yurt structure has been covered in the associated full application.

- 5.4 The proposed works are considered acceptable and would not have an adverse impact on the listed building. There are no objections to the proposal.

## 6. **CONCLUSION**

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

## 7. **RECOMMENDATION**

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

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

## **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.



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

This application appears on the Circulated Schedule because the application is a Regulation 3 application where the Council itself is the applicant.

### **1. THE PROPOSAL**

1.1 This application seeks planning permission for a number of extensions and alterations to the Warmley Park School. These include the provision of 6 no. additional classrooms and auxiliary areas as well as amendments to existing elevations to allow for internal alterations, additions of sheltered canopies over play areas and the entrance with additional parking and associated works.

1.2 In detail the main external alterations are as follows:

- Two single storey extensions on the western elevation
- A single storey extension on the eastern elevation (Autism Spectrum Disorder Unit) close to the front boundary onto Tower Road North
- A new entrance and physiotherapy on the front elevation
- Three extensions within the internal courtyards
- Additional canopies at various points within the site
- Remodelled parking to provide 16 additional car parking spaces, 16 cycle stands and an additional mini-bus space

These alterations will provide 6 no. classrooms (an additional 1118 sq.m) and additional support rooms, external play and social areas with sheltered canopies. The large extensions to the west of the site will provide a new six form centre with the provision of 4 classrooms, common room, group rooms, offices, toilets and break out space. There will also be an outdoor learning area. As well as improvements to the parking arrangements improvements to the drop off and pick up facilities to the front of the building are proposed along with a widening of the entrance to the site.

1.3 The applicant has submitted a justification for the scheme. This indicates that the school is no longer of a sufficient size to accommodate an increase in the number of pupils which will rise from 117 (the capacity is 112 – so the site is already over capacity) to 176.

1.4 The School building is adjacent to a large playing field to the North (with residential, properties beyond), Tower Road North to the East with industrial buildings and offices beyond), the access road to the South (with car parking and residential properties beyond) and the Warmley Brook and Grange School & Sports College to the West. The school is an all through Special School ranging from 3 yrs old to 18 yrs old. The pupils needs cover moderate to severe learning difficulties, profound and multiple learning difficulties and those who have Autistic Spectrum Disorder.

1.5 It should be noted that an application for the single storey building to form Sixth form centre, including multi-use games area, car park, new vehicular access and associated works (PK15/4635/R3F) has recently been withdrawn.

Concern was raised locally regarding the impact of the proposal on local amenity. In addition an objection was raised to the proposal by Sport England given that the development would have resulted in the lost of playing field space.

1.6 In support of the application, in addition to the Design and Access Statement and plans, the following has been submitted:-

- Tree Quality and Constraints Report
- Flood Risk Assessment
- Ecological Impact Assessment
- Tree Removal Plan
- Travel Plan and Parking Management Strategy
- Ground Investigation Report
- Lighting Details
- Drainage Strategy
- Education Statement

## **2. POLICY CONTEXT**

2.1 National Guidance  
National Planning Policy Framework March 2012

2.2 Development Plans

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

L1 Landscape Protection and Enhancement

L9 Species Protection

T12 Transportation Development Control Policy for New Development

T8 Parking Standards

T7 Cycle Parking

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS9 Managing the Environment and Heritage

CS23 Community Infrastructure and Community Activity

CS29 Communities of the East Fringe of the Bristol Urban Area

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

## **3. RELEVANT PLANNING HISTORY**

3.1 PK06/1735/R3F Erection of single storey extension to form Autistic Unit and installation of pond (Deemed Consent)

PK07/0086/R3F Erection of 2m high boundary fence (Deemed Consent)

PK07/1942/R3F Erection of single storey extension to form entrance block and cafe area (Deemed Consent)

PK12/1004/R3F Erection of containerised boiler plant room and associated silo (Biomass) (Deemed Consent)

PK15/4635/R3F Erection of single storey building to form Sixth form centre, including multi-use games area, car park, new vehicular access and associated works (Withdrawn June 2016)

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

##### 4.1 Siston Parish Council

Whilst members welcome the increase in parking provision from 18 to 34 spaces, members still have reservations that this number will provide enough parking spaces to meet the needs of staff, visitors and deliveries and, if the on-site parking is not adequate, the impact this might have on the already seriously congested Tower Road North

##### 4.2 Archaeologist

No objection

##### 4.3 Listed Building Officer

The proposals will enhance the external elevations of this school which, as per the Urban Design Officers comments, "is a rather tired jumble of single storey additions". The proposals will have no direct impact on the setting of the listed Summerhouse or the character or appearance of the Warmley Conservation Area. No objection.

##### 4.4 Ecologist

No objection subject to a condition requiring an ecological mitigation and enhancement plan and an informative relating to nesting birds

##### 4.5 Urban Design

No objection

##### 4.6 Environment Agency

No objection subject to an informative being attached to the decision notice relating to the proximity of structures to the bank of Warmley Brook

#### 4.7 Drainage and Flood Risk Management Team

There is no objection to the proposed development subject to a condition to secure details of a surface water drainage system to include Suds (Sustainable Drainage).

#### 4.8 Sustainable Transport

No objection subject to conditions to secure cycle parking on the site and to ensure that the submitted and approved Travel Plan is implemented in accordance with the timescales set out. The Travel Plan shall then be monitored and reviewed.

#### 4.9 Landscape Officer

No objection subject to conditions to secure an appropriate location for the front facing perimeter fencing, construction drawings to secure the protection of trees and a condition to secure some landscape planting

### **Other Representations**

#### 4.10 Local Residents

One comment has been received as follows:

The proposal has merits however adequate parking must be provided including for taxi's buses and coaches given the busy nature of Tower Road North

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The proposal is to extend the existing school, create improvements to the external areas, alter the parking provision and widen the access. This is in contrast to a previous application to build a "stand alone" building and games area on the field to the north which was withdrawn primarily due to concerns raised regarding the loss of the playing field (PK15/4635/R3F).

Guidance contained in the National Planning Policy Framework (NPPF) states that Local Authorities should plan positively for the provision for community facilities to enhance the sustainability of communities and residential environments. The NPPF also states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities; and that great weight should be given to the need to create, expand or alter schools. In this instance, when considering need, significant weight is given to the fact that a clear need is demonstrated for the expansion of the school. Submitted information indicates that the school is already accommodating more pupils than its official capacity. The approval of the proposal will ensure that there will not be a shortfall of provision in the future.

The site is located in the east fringe of the Bristol urban area. Policy CS5 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 sets out that this is the location where most new development will take place in order to reduce the need to travel and commute. Saved Policy LC4 of the South Gloucestershire Local Plan (adopted) January 2006 allows for proposals for the development, expansion or improvement of education and community facilities within the existing urban area and defined settlement boundaries.

Accordingly, the proposal is considered to represent sustainable development, the principle of which is supported by policy. The main issues to consider are matters relating to appearance/form and the effect on the character of the area; the transportation issues primarily whether sufficient parking is provided the effect on the residential amenity of neighbouring occupiers and environmental effects.

## 5.2 Design

The site comprises a large number of buildings which appear to have been extended over the years but with a single storey central building. The current total floor area is 3550.7 sq.m. The additional classrooms will increase the size of the floor area to 4645 sq.m. The proposals include a new extension to the entrance, six form centre linked to the existing school set at an angle to the existing buildings to allow an independent entrance. Two extensions are proposed in the northern courtyard which are linked to existing corridors. A small extension is proposed in the north-east corner of the site. The proposed buildings are all single storey.

It is proposed to use blue engineered brick, purple blue and turquoise render with timber cladding.

It is considered that the design of the buildings, their scale and appearance is entirely appropriate within the context of a school establishment and will improve the appearance. With respect to the energy use it is indicated that proposals aim to provide an overall reduction in carbon emissions with the construction of a highly efficient new extensions will improve the overall energy efficiency of the existing school. The proposals include LED lighting in compliance with current regulations. The new extensions are to be naturally ventilated and include large window areas for natural day lighting. The individual physical elements of the proposed construction will exceed the current building regulations elemental performance requirements including walls, floor and roof construction. It is indicated that this will increase the buildings ability to moderate its internal temperature, in both the summer and winter months.

In summary it is considered that the design of the proposal is acceptable.

## 5.3 Landscaping

Aside from the hard landscaping proposals such as the parking and walkways, soft landscaping includes raised planters, water features and seating. A small section of hedge will be removed close to two new entrances to the playing



field. The playing field will be secured with a new 2.4 metre mesh fence. New trees will be planted throughout the development. The proposed changes are considered acceptable in landscaping terms.

Subject to conditions to secure an appropriate location for the front facing perimeter fencing, construction drawings to secure the protection of trees and a condition to secure some landscape/tree planting, the proposal is considered acceptable in landscape terms

#### 5.4 Transportation

Policy T12 of the South Gloucestershire Local Plan seeks to ensure that new development makes adequate, safe and appropriate provision for the transportation demands which it will create and minimises the adverse impact of motorised traffic. Policy CS8 of the Core Strategy seeks to secure improved accessibility in particular encouraging sustainable travel options as an alternative to the use of the private motor car.

Comments have been received indicating support for the proposal subject to there being no adverse impact upon an already busy highway and in particular that sufficient parking is provided.

##### Traffic

It is considered that although there will be some extra traffic as a result of increased pupil numbers and staff, the existing highway network is considered adequate to accommodate this likely increase. It should be noted that the pupils arrive largely in mini-buses in groups rather than private cars.

##### Access

The existing vehicular access to the school is via the shared access road which branches from Tower Road North. The access is gated, however the gates remain open throughout the school day and are only locked outside of school operation hours. As part of the scheme, it is proposed to widen the existing access to allow two vehicles to enter the site simultaneously. This means that at the start and the end of the school day when minibuses are queuing to enter the site from the access road to the west, parents and taxis will also be able to turn right into the main school carpark from the east. A 3m wide pedestrian access will be maintained to the west of the vehicle access, with a zebra crossing provided across the widened access junction.

The vehicle exit to the site is to remain as existing onto Tower Road North, with no right turn permitted. The applicant has confirmed that the existing visibility distances from this falls short of the standards necessary and hence, it is proposed to improve this. The existing gate and the fence line will be realigned in order to provide visibility splays of 2.4m by 43m and this conforms with the requirement visibility standards as highlighted in 'Manual for Streets' guidance. A condition will be attached to the decision notice to ensure that the visibility splay is in place prior to the first use of the new buildings.

## Parking Provision

There are currently 20 car parking spaces on site. As part of the development proposal, the existing main car park at the school is to be reconfigured in order to increase the number of spaces on site. A total of 37 parking spaces are proposed and this includes 34 standard and 3 extra-large disabled bays. The plans submitted also shows that there is suitable location on site for up to five minibus drop off area all located near the entrance to the building.

It is also important to note that there is also an overflow car park on the south side of the shared access between Warmley Park School and the Grange school and Digitech. This car park is owned by South Gloucestershire Council and it has used by some staff. It is barrier controlled with space for 40 vehicles and is available for staff, visitors and parents.

In line with the Council's requirement on sustainability, the proposal will include provision of covered cycle parking on site. Therefore provision for total of 16 bicycles will be catered for in the main school car park to the east of the visitor car parking spaces. A condition will be attached to the decision notice to ensure that all the parking for both vehicles and cycles is provided prior to the first use of the new buildings.

## Sustainable Travel

A detailed travel plan has been submitted with the application indicating how reductions in car usage are achieved. This is considered acceptable and a condition will be attached to the decision notice to ensure that it is implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets to the satisfaction of the Local Planning Authority.

For information it is noted that Council Traffic Management department is currently reviewing the potential to implement a residential parking scheme on Tower Road North and Station Road and it can be confirmed that that there has been appropriate level of consultation between the parties on traffic management and parking issues at this location. Notwithstanding this fact the application site is able to provide for the transportation demands that it will create in terms of on-site parking provision.

Therefore subject to the conditions set out above the proposed development is considered acceptable in transportation terms

### 5.5 Residential Amenity

Given the scale and the location of the proposed development (the nearest residential properties to the buildings are at a distance of approximately 60 metres) it is not considered that that the proposed development will have an adverse impact upon the residential amenity of neighbouring occupiers. A mesh fence around the boundary of the site will be 2.4 metres high and would

not have a significant impact upon neighbouring amenity. It is considered prudent to attach a condition to restrict construction working hours.

#### 5.6 Ecology

An Ecological Impact Assessment (EclA) of the site has been provided (ADAS, May 2016). The habitat has been identified as having low suitability for foraging bats as have the buildings on site. The proposal will involve works to trees and it is considered that the provision of two bat boxes would enhance the site for bats. There is no evidence for badgers on the site. The site is suitable for hedgehogs.

In summary there is no ecological objection to the proposed development however it is considered appropriate to apply a condition that will secure an ecological mitigation and enhancement plan. An informative will also be added to remind the applicant of their responsibilities in relation to nesting birds.

#### 5.7 Drainage/Flooding

The application site is in Flood Zone 1; it is in an area where there is a low probability of flooding; therefore, it is not considered that the proposed development will be at a significant risk from flooding. The Environment Agency has advised an informative to be attached to the decision notice to remind the applicant that no structures or construction equipment should be placed within 8 metres of the top of the bank of Warmley Brook.

The Council's Drainage Officer has raised no objections to the proposal subject to a drainage condition, if permission is granted, to ensure that surface water is dealt with adequately in the interests of flood prevention and pollution control.

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

7.1 Planning permission is GRANTED subject to the following conditions.

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

## **CONDITIONS**

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

### Reason

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

2. Prior to the commencement of development an Ecological Mitigation and Enhancement Plan will be submitted to the LPA for approval in writing, based on recommendations provided in Section 8 'Summary of Recommendations' of the EcIA (ADAS, dated May 2016), to include tree protection, pollution/sedimentation avoidance measures, mammal mitigation during construction, native planting, 'habitat' pile construction and location, and types, numbers and locations of bat and bird boxes. Development will proceed in strict accordance with this approved plan.

### Reason

In order to protect the wildlife and ecology of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013

A pre-commencement condition is needed in order to avoid the need for future remedial action

3. The hours of working on site during the period of construction shall be restricted to 07.30 hours to 1800 hours Monday to Friday and 0800 to 1300 hours 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 Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013 and the provisions of the National Planning Policy Framework. (\* delete as appropriate)

4. Prior to the first occupation of the new buildings hereby approved, the vehicle and cycle parking shall be provided in accordance with the approved plans and shall be retained as such thereafter

### 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 T8 of the South Gloucestershire Local Plan (Adopted 2006) and Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013;

5. The Approved Travel Plan shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets to the satisfaction of 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.

6. Prior to the first use of the buildings hereby approved a visibility splay of 2.4 metres by 43 metres at the vehicle exit onto Tower Road North shall be provided and retained as such thereafter

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

7. Notwithstanding the details shown on Drg No. 1541-3701-E (Proposed Site Plan South) and 1541-3702-C (Proposed Site Plan South) details of the location of the security fencing and associated landscaping along the front edge of the site shall be submitted to and approved in writing prior to the commencement of development and shall be erected in accordance with the approved details. For the avoidance of doubt the security fence should be set back from the back edge of the pavement to allow structure (hedge planting).

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

A pre-commencement condition is needed in order to avoid the need for future remedial action

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.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

A pre-commencement condition is needed in order to avoid the need for future remedial action

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

For the avoidance of doubt a detailed development layout showing surface water and SUDS proposals is required as part of this submission.

Reason

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

A pre-commencement condition is needed in order to avoid the need for future remedial action

10. This decision relates only to the plans identified below:

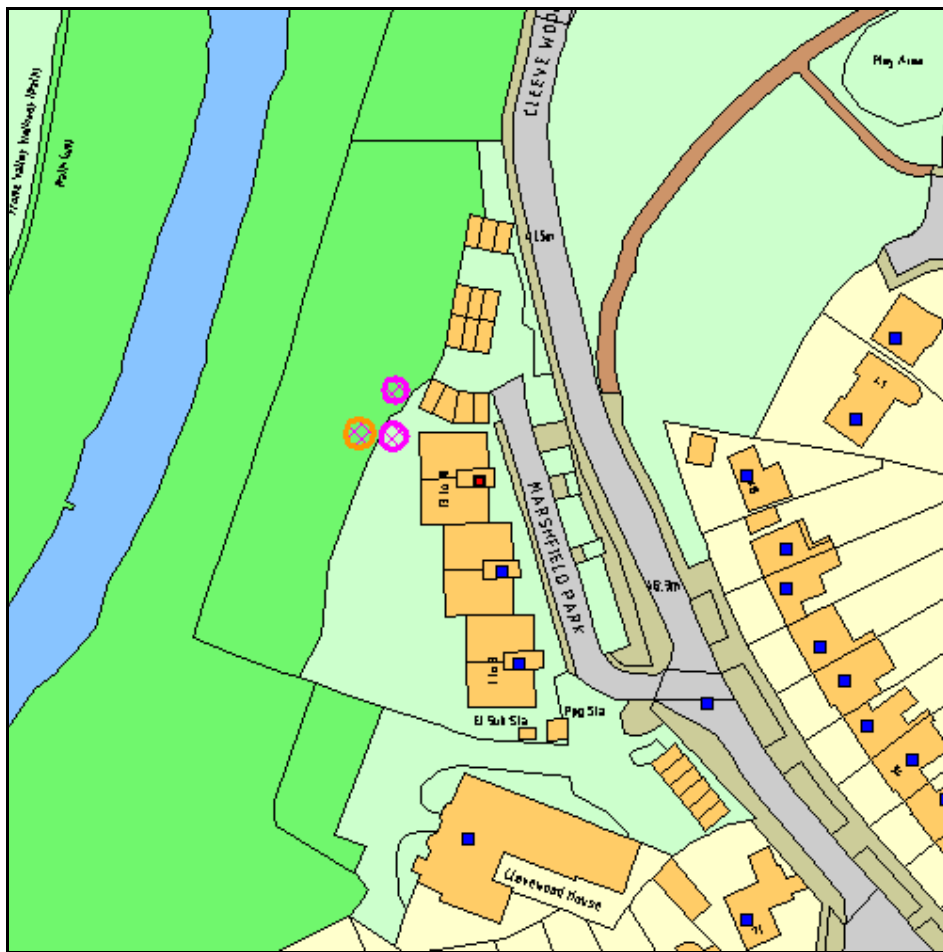
Received 17th June

2112 ILLUSTRATIVE PROPOSED SITE PLAN  
3042 WHOLE SITE - EXISTING PLAN  
031 EXISTING SECTIONS EE-GG  
3044 A EXISTING SITE PLAN - NORTH  
5955/ES/410 EXTERNAL CAR PARK LIGHTING  
003 EXISTING SITE PLAN  
5955/ES/411 P1 EXTERNAL CAR PARK LIGHTING  
5955/ES/412 P1 EXTERNAL CAR PARK LIGHTING  
020 PROPOSED ELEVATIONS - NORTH AND EAST  
3711 B EXISTING AND PROPOSED SECTIONS  
013 EXISTING ROOF PLAN  
3050 EXISTING SECTIONS  
3043 EXISTING SITE PLAN - SOUTH  
001 C SITE LOCATION PLAN  
052 H PROPOSED FLOOR PLAN 03  
3702 C PROPOSED SITE PLAN NORTH  
3701 E PROPOSED SITE PLAN SOUTH  
070 PROPOSED ROOF PLAN  
013 EXISTING ROOF PLAN  
070 PROPOSED ROOF PLAN  
021 EXISTING ELEVATIONS - SOUTH AND WEST  
010 EXISTING FLOOR PLAN  
011 EXISTING FLOOR PLAN  
012 EXISTING FLOOR PLAN  
021 PROPOSED SOUTH AND WEST ELEVATIONS  
2046 ILLUSTRATIVE EXISTING SITE PLAN  
040 H PROPOSED SITE PLAN  
051 H PROPOSED FLOOR PLAN 02  
3700 D PROPOSED SITE PLAN  
020 EXISTING ELEVATIONS - NORTH AND EAST  
050 H PROPOSED FLOOR PLAN 01  
Plan 17 Jun 2016 5955/ES/410 EXTERNAL CAR PARK LIGHTING

Reason:  
For the avoidance of doubt

**CIRCULATED SCHEDULE NO. 32/16 – 12 AUGUST 2016**

<b>App No.:</b>	PK16/3878/TRE	<b>Applicant:</b>	Marshfield Park Management Co
<b>Site:</b>	14 Marshfield Park Cleeve Wood Road Downend Bristol South Gloucestershire BS16 2TA	<b>Date Reg:</b>	30th June 2016
<b>Proposal:</b>	Works to fell 2no Yew trees and crown reduce 1no Yew Tree by 1 - 1.5 meters. Covered by Tree Preservation Order GG/TRR 99 dated 08/12/1965.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	364470 177559	<b>Ward:</b>	Downend
<b>Application Category:</b>	Works to trees	<b>Target Date:</b>	18th August 2016



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

This application is being referred to the Circulated Schedule as comments have been received that are contrary to the officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 Works to fell 2no Yew trees and crown reduce 1no Yew Tree by 1 - 1.5 meters, covered by Tree Preservation Order GG/TRR 99 dated 08/12/1965.
- 1.2 The trees are within the grounds, and to the rear of, Marshfield Park, Cleeve Wood Road, Downend, Bristol, South Gloucestershire, BS16 2TA.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - i. The Town and Country Planning Act 1990
  - ii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

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

- 3.1 PK03/3682/TRE, Site Address: Marshfield Park Cleeve Wood Road Downend South Gloucestershire BS16 2TA, Decision: COND, Date of Decision: 09-MAR-04, Proposal: Works to reduce and reshape 1No. Oak and 5No. Sycamore (W1). Covered by South Gloucestershire Council Tree Preservation Order (SG/TR99) dated 02/04/1965., CIL Liable
- 3.2 PK00/2481/TRE, Site Address: Marshfield Park, Cleeve Wood Road, Downend, South Gloucestershire, BS16 2TA, Decision: COND, Date of Decision: 08-DEC-00, Proposal: Reduction of 2 No. yew trees, crown thinning of 1 No. beech tree, and carry out works to other trees on site, CIL Liable
- 3.3 PK06/1850/TRE, Site Address: Marshfield Park, Cleeve Wood Road, Downend, South Gloucestershire, BS16 2TA, Decision: COND, Date of Decision: 11-AUG-06, Proposal: Works to fell 2no. Ash trees and 1no. Rowan tree. Reduce crown size of 3no. Yew trees by 20%. Reduce crown to 2 No. Beech trees by 20%. All covered by South Gloucestershire Tree Preservation Order SG/TR99 dated 8 December 1965., CIL Liable
- 3.4 PK16/0216/TRE, Site Address: Marshfield Park, Cleeve Wood Road, Downend, Bristol, South Gloucestershire, BS16 2TA, Decision: COND, Date of Decision: 04-MAR-16, Proposal: Works to prune back by 1.5m 1 no. Yew tree covered by SGTPO 76 dated 16th October 1963, CIL Liable

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council has no objection to the application subject to the comments of the SGC Tree Officer.

- 4.2 Winterbourne Parish Council object to the proposal on the grounds that improving the view is not a reason to fell trees.

### **Other Representations**

- 4.3 Local Residents  
None received

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Works to fell 2 no Yew trees and crown reduce 1 no Yew Tree by 1 - 1.5 meters, covered by Tree Preservation Order GG/TRR 99 dated 08/12/1965.
- 5.2 Principle of Development  
The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.
- 5.3 Consideration of Proposal  
The SGC Tree Officer has attended the site and assessed the proposed works.
- 5.4 Whilst it is accepted that removal of trees to improve a view would not normally be considered to be appropriate, the two trees in question have been fairly heavily reduced in the past so that they now provide little or no amenity.
- 5.5 The officer's view is that permitting the removal of these trees with the condition that they are replaced with trees that can provide amenity into the future is a preferable course of action.

## **6. RECOMMENDATION**

- 6.1 That consent is GRANTED subject to the conditions on the decision notice.

**Contact Officer: Simon Penfold**  
**Tel. No. 01454 868997**

### **CONDITIONS**

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

#### Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

3. Replacement trees, the species, size and location of which are to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 32/16 – 12 AUGUST 2016**

<b>App No.:</b>	PK16/3892/ADV	<b>Applicant:</b>	Bommel UK Ltd
<b>Site:</b>	Traffic Roundabout At Jct Station Rd / Station Link Rd Station Road Kingswood South Gloucestershire BS15 4GQ	<b>Date Reg:</b>	4th July 2016
<b>Proposal:</b>	Display of 3no. non illuminated hoarding signs	<b>Parish:</b>	None
<b>Map Ref:</b>	366180 174864	<b>Ward:</b>	Rodway
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th August 2016



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

The planning application has been referred to the Council's Circulated Schedule procedure due to comments received from neighbouring residents contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks advertisement consent for the display of 3no. non-illuminated hoarding signs on a roundabout near Kingswood.
- 1.2 The roundabout is at the junction of Station Road, Station Link road and Anchor Road in Kingswood.
- 1.3 The proposed signs are part of South Gloucestershire Council's roundabout sponsorship scheme.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
T12 Transportation Development Control Policy for New Development  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) August 2007  
Shopfront and Advertisements Design Guidance SPD (Adopted) April 2012

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

- 3.1 K4988/16 Construction of dual carriageway road and associated structures and drainage for Avon ring road stage II (Previous ID: K4988/16)  
No Objection 09.08.1993

### **4. CONSULTATION RESPONSES**

- 4.1 Town/ Parish Council  
Area is unparished.
- 4.2 Sustainable Transport  
The proposed signs will be set back from the carriageway on the roundabout traffic island forming the intersection of Station Road and Station Link Road. The proposed signs are not believed to affect visibility at this location.

Moreover, a recent examination of the impact of similar proposals elsewhere in South Gloucestershire has indicated that signs of this nature have no significant impact on user safety. Hence, we have no comments to make about this application.

### **Other Representations**

#### 4.3 Local Residents

An objection comment has been received from a neighbouring resident, the main points raised include:

- Advertising on or near roundabouts is a distraction.
- Link Road is already a dangerous location with the pedestrian crossing nearby.
- The distraction will result in an increase in minor incidents.

## **5. ANALYSIS OF PROPOSAL**

5.1 The application seeks advertisement consent for the display of 3no. non-illuminated hoarding signs on a roundabout in Kingswood.

#### 5.2 Principle of Development

Within the National Planning Policy Framework (2012) it is stated that poorly placed adverts can have a negative effect on the appearance of the built and natural environment. Furthermore the National Planning Policy Framework also states that advertisements should only be controlled in the interests of amenity and public safety, the cumulative impact of signs should also be taken account of. Using policy CS1 of the Core Strategy the design and design quality is assessed with regards to visual amenity. Public safety will be assessed using saved policy T12 of the Local Plan to ensure the proposed advertisements are not detrimental to highway safety or create a traffic hazard.

#### 5.3 Visual Amenity

The application site is a traffic roundabout at the junction of Station Road and Station Link Road. The proposed signs will have a total height of 0.7 metres and a length of 1 metre, the signs are of a modest size and are similar to a number of other signs on roundabouts that have recently been approved. The proposed signage will be located in an urban area which has existing traffic signage around the site. The proposed signage is considered to be of an appropriate scale and nature, and is not considered to have a adverse material impact upon the area. Nor are the signs considered to be cumulatively excessive.

#### 5.4 Public Safety

The Council's transport team have been consulted for this proposal and do not believe the proposed signage will affect visibility. This is because the signs will be set back from the carriageway. Whilst it is noted that a neighbouring resident has objected to the proposal regarding public safety as the signs could be a distraction and add to minor incidents in the area; there has been a recent examination into the impact of similar proposals elsewhere in South

Gloucestershire and there is no evidence indicating that signs of this nature have a significant impact on the safety of road users.

**6. CONCLUSION**

6.1 The recommendation to **grant** permission has been taken having regard to the requirements of the NPPF, as set out above, and to all the relevant material considerations set out in the report.

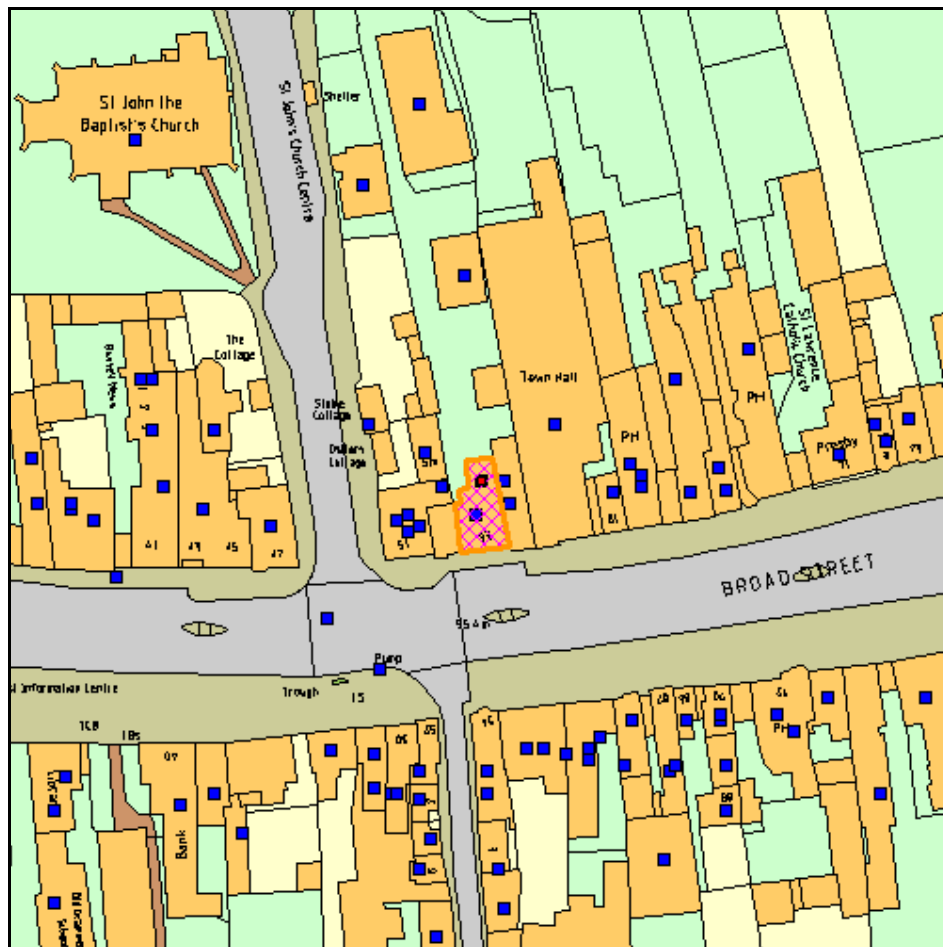
**7. RECOMMENDATION**

7.1 That the advertisement consent is **GRANTED**.

**Contact Officer: Fiona Martin**  
**Tel. No. 01454 865119**

**CIRCULATED SCHEDULE NO. 32/16 – 12 AUGUST 2016**

<b>App No.:</b>	PK16/3974/CLE	<b>Applicant:</b>	Chipping Sodbury Fish Bar
<b>Site:</b>	53 Broad Street Chipping Sodbury Bristol South Gloucestershire BS37 6AD	<b>Date Reg:</b>	6th July 2016
<b>Proposal:</b>	Application for Certificate of Lawfulness for an existing use as a Hot Food Takeaway (Class A5) with living accommodation above as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	372810 182240	<b>Ward:</b>	Chipping Sodbury
<b>Application Category:</b>		<b>Target Date:</b>	25th August 2016



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

This is an application for a certificate of lawfulness under section 191 of the Town and Country Planning Act 1990. Under the Council's constitution, such applications must be determined through the Circulated Schedule.

### **1. THE PROPOSAL**

- 1.1 This application seeks a certificate of lawfulness for the existing use of 53 Broad Street Chipping Sodbury as a hot food takeaway on the ground floor (Class A5 as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)) with living accommodation above.
- 1.2 No.53 Broad Street dates from the seventeenth century; it is constructed from rubble stone with a double roman tiled roof. At the ground floor, the front elevation includes a modern shopfront.
- 1.3 It is claimed that the site has been used as a hot food takeaway (Class A5) since 1981; however, the evidence provided covers a much more recent history.

### **2. POLICY CONTEXT**

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

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

- 3.1 There is no relevant planning history for this site

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

- 4.1 To support this application, the agent has submitted the following:
  - completed application form
  - details of business transactions
  - covering letter
- 4.2 Evidence in support of the application from other sources include
  - South Gloucestershire Council Town Centre and Retail Survey (2006 to 2016)

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

- 5.1 None received from third party sources
- 5.2 The council holds no contrary evidence

## 6. OTHER REPRESENTATIONS RECEIVED

- 6.1 Sodbury Town Council  
No objection
- 6.2 Conservation Officer  
No comment on lawfulness of use; any unauthorised alterations to the listed building would not benefit for a 10 year immunity.
- 6.3 Sustainable Transport  
No comment
- 6.4 Local Residents  
None received

## 7. EVALUATION

- 7.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the existing use of the building as a hot food takeaway with residential accommodation above is lawful.
- 7.2 Breach of Planning Control  
No planning permission has been granted for the use of the existing building as a hot food takeaway. It is considered likely that planning permission would have been required to use the building in such a manner as (i) hot food takeaways are highly unlikely to pre-date the 1947 Town and Country Planning Act and (ii) there is no identified 'permitted development' which would authorise a change of use to a hot food takeaway. Therefore the use of the building in such a manner is likely to form a breach of planning control. Section 171B of the Act introduces statutory time limits in which enforcement action against breaches of planning control should be taken. If the breach has occurred continuously for the period stated in this section it would become immune from enforcement action.
- 7.3 Grant of Certificate of Lawfulness  
Certificates of lawfulness for existing uses are covered in section 191 of the Act. Section 191(2) states:  
*For the purposes of this Act uses and operations are lawful at any time if -  
(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); [...]*
- 7.4 Time Limit of Immunity and Lawfulness  
The applicant is claiming that the existing building has been used as a hot food takeaway since 1981. This would constitute *any other breach of planning control* (referring to those explicitly mentioned in 171B(1) and 171B(2)) and

therefore in accordance with section 171B(3) of the Act, the development would become lawful at the end of a period of ten years beginning with the date of the breach.

- 7.5 In order for this certificate of lawfulness to be granted it must be demonstrated that, on the balance of probability, the use of the building as a hot food takeaway has occurred continuously for a period exceeding ten years and that there has been no subsequent change of use
- 7.6 Assessment of Lawfulness  
From the evidence submitted by the applicant it has been demonstrated that the site has traded as a takeaway. Various receipts and business papers have been submitted dating from 2003. The precise details of the operation of the site are not explicit; however, there is reasonable evidence that the building has been used by an operational business during this period.
- 7.7 A part of the council's monitoring regime of development in the district, each year a town centre and retailing survey is conducted. The main aim of this survey is to build an evidence base to be used in the formation of planning policy. However, it provides useful data of the use of specific buildings within town centres over time. Over the past 10 year period, the town centre and retailing survey has identified the site in question as being occupied by 'Chipping Sodbury Fish Bar' and the use of the building fall into Class A5.
- 7.8 Assessment Findings  
Whilst the applicant's own evidence is not sufficiently unambiguous to grant the certificate of lawfulness, when combined with the town centre and retailing surveys prepared by the council, there is little doubt that the site has been used as a hot food takeaway for a period in excess of 10 years.
- 7.9 The town centre and retailing survey does not cover the upper floors. It is claimed that the upper floors have been used for residential accommodation. The physical sub-division of the unit is not explicitly clear either in the built form or the documentation submitted to support this application. That is not to say that the local planning authority does not consider that the site could include an element of residential use. Instead, the point is more that the residential use does not appear to form a primary use of the site.
- 7.10 A residential use could be an ancillary use to the primary use and therefore it cannot be considered that the grant of a certificate of lawfulness would exclude a lawful residential occupation. However, there is insufficient information to indicate that, on the balance of probability, there has been a continuous mixed use of residential and hot food takeaway. Therefore a certificate that includes reference to a residential use should not be granted. Reference to residential has therefore been excluded from the certificate itself but for the reasons set out above this does not necessarily mean that any residential occupation would be unlawful.
- 7.11 It has been found that the building has been occupied by and operated as a hot food takeaway for a period of 10 years.

7.12 Paragraph 17c-006-20140306 of the National Planning Policy Guidance states:

*In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.*

7.13 It is therefore considered that the use of the building as a hot food takeaway would be immune from enforcement action by virtue of section 171B(3) of the Act and under section 191(2) a certificate of lawfulness should be granted

## **8 RECOMMENDATION**

8.1 It is recommended that a Certificate of Lawfulness is GRANTED for the reason listed below,

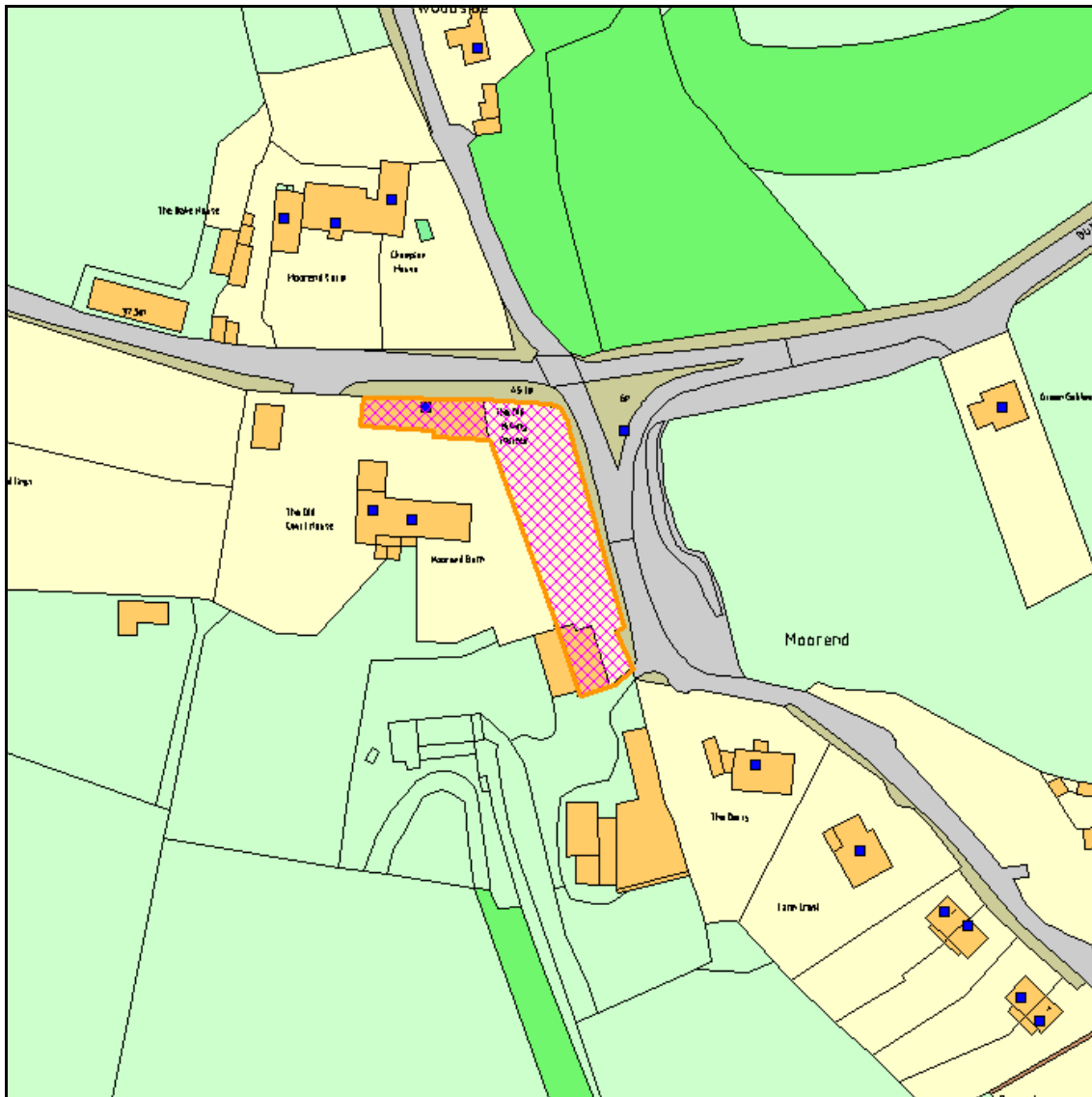
**Contact Officer: Griff Bunce**  
**Tel. No. 01454 863438**

## **CONDITIONS**

1. Evidence has been submitted (supplemented by the Town Centres and Retailing Surveys) which demonstrates that on the balance of probability the building known as 53 Broad Street Chipping Sodbury has been used continuously for a period in excess of 10 years as a hot food takeaway (Class A5 as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)) and there has been no subsequent change of use. The use of the building as a hot food takeaway is immune from enforcement action by virtue of section 171B(3) of the Town and Country Planning Act 1990 therefore considered to be lawful by virtue of Section 191(2) of the abovementioned Act.

**CIRCULATED SCHEDULE NO. 32/16 – 12 AUGUST 2016**

<b>App No.:</b>	PT16/1723/F	<b>Applicant:</b>	Mr Bown
<b>Site:</b>	The Old Milking Parlour Moorend Road Hambrook South Gloucestershire BS16 1SP	<b>Date Reg:</b>	13th June 2016
<b>Proposal:</b>	Erection of 2no single storey extensions to existing outbuilding to form bedroom and garden room.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365126 178952	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	5th August 2016



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## **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 2no. single storey extensions to an existing outbuilding to form a bedroom and garden room. The outbuilding subject to this application was permitted to be used as a garage/workshop ancillary and subservient to the main dwellinghouse; this application proposes to not later this ancillary relationship to the main dwelling.
- 1.2 After discussions with the agent, officers have deciphered that the proposal should be assessed as 2no. extensions to an existing outbuilding, one of which will form a contained garden room, whereas one extension will form a bedroom and also facilitate the conversion of the wider outbuilding into a residential annexe.
- 1.3 The application site is known as The Old Milking Parlour which is situated at a crossroads composed of Bury Hill and Church Lane. The application site is within the open countryside and also the Bristol/Bath Green Belt.
- 1.4 The host dwelling, The Old Milking Parlour, is one of a series of converted farm buildings associated with the Grade II\* listed Moorend Farm. The Old Milking Parlour, as well as the adjacent building to the host outbuilding known as Moorend Barn, are both Grade II listed buildings. The outbuilding subject to this planning application is within the listed building curtilage of such buildings.
- 1.5 Over the course of the application the submitted site location plan, including red line, was amended so that the red line went around the whole site including the main dwelling, not just the outbuilding and associated area. An appropriate period of consultation followed.

### **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 (Adopted) January 2006 (saved policies)**

L1 Landscape  
L9 Species Protection  
L13 Listed Buildings  
T7 Cycle Parking  
T12 Transportation Development Control Policy for New Development

##### **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  
 CS15 Distribution of Housing  
 CS16 Housing Density  
 CS17 Housing Diversity  
 CS34 Rural Areas

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

PSP1 Local Distinctiveness  
 PSP2 Landscape  
 PSP8 Residential Amenity  
 PSP11 Development Related Transport Impact Management  
 PSP16 Parking Standards  
 PSP17 Heritage Assets and the Historical Environment  
 PSP43 Private Amenity Space Standards

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

Residential Parking Standard SPD (Adopted) December 2013  
 South Gloucestershire Design Checklist SPD (Adopted) August 2007  
 Development in the Green Belt (Adopted) June 2007

**3. RELEVANT PLANNING HISTORY**

3.1 PT05/3630/F Approve with Conditions 27/04/2006  
 Erection of garage and workshop.

*Cond 4. The use of the building for the purposes hereby permitted shall remain ancillary and subservient to the primary residential use of the premises approved by reason of planning permission ref.P99/4274.*

*Reason. To prevent separate uses arising which may be inappropriate or over-intensive, and to accord with Policies T12, H4, and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.*

3.2 PT04/3573/F Refused 16/12/2004  
 Erection of garage and stables.

3.3 P99/4275/L Listed Building Consent 24/08/1999  
 Conversion of barns to 3no. dwellings

3.4 P99/4274 Approval Full Planning 24/08/1999  
Conversion of barns to 3no. dwellings.

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

- 4.1 Winterbourne Parish Council  
Objection, the proposal exceeds the 25% to 30% expansion within the Green Belt.
- 4.2 Ecology  
No objection subject to an informative.
- 4.3 Conservation and Listed Building Officer  
Objection, the application should be refused for the following reasons:
1. The proposals will by virtue of their scale, and design fail to preserve the special character of the former farm building at Moorend Farm contrary to section 16.(2) of the 1990 Planning (Listed buildings and Conservation Areas) Act and saved local plan policy L13 and Sections 132 and 134 of the NPPF.
  2. The proposals will by virtue of their scale, and design fail to preserve the settings of the other listed farm buildings at Moorend Farm contrary to section 66.(1) of the 1990 Planning (Listed buildings and Conservation Areas) Act and saved local plan policy L13 and Sections 132 and 134 of the NPPF2)
  3. The proposal fails, by virtue of its scale, massing, design, and detailing, to comply with the requirements of policies CS.1 and CS.9 of the Adopted Core Strategy.
- 4.4 Public Rights of Way  
No objection, the proposed development is unlikely to affect the nearest public right of way, ref. MA/18/10, which runs along the western border of the development area.

#### **Other Representations**

- 4.5 Local Residents  
One letter has been received from members of public in relation to this application. The letter contains comments of support for the application, such comments have been summarised below:
- The proposal will not harm the openness of the Green Belt as it is in a garden behind a wall.

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

- 5.1 This application seeks planning permission for a number of extensions to an outbuilding within the residential curtilage of a dwelling. The extension which will provide a bedroom, will have an internal access door to the outbuilding, with this in mind, and after discussing with the agent, it is understood that outbuilding will be converted into a residential annexe.



5.2 Principle of Development

Paragraph 89 within the NPPF allows for extensions or alterations to buildings within the Green Belt, provided this does not result in disproportionate additions over and above the size of the original building. Development which is judged to be disproportionate with regard to the original building will be viewed as inappropriate development, harmful to the Green Belt and will not be permitted. Policy CS5 of the adopted Core Strategy is supportive of the NPPF and relevant local plan policies in the protection of the Green Belt.

5.3 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.

5.4 Officers also find Policy CS9 'Managing the Environment and Heritage' of the adopted Core Strategy states that new development will be expected to ensure that heritage assets are conserved, respected, and enhanced in a manner appropriate to their significance. In a similar vein Policy L13 'Listed Buildings' states that development including proposals within the setting of a listed building will not be permitted unless the listed building's setting would be preserved.

5.5 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.

5.6 Accordingly, provided the proposal is considered to not represent a disproportionate addition to the original dwelling, and that such works impacts the setting of the heritage assets within the area appropriately, the proposal would be considered to be acceptable.

5.7 Green Belt – Disproportionate Addition

As stated within the principle of development section, development which is disproportionate over and above the size of the original dwellinghouse will not be permitted. Accordingly, only limited additions will be permitted. The Development in the Green Belt SPD sets the disproportionate test which has three components, the volume increase of the original dwelling, the appearance of the proposal and the existing extensions and outbuildings within the curtilage.

5.8 The first component involves a volume calculation and concludes: an addition resulting in a volume increase less than 30% or more of the original dwelling would be likely to be acceptable, and a volume increase of 50% or more of the original dwelling would be likely to considered in excess of a reasonable definition of limited extension.

- 5.9 In the interests of clarity the case officer has defined the 'original dwelling' from the provided definition within the Development in the Green Belt SPD which states:
- 5.9.1 *'The term 'original dwelling' refers to the volume that a dwelling was when the original planning permission for its construction was given, or for older homes the volume that the dwelling was on July 1<sup>st</sup> 1948'.*
- 5.10 This definition is in keeping with the definition provided by the NPPF of an 'original building'. The original dwelling is considered to be composed of just the dwelling as permitted under planning refs. P99/4275/L and P99/4274, this therefore excludes the existing outbuilding from what is considered to be 'original'. This is because the outbuilding was permitted in 2006, and the built in approximately 2008 – this is what the Council's aerial photographic records also demonstrate.
- 5.11 The original dwelling is considered to have a volume of 556m<sup>3</sup> (calculation provided by agent). The extensions proposed cumulatively have a volume of 150.5m<sup>3</sup>. Meaning the proposal, representing a 27.1% volume increase above the original dwelling. However, the proposed additions must be considered in a cumulative manner with regard to previous non-original development at the site, this is made clear on page 8 of the Development in the Green Belt SPD:
- 5.11.1 *'Any additions that have occurred since the original dwelling date will be considered cumulatively and will count against the overall increase in volume of the dwelling when new additions are being assessed'.*
- 5.12 With this in mind, the proposed volume increase, including the existing non-original additions at the site (the existing outbuilding subject to this application), constitutes a volume of 373.8m<sup>3</sup> (150.5m<sup>3</sup> [proposed volume] + 223.3m<sup>3</sup> [existing outbuilding] = 373.8m<sup>3</sup>). Accordingly, the proposal (including non-original additions at the site) constitutes a 67.2% volume increase above that of the original dwelling.
- 5.13 The Council's Green Belt SPD states: *'an addition resulting in a volume increase of 50% or more of the original dwelling would most likely be considered in excess of any reasonable definition of 'limited extension'.* Therefore, the proposal would be considered to be a disproportionate addition to the original dwelling.
- 5.14 The second component of the disproportionate test regards the appearance of the proposal: *'it should not be out of proportion with the scale and character of the original dwelling'.* Page 8 of the Development in the Green Belt SPD gives further guidance on how character and design should be assessed, it makes it clear that design and character does not just relate to scale and form, but also officers should ask the question of 'does it [the proposal] use appropriate details and materials'.

- 5.15 The proposed extensions will be tacked onto the side of an existing building, meaning the proposal will appear disproportionate to the existing building. It could be argued that the existing outbuilding is indeed disproportionate to the original building already, indeed if the existing building was submitted now, officers may conclude that the outbuilding constitutes a disproportionate addition in itself. Notwithstanding this, the proposed extensions would further compound the outbuilding as a disproportionate addition to the original dwelling. Consequently, the proposal is judged to be out of proportion with the scale and character of the original dwelling, failing the second component of the disproportionate test.
- 5.16 The third component of the disproportionate test relates to the existing extensions and outbuildings within the curtilage. The existing outbuilding has been included within the appropriate volume calculations as instructed by the Development within the Green Belt SPD.
- 5.17 Overall, the proposal fails the disproportionate test set out by the Development in the Green Belt SPD, and accordingly the development is considered to represent a disproportionate addition to the original dwelling. Paragraph 89 of the NPPF sets out that disproportionate additions within the Green Belt should be considered as inappropriate development. Paragraphs 87 and 88 state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances; and that substantial weight should be given to such harm.
- 5.18 Green Belt – Openness  
The proposal would introduce new built form into the Green Belt, openness is effectively considered to be the absence of development. Accordingly, although minimally, the openness of the site and the Green Belt would be reduced. Paragraph 79 of the NPPF advises that openness is an essential characteristic of Green Belts. Accordingly, this is considered to constitute moderate harm.
- 5.19 Design and Heritage – ‘Any Other Harm’  
Firstly, officers find it appropriate to address the Conservation Officer’s comments with regard to whether the host outbuilding is curtilage listed, or rather just within the curtilage of a listed building. The Planning (Listed Building and Conservation Areas) Act 1990 identifies what should be considered as a listed building. Part 1, Chapter 1, Section 1(5) states:
- In this Act “listed building” means a building which is for the time being included in a list compiled or approved by the Secretary of State under this section; and for the purposes of this Act—*
- *any object or structure fixed to the building;*
  - *any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1<sup>st</sup> July 1948,*
- shall be treated as part of the building.*

- 5.20 The dwelling known as 'The Old Milking Parlour', and also the other buildings to the south are listed, the listing date is 1981, and there have not been any more recent listings, or revisions to existing listings. The Conservation and Listed Building Officer states that the building proposed for extension would appear to be curtilage listed as although altered, it incorporates historical fabric. Officers contest this as the building subject to this application was permitted in 2006. Therefore the building post-dates the listing, as well as this, the building does not pre-date the 1<sup>st</sup> of July 1948. Further to this, officers have reviewed the planning permission PT05/3630/F which permitted the outbuilding. This permission includes no details to suggest that the proposal would incorporate (curtilage listed) historic fabric, rather the permission suggests that the outbuilding was a complete new build. Indeed, the original planning permission PT05/3630/F was just for full planning permission, there was no listed building consent, applied for, or approved/refused. If the outbuilding was built off, or included historic fabric, an application for listed building consent would have been required as the development would work to the historic fabric of a curtilage listed structure or object. However, this was not requested or required.
- 5.21 Accordingly, officers will proceed with this assessment considering the host outbuilding to not be a listed building, but rather to be within the curtilage of a number of listed buildings.
- 5.22 The proposal affects the settings of the adjacent listed buildings because of its position at higher level overlooking the other converted farm buildings. Immediately adjacent is a ruined former farm building supported on rusting scaffolding and set within a building yard.
- 5.23 The proposal seeks to further extend the existing modest former farm building with a pair of single storey extensions. Seen from below, the larger scale of the proposed garden room in particular will appear awkward and overlarge in relation to the simple form of the adjacent existing modest structure as a consequence it will cause harm to the settings of the adjacent listed buildings within the former farmyard group.
- 5.24 Given the fact that the development is extending an existing outbuilding which is positioned at a higher level than the existing farm buildings, the proposal is considered to constitute 'less than substantial harm to the significance of a designated heritage asset' in the context of paragraph 134 of the NPPF. With paragraph 134 in mind, the harm of the development should be weighed against the public benefits of the proposal, including securing its optimum viable use. The proposal has limited public benefit, and the proposals would not secure an optimum viable use. The outbuilding is currently in use as an ancillary outbuilding, and due to its existing size, it is not unreasonable to expect that the outbuilding could be converted into an annexe and garden room without extending the building. With this in mind, the development is considered to be contrary to paragraph 134 of the NPPF, specifically, the benefit of granting planning permission for this development (in terms of paragraph 134) would not outweigh the less than substantial harm to the aforementioned heritage assets.

- 5.25 Further to this, the development fails to conserve, preserve, enhance or maintain the setting of adjacent heritage assets in a manner which is appropriate to their significance. With this in mind, the development is also found to be contrary to adopted policies CS9 and L13.
- 5.26 As already alluded to the development has a poor standard of design. The existing outbuilding has a linear form, with a section of the outbuilding which drops down in height, this section forms the terminating section of the barn and is an aesthetically pleasing feature. The proposed extensions ‘top-and-tail’ the existing outbuilding. The garden room is greater in height than its attached section, whereas the bedroom has a lower height than its immediately attached section. This muddles the form of the existing building and would effectively appear as ‘tacked-on’ sections in a contrived manner. With this in mind, the development proposed is contrary to policy CS1 of the Core Strategy, and also policy H4 of the Local Plan, as well as the guidance within the adopted Design Checklist SPD.
- 5.27 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. Given the use of the extensions proposed and their context, the proposal is unlikely to materially prejudice the residential amenity of any nearby occupiers.
- 5.28 Annexe or Self Contained Dwelling  
If approved the outbuilding would be rather large, to the point that it could easily accommodate all the features and facilities required for a building to operate as a self-contained annexe. Further to this, there is a degree of separation from the main dwelling, and there is also an access to the south east of the outbuilding. These features do suggest that the annexe proposed could be utilised as a self-contained dwelling. Notwithstanding this, the agent has made it clear they are proposing an annexe, which a dependent relative will inhabit. The agent also states that the apart from the bedroom and garden room proposed, the existing outbuilding space will be utilised as a sitting area, rather than other facilities which would enable the annexe to be self-contained. With this in mind, officers have assessed the proposal as annexe rather than a self-contained dwelling. Should planning permission be granted, officers would reinstate a similar condition to that which required the outbuilding to operate and function in an ancillary manner to the main dwellinghouse.
- 5.29 Transport and Parking  
The existing dwelling has three bedrooms, the proposal would result in the addition of one bedroom. To accord with the Council’s residential parking SPD, the application site must be capable of providing two off street car parking spaces within its curtilage. The site currently does so, as such there are no highway safety objections to this proposal.
- 5.30 Green Belt Summary  
Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

- 5.31 The development is considered to represent a disproportionate addition within the Green Belt contrary to paragraph 89 of the NPPF, with this in mind, the proposal represents inappropriate development in the Green Belt that attracts significant harm. The development also reduces the openness of the Green Belt which attracts moderate harm in this case. Further to this, the proposal has a poor standard of design, which fails to conserve, preserve, respect or enhance a number heritage assets in manner appropriate to their significance. This is considered to constitute less than substantial harm in accordance with paragraph 134 of the NPPF, for which no public benefit or viable re-use would occur from the proposal.
- 5.32 Paragraph 88 of the NPPF states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 5.33 No very special circumstances have been submitted. Notwithstanding this, the development cumulatively represents substantial and considerable harm, with this in mind, officers cannot envisage any circumstances that would clearly outweigh such harm. Accordingly, the proposal should not be permitted.

## **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 **refuse 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 **REFUSED** for the reasons listed below.

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

## **REFUSAL REASONS**

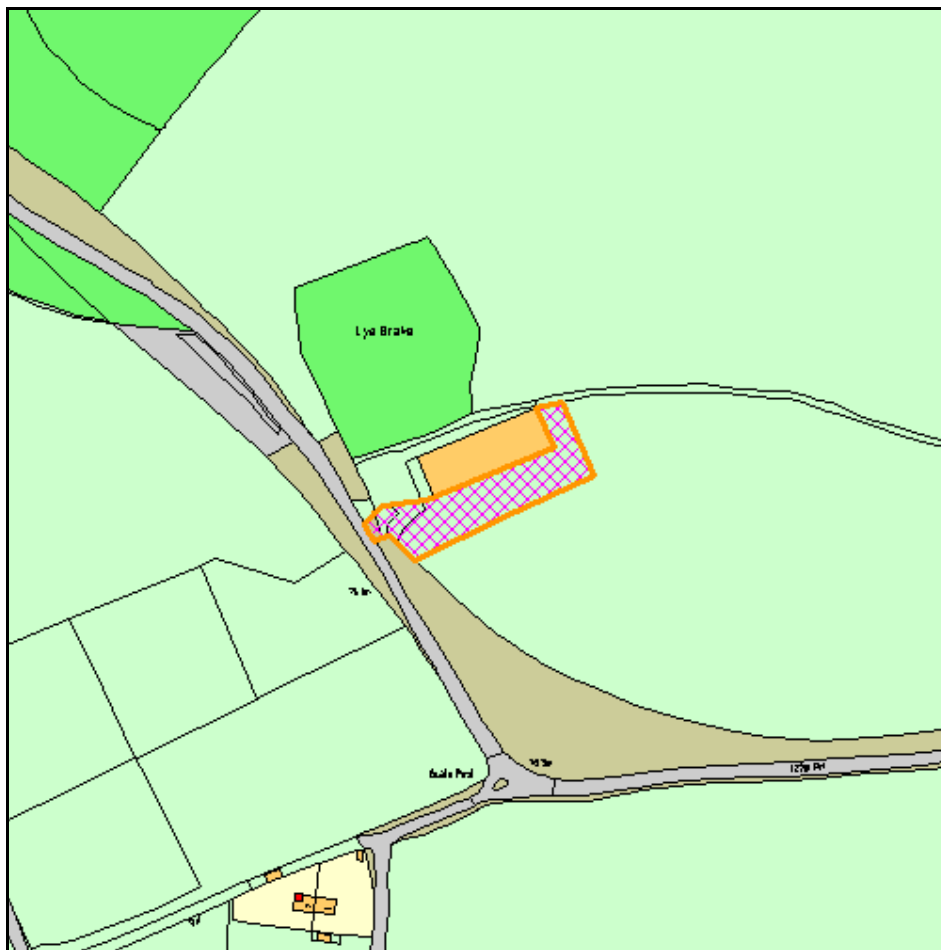
1. The host building has a modest linear form. The development proposed would attach extensions to either end of the existing outbuilding in a manner which is not considered to constitute a good or high quality of design. As such the proposal is harmful to the character of the outbuilding and application site as a whole. With this in mind, the development represent a poor standard of design which fails to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy H4 of the South Gloucestershire Local Plan (Adopted)

January 2006; and Paragraphs 56, 57, 61, and 64 of the National Planning Policy Framework; and The South Gloucestershire Design Checklist SPD (Adopted) 2007

2. The proposal seeks to further extend the existing modest former farm building with a pair of single storey extensions. Seen from below, the larger scale of the proposed garden room in particular will appear awkward and overlarge in relation to the simple form of the adjacent existing modest structure as a consequence it will cause harm to the settings of the adjacent listed buildings within the former farmyard group. The proposal will therefore fail to preserve, conserve, respect or enhance the character and setting of the Grade II listed Moorend Barn, and also the Grade II listed building known as 'The Old Milking Parlour'. This harm has been identified as being less than substantial, and no public benefit or viable re-use has been identified which would justify such harm. With this in mind, the development fails Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006; and Section 12 of the National Planning Policy Framework.
3. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt as the extension is considered to be disproportionate. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; the advice set out in the adopted Development in the Green Belt SPD (2007); and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 32/16 – 12 AUGUST 2016**

<b>App No.:</b>	PT16/3297/F	<b>Applicant:</b>	C G And D Heal Ltd
<b>Site:</b>	Land At Vattingstone Lane Alveston Bristol South Gloucestershire BS32 4PQ	<b>Date Reg:</b>	10th June 2016
<b>Proposal:</b>	Erection of extension to existing agricultural building for the storage of grain and formation and laying of new access	<b>Parish:</b>	Aust Parish Council
<b>Map Ref:</b>	361236 188233	<b>Ward:</b>	Severn
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th August 2016



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 100023410, 2008. N.T.S. PT16/3297/F



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

This application is referred to the circulated schedule for determination to take into account representations that have been received which are contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of an extension to an existing agricultural building on land adjacent to Vattingston Lane in Alveston. An earlier prior notification was refused by the local planning authority; this application seeks to overcome the previous concerns raised and allows the local planning authority to impose conditions on any permission granted.
- 1.2 The proposed development consists of the erection of an extension to the southern side of the building. The extension would project 15 metres from the existing side elevation and would run along the whole length of the side of the building. The extension would have a catslide roof and therefore appear as a lean-to extension on the existing building. Externally it is proposed to finish the extension in materials to match those used on the existing building.
- 1.3 The site is located to the north of Vattingstone Lane, between Alveston and Elberton. Access is provided from Vattingstone Lane which is a 'B' Category highway (B4461). Currently the site is served from an access at the brow of the hill and a sharp bend at the junction of Vattingstone Lane and Foxholes Road. It should be noted that when the original prior notification was submitted for the building (PT08/1996/PNA) it included a new access from the south of the site; this appears not to have been installed. It was proposed when the application was submitted to use the access as proposed in 2008. This was considered to be less satisfactory that the intensified use of the existing access and amended plans have been received which remove the access to the south of the building. A public right of way runs behind the site. The application site is located within the Bristol and Bath Green Belt. The site is also of archaeological interest being located 300 metres from Elberton Camp, a scheduled monument, and other archaeological features.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

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

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS9 Managing the Environment and Heritage

CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- L1 Landscape
- L11 Archaeology
- T12 Transportation
- E9 Agricultural Development

2.3 Supplementary Planning Guidance

- i. Development in the Green Belt SPD (Adopted) June 2007
- ii. Revised Landscape Character Assessment SPD (Adopted) November 2014

**3. RELEVANT PLANNING HISTORY**

- 3.1 PT16/0523/PNA Refusal 17/03/2016  
Prior notification of the intention to erect an extension to existing agricultural building for the storage of grain.

*Reasons*

1. The prior approval of the Local Planning Authority is required with regard to the siting of the proposal due to the potential for surviving archaeology on the site. An archaeological evaluation should be submitted to demonstrate that the proposed development would not result in harm to heritage assets.
2. The prior approval of the Local Planning Authority is required with regard to siting, design and external appearance due to the potential impact of the development on the landscape. A scheme of additional tree planting should be submitted to demonstrate that the proposed development would not result in harm to the landscape.

- 3.2 PT09/5663/F Approve with Conditions 21/12/2009  
Erection of extension to existing agricultural building

- 3.3 PT08/1996/PNA No Objection 08/08/2008  
Prior notification of the intention to erect an agricultural building for the storage of grain with new access

**4. CONSULTATION RESPONSES**

- 4.1 Aust Parish Council  
Objection: new access is not safe; barn is excessive in size and not required; need for building should be questioned; use as a warehouse or other commercial purpose should be prevented.

- 4.2 Archaeology Officer  
Archaeological watching brief required by condition

- 4.3 Highway Structures  
No comment

- 4.4 Landscape Officer  
No objection; request for further tree planting and removal of proposed access to the south.

- 4.5 Lead Local Flood Authority  
No objection
- 4.6 Transportation  
Following amendments to the proposal, no objection

### **Other Representations**

- 4.7 Local Residents  
None received

## **5. ANALYSIS OF PROPOSAL**

- 5.1 This application seeks planning permission for the erection of an extension to a barn on land near Alveston.

### **Principle of Development**

- 5.2 Policy E9 dictates the Council's approach to agricultural buildings. This policy is supportive of agricultural development subject to an assessment of the purpose and siting of the building and consideration of alternative existing buildings; access; environmental impacts; and, residential amenity. Design, landscape and heritage considerations must be made against policies CS1, L1 and L11 respectively. Consideration must also be given to the site's location in the green belt.

- 5.3 In terms of the principle, the proposed development is acceptable in principle but should be determined against the analysis set out below.

### **Agricultural Building**

- 5.4 The applicant states that the building is required for the storage of grain. The applicant is C G & D Heal Ltd, an established agricultural enterprise which farms (according to the design and access statement) in excess of 200 hectares of land in and around Latteridge and Alveston. The proposed extension would be to an existing agricultural building on a parcel of agricultural land that extends to 30 hectares.

- 5.5 Given the planning history on the site, the local planning authority has previously accepted that a building was required for agricultural purposes; this position cannot now be reviewed. The question is whether the proposed extension is required for agricultural purposes and whether there are any reasonable alternatives, such as underused buildings.

- 5.6 It is stated that the building would be used for the storage of grain. Officers note that the building is large. It would seem that the size of the building would be likely to provide significant storage capacity. If this was a new building, rather than an extension, the imposition of a condition restricting the use of the building would be considered. However, the building has been previously extended once under a planning application and no such condition was imposed at the time. The reasonableness of conditioning the use of the existing building is questionable; conditioning the use of the proposed

extension would therefore have limited impact on the overall use of the building. Should the building be used for uses other than agricultural purposes, it would constitute a material change of use for which a planning permission – deemed or express – would be required. Therefore, whilst officer have doubts that the size of the proposed extension is wholly justified and that a building of this size would be used exclusively for the storage of grain, there is insufficient contrary evidence to find that the building would not have an agricultural use and therefore not benefit from the provisions of policy E9.

- 5.7 Plans have been submitted which indicate the extent of this part of the applicant's holding. Notwithstanding the above, it is not considered that there are reasonably available alternatives to the proposed building and therefore the principle of an extension is accepted.
- 5.8 Agricultural development with a deemed consent by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 is subject to a condition that when the agricultural use of a building permanently ceases within 10 years of the date the building was substantially completed and planning permission has not be granted for an alternative use within 3 years of the date the agricultural use ceased, the building or extension shall be permanently removed from the land and the land restored to its former condition (paragraph 6:A.2(5)). Given the concerns expressed above, such a condition should be applied should planning permission be granted.

#### Green Belt

- 5.9 The site is located in the Bristol and Bath Green Belt where there is a general presumption against development in order to preserve the open nature of the land. However, the NPPF provides defined exception categories to the presumption against development in the green belt. One such category is the construction of new buildings for agriculture and forestry. There is no caveat to this exception category that explicitly discusses the impact of the development on the openness or purposes of the green belt. Therefore, a new building of the resulting size of the extended building should planning permission be granted may not be inappropriate development in the green belt. Therefore, weight is given to this in the green belt assessment over and above the alternative exception category of the extension to an existing building provided that the extension did not result in a disproportionate addition over and above the size of the original building.
- 5.10 The extension has not been found to comprise inappropriate development in the green belt and therefore no objection is raised to the development on this basis.

#### Transportation

- 5.11 The proposed extension to the barn would use the existing access. When this proposal was originally submitted it included a new access, which was also indicted on the 2008 notifications. It was considered that the proposed access could not be lawfully be implemented as the 2008 consent did not provide an access to the highway. Furthermore, it was considered that the use of the existing access would be preferable in terms of highway safety. Amended

plans have been received which show the proposal utilising the existing access. On the basis the transport officer has removed their objection to the development.

#### Landscape

- 5.12 The application proposes a large building in an area of open countryside. The lack of appropriate landscaping and screening formed one of the reasons why the prior approval of the local planning authority was required. Plans have been submitted which indicate that additional tree planting would be included within the proposal and the highly visible access road has been omitted.
- 5.13 Plans have been further amended to reflect the landscaping scheme and it is considered that should the plans be implemented the development would not have a significant impact on the landscape. Therefore, the proposed landscaping shall be secured by condition.

#### Heritage

- 5.14 The application site is in close proximity to an Iron Age hill fort. This formed one of the reasons why the prior approval of the local planning authority was required. An assessment has been made of the underlying ground conditions and upon this it has been agreed that archaeological investigation is not required prior to determination of this application.
- 5.15 However, it is still considered that there is significant potential for surviving archaeology in situ where the development is proposed. Therefore, in order to address this an archaeological watching brief will be secured by condition.

#### Residential Amenity

- 5.16 Development should not be permitted that has a prejudicial impact on residential amenity. The area is rural in nature with few residential properties nearby. There is an existing barn on the site. The extension to the barn is considered to unlikely to result in a significant impact on residential amenity.

#### Environmental Effects

- 5.17 Development should not be permitted that has a harmful environmental effect. The area is rural in nature and the development would not alter the status quo if the site given that there is an existing barn on the site. The extension to the barn is considered to unlikely to result in a significant impact on the environment.

#### Other Matters

- 5.18 Much of the concern raised by the parish council has been addressed in the body of the report. The only matter which requires further clarity is that the use of the building for purposes other than agricultural would require planning permission. Given the proposed conditions, it is considered that strict control over the use and permanence of the proposed extension has been exercised. A warehouse use would be assessed on its merits should such an application be submitted.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

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

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

### CONDITIONS

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

Reason

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

2. Prior to the first occupation of the extension hereby permitted, the Local Planning Authority shall be informed in writing of the date that the extension was substantially completed.

Reason

For the purposes of monitoring the agricultural use of the building and to accord with policy CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, policy E9 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), and the provisions of the National Planning Policy Framework.

3. Should the agricultural use of the extension hereby permitted:
- permanently cease within a 10 year period from the date on which the extension was substantially completed (as recorded by Condition 2) and;
  - planning permission has not been granted – deemed or otherwise – for the use of the extension for a purpose other than agriculture within 3 years from the date that the agricultural use permanently ceased;
- the extension shall be removed from the land and the land and retained building restored to their respective former condition.

Reason

To protect the character of the landscape, openness of the green belt, and agricultural use of the building and to accord with policy CS4A, CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, policy L1 and E9 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), and the provisions of the National Planning Policy Framework.

4. 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.

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 is required prior to commencement to ensure the development has no detrimental impact on archaeological remains.

5. The proposed landscaping as shown on plan 48231/69/001 rev F shall be implemented in full within the first planting season following the first occupation of the extension hereby permitted. If, within a period of 5 years from the date of the planting of any plant or tree, that plant or tree, or any plant or tree planted in replacement of it, is removed, uprooted or destroyed and dies, or becomes (in the opinion of the Local Planning Authority) seriously damaged or defective, another plant or tree of the same species and size as that originally planted shall be planted at the same place in the first planting season following the removal, uprooting, destruction, death, damage or deflection of the plant or tree.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 32/16 – 12 AUGUST 2016**

<b>App No.:</b>	PT16/3466/F	<b>Applicant:</b>	Crossman Homes Ltd
<b>Site:</b>	Former Western Coach House Car Park Bristol Road Frampton Cotterell South Gloucestershire	<b>Date Reg:</b>	8th June 2016
<b>Proposal:</b>	Erection of 4no. detached dwellings and 4no. detached garages with access and associated works.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366019 182193	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd August 2016



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 100023410, 2008. **N.T.S.** **PT16/3466/F**



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

The following report appears on the Circulated Schedule following a letter of objection from a local resident and the concerns of the Parish associated with this comment. A number of letters have been received in support.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of 4no. dwellings and 4no. detached garages with access and associated works on a site of approximately 0.25ha, formerly the car park associated with Western Coach House. The site lies just outside the settlement boundary of Frampton Cotterell, therefore in the open countryside and in the Bristol/ Bath Green Belt. The site sits in between residential properties, adjacent to Bristol Road with a firm of haulage contractors immediately to the rear.
- 1.2 Following a recently withdrawn scheme for similar development on the site, detailed pre-application advice was given to the applicant which concluded: *despite the site being located outside a settlement boundary, in open countryside and within the Green Belt where development is strictly controlled, it is likely that with a strongly made individual and specific case for development in this particular location that the proposal could be supported.*
- 1.3 During the course of the application revised plans were received to move the position of the fourth house further into the site to address comments received by a neighbour and the Parish.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

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

- T12 Transportation
- H3 Residential Development in the Countryside
- L1 Landscape Protection and Enhancement
- L4 Forest of Avon

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
- CS15 Distribution of Housing
- CS16 Housing Diversity
- CS17 Housing Density
- CS34 Rural Areas

2.3 South Gloucestershire Local Plan - Emerging: Policies, Sites and Places Plan (March 2015) (PSP Plan)

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historical Environment
PSP21	Environmental Pollution and Impacts
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

2.4 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013  
South Gloucestershire Design Checklist SPD (Adopted) August 2007  
South Gloucestershire Council SPD: Green Belt (Adopted) 2007  
South Gloucestershire Landscape Character Assessment (adopted Nov 2014)  
Area 10 Earthcott Vale  
Frampton Cotterell and Coalpit Heath Village Design Statement

**3. RELEVANT PLANNING HISTORY**

3.1 PT15/4627/O      Erection of 4no. dwellings (Outline) with all matters reserved.  
Withdrawn      January 2016

3.2 PT08/0860/F      Change of use of part of the former public house car park to domestic garden.  
Refused      21.5.08

Reason 1:

The proposed development would take place outside of the established residential curtilage and within the open countryside and does not constitute the limited type of residential development allowed in the open countryside as defined in Policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006. As such the proposed development is contrary to Policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006, PPS1 and PPS7.

Reason 2:

The proposed development would take place outside of the established residential curtilage and within the Green Belt. The characteristics of residential uses and the associated paraphernalia would have a material impact upon the openness of the Green Belt and the purpose of including land within it. As such the development does not fall within the limited categories of development that is appropriate within the Green Belt as defined within Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the 'Development within the Green Belt' Supplementary Planning Guidance (adopted); and PPG2. The applicant has not provided any information that demonstrates that there are very special circumstances that would outweigh the harm to the Green Belt and so justify the proposed development.

As such the development would, by definition be harmful to the openness and character of the Green Belt and is contrary to the provisions of Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006, the 'Development within the Green Belt' Supplementary Planning Guidance (adopted), Policy 16 of the Adopted Joint Replacement Structure Plan; and PPG2

Appeal dismissed 24.10.08

- 3.3 PT07/3034/F Conversion of existing building to form a single dwellinghouse and erection of two storey side extension.  
Refused 6.11.07

Reason 1:

The proposed development would take place outside of the established residential curtilage and within the open countryside and does not constitute the limited type of residential development allowed in the open countryside as defined in Policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006. As such the proposed development is contrary to Policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006, PPS1 and PPS7.

Reason 2:

The proposed development would take place outside of the established residential curtilage and within the Green Belt. As such the development does not fall within the limited categories of development that is appropriate within the Green Belt as defined within Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the 'Development within the Green Belt' Supplementary Planning Guidance (adopted); and PPG2. The applicant has not provided any information that demonstrates that there are very special circumstances that would outweigh the harm to the Green Belt and so justify the proposed development. As such the development would , by definition be harmful to the openness and character of the Green Belt and is contrary to the provisions of Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006, the 'Development within the Green Belt' Supplementary Planning Guidance (adopted), Policy 16 of the Adopted Joint Replacement Structure Plan; and PPG2.

Reason 3:

The proposed development would result in a reduced housing density from approximately 40 dwellings to approximately 9 dwellings per hectare. This is significantly lower than the minimum density required by PPS3 and as such the development would not make the most efficient use of land for housing purposes. The proposed development is therefore contrary to Policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006; and PPS3.

- 3.4 PT06/3460/F Erection of two storey side extension to form additional dwelling.  
Refused 5.1.07

Reason 1:

The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, Policy GB1 of the South Gloucestershire Local Plan (Adopted), and Policy 16 of the Adopted Joint Replacement Structure Plan.

Reason 2:

The proposed development falls outside of the categories of appropriate development for residential development outside the existing urban areas and the boundaries of settlements and is therefore contrary to Policy H3 of the South Gloucestershire Local Plan (Adopted) and PPS3.

3.5	PT06/2188/F	Demolition of single storey side and rear extensions and conversion of existing building to facilitate 3 no. dwellings (Resubmission of PT06/1041/F)	Approved	18.8.06
3.6	PT06/1041/F	Demolition of single storey side and rear extensions and conversion of existing building to facilitate erection of 3 no. dwellings.	Withdrawn	12.5.06
3.7	PT02/0735/F	Retrospective application to increase parking area for public house and landscaping.	Refused	9.5.02
3.8	P92/1497	Use of land for model racing car track. (Renewal of temporary consent)	Approved	20.5.92
3.9	P89/3363	Change of use of land to model race track	Approved	7.3.90
3.10	P87/2798	Construction of car park access road (in accordance with the amended details received by the council on 10 <sup>th</sup> December 1987)	Approved	7.1.88
3.11	N1273/2	Erection of detached dwelling and alterations to existing vehicular access. (Outline).	Refused	16.6.83
3.12	N1273/1	Construction of extension to car park.	Approved	7.7.77
3.13	N1273	Residential development on approximately 0.41 acres of land. (Outline).		

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

##### 4.1 Frampton Cotterell Parish Council

No objection subject to there being no adverse impact on the amenities of 187 Bristol Road

##### 4.2 Other Consultees

###### Drainage

No objection subject to a condition regarding SUDS

###### Highway Structures

No objection

###### Archaeology

No objection subject to a condition regarding site investigation

###### Sustainable Transport

No objection subject to a condition regarding works to the footway and bus stop and an informative relating to works to the highway

###### Listed building officer

Objection: harm to the non-designated heritage asset next door

#### **Other Representations**

##### 4.3 Local Residents

One letter of objection has been received by the Council as follows:

- With reference to plot 4 house I feel that the close proximity to 187 Bristol Road [which is next door to the new build] will caused the light to be reduced and vision to be impaired and I would prefer that the house would be further back as to reduce this problem.

Four letters of support have been submitted to the Council and the points raised are summarised as:

- something needs to be done with this site and everyone in the village would like to see this
- even though this is Green Belt and I would not normally support building on Green Belt, the land is locked and has no other use
- I support this application. If planning does not go through what will happen to the land?
- the land is directly adjacent to my property and is an eyesore
- the land currently has a detrimental effect on my property due to the amount of rubbish which accumulates due to fly tipping and has been used for anti-social purposes
- it is in the community's interest to create more housing by building on sites (irrespective of status) which are wasteland

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The proposal stands to be assessed against the above listed policies and all other material considerations. Of particular importance is the location of the site within the Green Belt and outside any settlement boundary. Policy CS5 of the adopted Core Strategy directs where development should take place and states that development in the Green Belt will need to comply with the provisions of the NPPF or relevant Local Plan policies in the Core Strategy. Policy CS5 also notes that development within the open countryside will be strictly limited. Similarly, Policy CS34 'Rural Areas' of the Core Strategy aims to protect the designated Green Belt from inappropriate development and maintain settlement boundaries defined on the Policies Map around rural settlements.

5.2 It is acknowledged that an appeal decision stated that South Gloucestershire Council does not have a five year land supply and as such Policy CS5 is considered out of date. Given this, paragraph 49 of the NPPF is engaged. The NPPF is supportive of sustainable housing development unless *any adverse impacts for doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (para 14).*

5.4 Notwithstanding the status of Policy CS5, the location of the site within the Green Belt remains paramount and paragraph 87 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 of the NPPF sets out exception categories where the construction of new buildings within the Green Belt should be considered to be appropriate development. One of these exception categories is '*limited infilling in villages*'. In essence the pre-application advice concluded: firstly, that the proposal accorded with the fundamental aims of the Green Belt as development on previously developed land would help check unrestricted sprawl in to the countryside and assist in safeguarding it from encroachment and would furthermore, assist in urban regeneration by encouraging the recycling of derelict and other urban land. Secondly, the proposal could be considered under this part of the criteria provided the supporting statement and the overall design were sufficient to make the case to show how this site constitutes limited infilling in the village.

5.5 Supporting information has therefore been provided in the form of a detailed statement. The statement argues that *whilst Frampton Cotterell cannot be seen as a large built up area, it constitutes a significant development within the open countryside...as the site is already surrounded by development...the development site is an infill within an existing development pattern.* It goes on to state that *in the context of this existing development which establishes its infill characteristic ... the site cannot be characterised as sprawl or encroachment into the Green Belt.*

- 5.6 In addition the agent declares that *being separated from the established settlement boundary by the width of the main road* and with the LPA failing to prove a 5 year land supply of housing, *the issue of the settlement boundary should be afforded less weight*. The agent emphasises this point by stating *In addition the principle of limited village infill as described in paragraph 89 of the NPPF applies to all villages in Green Belt whether within the settlement boundary or not*.
- 5.7 The issue of the site being brownfield land is raised in further support of the development. It is cited that the location is *clearly identifiable as a brownfield site given both its history and current condition* with the assertion that it is a more attractive prospect to develop previously developed land rather than untouched green field sites. Bringing back this site into use rather than leaving it to further deteriorate is also included in the suite of reasons.
- 5.8 It is therefore necessary for Officers to weigh up the benefits of the proposal against the harm. In the first instance, the introduction of 4no. new dwellings would be a significant benefit to the housing supply and this counts in its favour. In addition it is recognised that the long-term re-use of the piece of land that has become divorced from its host building, the former public house and again this would hold some weight in its favour as would the re-use of brownfield land. However, on the negative side the site is the potential and 'significant' harm to the Green Belt: the site is at the edge of the settlement of Frampton Cotterell and historically was not included within the settlement boundary. This does count against the infill argument.
- 5.9 Notwithstanding the above, the village settlement boundary is acknowledged as a device employed primarily to principally control the supply of housing in rural areas, and in view of South Gloucestershire's overall housing supply position, attracts less weight. The paragraph 89 exception infilling can be appropriate in all villages in Green Belt terms whether or not there is a designated settlement boundary. The agent has recognised this and has submitted the case that the linear design of the development stretching between the former Coach House and No.187 Bristol Road relates to the overall settlement and fits in with the established pattern of design rather than creating a sporadic ribbon development. It is furthermore recognised that the scheme would continue the established building line along this part of Bristol Road and would be constrained by the size of the site and the number of proposed houses which has been limited to four. Weight is therefore given in favour of the scheme on this basis.
- 5.10 In a similar vein the proposal is to be assessed against paragraph 55 of the NPPF. This tells us that isolated homes in the countryside should be avoided. The case provided by the applicant has illustrated that settlement boundaries are guiding tools with the main function perhaps of restricting unacceptable development in rural locations. It furthermore asserts that as the site is directly outside an existing bus stop, almost directly opposite a local shop and petrol station, within walking distance of doctor's surgery, dentist and schools etc the site is in a sustainable location. Planning applications are always assessed on their own merits and this instance is no exception.

The unique circumstances of this individual site are recognised and are considered sufficient to warrant awarding weight in favour of the proposal being infill in a village setting.

- 5.11 To summarise, it is acknowledged that the site is within the Green Belt where inappropriate development is resisted and this is given significant weight against any proposal. The case has been made that the site would firstly meet the category of being limited infilling and secondly being within a village. As such the proposal meets one of the exception tests and on this basis is acceptable development in the Green Belt. Weight is therefore awarded in its favour. Again to supplement the argument, the case has been put forward that the site falls within a sustainable location and therefore one where development is encouraged. Further weight is awarded in support. Some weight is given to the re-development of derelict brownfield land and substantial weight is given to the fact that 4no. dwellings would contribute to the overall housing supply. In the balancing exercise, perceived harm to the Green Belt is considered outweighed by the benefits of the scheme.
- 5.12 Impact on locally listed building  
The site lies adjacent to the former Cross Hands public house, which is a locally listed building that has been converted to residential use. The building is a non-designated heritage asset and although much altered, it is still an imposing building which gains part of its significance from its isolation at this cross-roads.
- 5.13 The Listed building officer is of the opinion that the introduction of a small densely packed housing estate immediately adjacent to this non-designated heritage asset will cause harm to its setting and significance and suggests a reduction in the number to allow the houses to be better spaced on the site, and a reduction in the height to two storeys -omitting the dormers which were a dominant addition of the recent conversion of the locally listed building would reduce their impact within the setting and allow a more robust planting scheme to soften their impact within the landscape. Without such changes the heritage officer is of the opinion that the proposals would cause harm to the setting of the locally listed building contrary to saved local plan policy L15 and furthermore that the proposals did not generate public benefits to mitigate against the harm caused to the non-designated heritage asset as required under Section 135 of the NPPF.
- 5.14 The comments are noted, however, it must be acknowledged that as a locally listed building the former public house does not have statutory protection. Policy requires that such buildings are given due consideration and that development will need to show how it would maintain and enhance the heritage asset and its setting in a manner appropriate to its significance. The locally listed building has undergone many unsympathetic changes in its recent history which have somewhat diminished its once fine appearance. Although still a building of note and one worthy of recognition and respect, Officers are of the opinion that the benefit of 4no. new dwellings at this location would outweigh the perceived harm to this locally listed building, especially as the new dwellings have, by their design, sought to reflect the height and external finish of the public house.



More comments on the design are found below but it is considered that the benefit of 4no. well-designed properties outweigh any perceived harm to the locally listed former public house and weight is awarded in favour of the scheme for this reason.

5.15 Design and Visual Amenity

The application site is an empty and overgrown plot of land, formerly the car park for the adjacent public house but not included in the development when this was converted into residential properties. It has had a seasonal use, for example, the sale of Christmas trees but in general is left empty.

5.16 The proposed design plan for the site has been an integral element of demonstrating how the site is part of the village and accords with the criteria of being infill development. Following pre-application discussions consideration has been given to the building line of the 4no. houses with 3 no. of them aligning their street elevation at a similar position to the original Coach House building. It is however, acknowledged they have been moved back slightly from the road to protect the amenity of the future occupants. The fourth is separated from this row by the existing access which accommodates a natural break in the development line, allowing a different response to this property. In this way the new dwelling responds to the neighbouring property in terms of its design and being set back more from the highway.

5.17 It is considered that this arrangement has positively responded to the site, its location and immediate neighbours to achieve an appropriate infill design. Furthermore, the footprint and scale of the new dwellings also reflects the scale of development on either side. Garages for each property will be set along the western boundary at the end of each of the respective gardens. In terms of the design, scale and massing the proposed development is considered acceptable. In terms of appearance the details indicate natural stone rubble walling, soft red multi-stock brick with coloured mortar and natural slate roofing materials would be used. As the appearance of this prominent site is important conditions will be attached to the decision notice for samples of materials to be provided to the LPA for approval.

5.18 Residential Amenity

The application site has the former public house to the south side and a detached dwelling to the north. This property is No. 187 Bristol Road which has benefitted from a number of extensions and now presents as a dual pitched property with a single storey addition to the rear. Comments have been received both from the occupant and the Parish Council with regard to the potential negative impact on this house from the proposed development, in particular the smallest house immediately adjacent. The comments specifically cite impact on the amount of light entering this property and changes to the view and request the proposed closest house is moved further back into the site.

5.19 Currently No. 187 and the application site are separated by a natural stone wall running the full length of the northern boundary. This wall varies in height ranging from about 1.2 metres to over 3 metres. The agent has stated it is between 3 and 4 metres at its highest.

Following initial comments from the neighbour, revised plans were submitted to move unit 4 slightly further back into the site. As a consequence the front building line of the bulk of the new dwelling would be positioned to line-up behind where the boundary wall increases to 3 metres, effectively screening the two properties. During a requested visit to this neighbouring property, concerns were expressed regarding the potential for perceived overlooking. It was confirmed that no openings are proposed in the opposing side elevation of either the main block or the front gable projection and in this respect there would be no adverse impact from overlooking or inter-visibility on the existing ground and first floor windows of No. 187. With regard to the impact on the view, it is acknowledged there would be changes for this neighbour, but it is further recognised that the closest house would be stepped back, for the most part behind the existing 3 metre high wall and the beginning of the new row would be the other side of the existing entrance way, over 23 metres away. This is considered an acceptable distance between the two sites.

5.20 With regards to the new houses themselves, they would each be set in good size gardens commensurate with their size. Detached garages would be located at the end of each garden and Officers note that the garden areas would be of an appropriate size to comply with the suggested standards found in the emerging Policy Sites and Places DPD.

5.21 Given the above there, the proposal is considered to accord with amenity policy requirements.

5.22 Sustainable Transport

It is noted that this revised proposal addresses the previous transportation concerns. The existing access off Bristol Road would be utilised and a new road built within the development to access all four properties. The arrangements provide sufficient parking for each property in the form of 3 parking spaces each and adequate on-site turning so that vehicles can enter and leave in forward gear. This is important given that Bristol Road is a busy highway and traffic lights are close by. In addition, the presence of a nearby bus shelter directly outside the site is noted and agreement has been reached that this would be relocated as part of the development to as to improve visibility for vehicles when leaving the site. The inclusion of a 1.8 metre footway is also proposed but it is considered this should be 2 metres wide. This will be secured by condition along with the relocation of the bus stop and details of the proposed access. An informative is also required requesting that the applicant contact the Council's Streetcare department to obtain the necessary licenses to work on/adjacent to the highway.

5.23 Landscape

The area is noted as being within the Earthcott Vale landscape character area, defined as *a gently undulating agricultural area, divided by a complex network of hedgerows, trees and lanes*". *South Gloucestershire Landscape Character Assessment*.

- 5.24 The site is bounded on all sides - dwellings to north and south, business/industrial to the west and Bristol Road to the east. The site is a flat area of hard standing with a nice stone wall on the eastern roadside boundary, a concrete block wall forms the southern boundary and security fence at its western boundary. In addition an old stone wall is noted on the northern boundary separating the site from No. 187 Bristol Road.
- 5.25 No landscape scheme has been submitted with this application and therefore a condition would be attached to any approval to secure details of the boundary treatment, including retention and repair of the old stone wall and new planting. It is noted that the south west boundary shows a 1.8 metres close boarded fence and as there is an existing concrete block wall on this boundary it is suggested that this could be clad in local stone to match other existing boundaries. The northwest and northeast boundary walls are already stone boundary walls and any master plan should show that these walls are to be retained and repaired with detailed drawings required. A robust and appropriate planting scheme would be required to contribute to the setting of the development and to enhance the visual amenity of the wider landscape. Trees are noted along the north western boundary within the adjacent site, but there may be opportunity for further planting inside the curtilage of the site which would help screen it from the neighbouring industrial/commercial units. The proposed location of the bin store on the corner of the access road is likely to be visually prominent from Bristol Road and to have an adverse impact and it is suggested that an alternative location/ arrangement be found.
- 5.26 It is therefore considered that an appropriate landscape and planting scheme can be achieved through a suitably worded condition and on this basis there are no objections to the proposal.
- 5.27 Archaeology  
Whilst archaeological remains have been identified within the vicinity, nothing has been recorded from the site itself. This is however a reflection of lack of investigation and it is therefore considered prudent that the development should be the subject of an archaeological watching brief undertaken during the course of ground disturbance associated with the proposed development.
- 5.28 Ecology  
The site comprises a large area of hardstanding with some overgrown vegetation. The accompanying data declares that the site has been thoroughly explored and the presence of any significant or endangered species, either flora or fauna, was not observed. The habitats can be clearly observed and are overgrown and of low value.

## **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. 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 commencement of development, and within 3 months from the date of the decision, a scheme of soft and hard landscape to be submitted for approval that shall include details of all existing trees and hedgerows on the land showing those to be removed and those to be retained, including measures for their protection during the course of the development. The drawing to show proposed planting including times of planting, boundary treatments and areas of hard-standing. Also specification notes covering topsoil depths, cultivation, planting, irrigation, and landscape maintenance covering a 5 year establishment period to help ensure the planting thrives. In addition details of how the existing northwest stone wall is to be retained and repaired shall be submitted for written approval by the LPA. Development shall be carried out in accordance with the agreed details.

Reason

This is a pre-commencement condition to avoid any unnecessary remedial action in the future and to protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

4. Prior to commencement on site details of the highway works, namely, the footway to the frontage of the development, the relocation of the bus stop and details of the proposed access shall be submitted to the authority for approval, the development shall not be occupied until the works have been completed in accordance with the approved details. In the interests of highway safety and to comply with policy T12 of the SGLP and CS8 of the core strategy

Reason

This is a pre-commencement condition to avoid any unnecessary remedial action in the future and 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.

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

Reason

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

This is a pre-commencement condition in order to avoid any remedial works in the future.

6. 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 is a pre-commencement condition in order to avoid any remedial works in the future.

7. Prior to the commencement of this part of the development 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 be carried out in accordance with the approved details.

Reason

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

8. Prior to the commencement of the development hereby approved a site specific Construction Environmental Management Plan (CEMP) shall be agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

For the avoidance of doubt, the CEMP shall address the following matters:

- (i) Procedures for maintaining good public relations including complaint management and public consultation;
- (ii) Mitigation measures as defined in the British Standard BS 5228: Parts 1 and 2 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance. Piling will not be undertaken and Best Practice alongside the application of BS 5228 shall be agreed with the LPA;
- (iv) The use of a Considerate Contractors or similar regime for the site induction of the workforce highlighting pollution prevention and awareness;
- (v) Measures to control the tracking of mud off-site from vehicles;
- (vi) Measures to control dust from the demolition and construction works approved;
- (vi) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained;
- (vii) Adequate provision for the delivery and storage of materials; and
- (viii) Adequate provision for contractor parking.

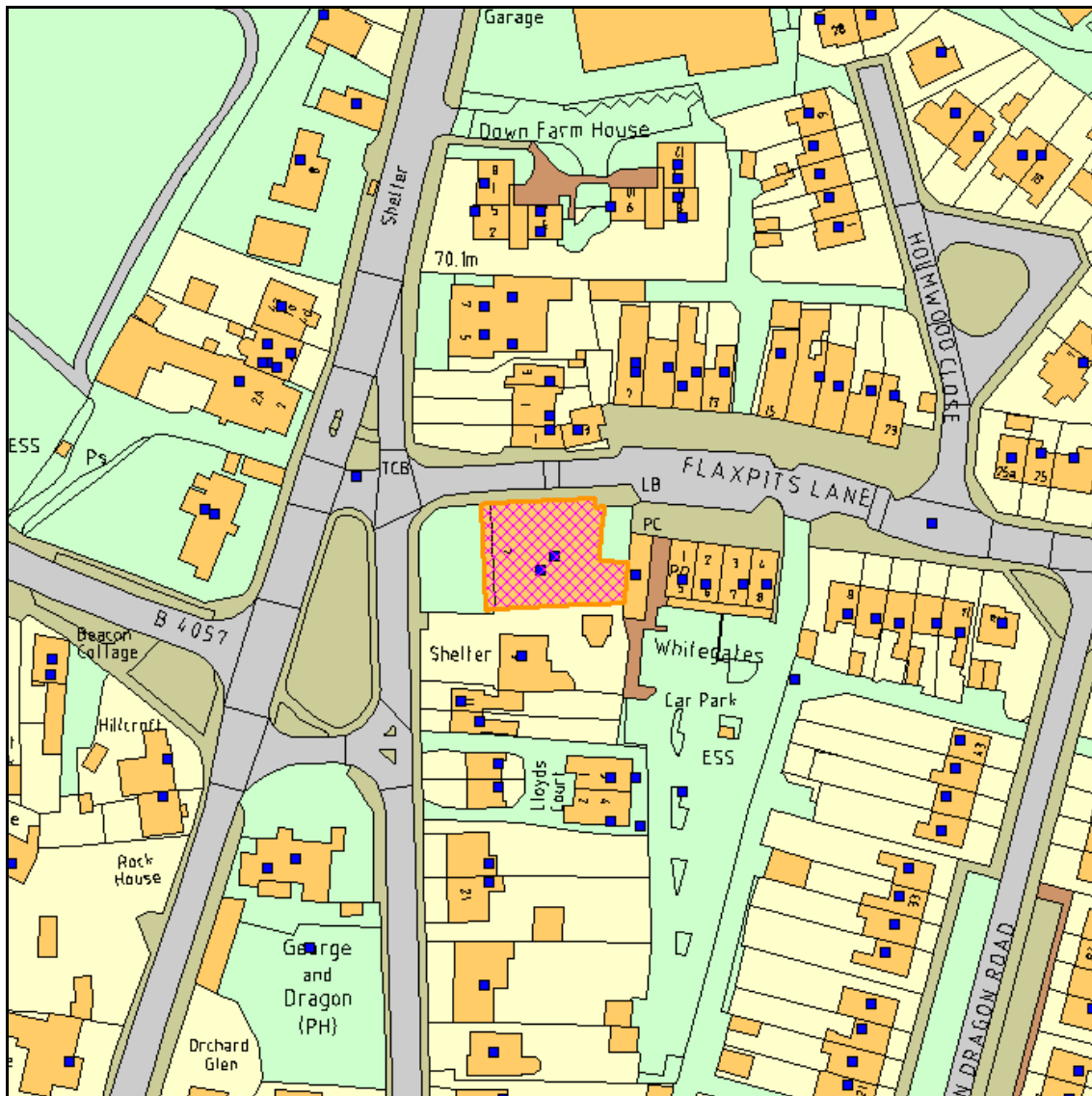
Reason

In the interests of the residential amenity of neighbouring occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

This is a pre-commencement condition in order to avoid any remedial works in the future.

**CIRCULATED SCHEDULE NO. 32/16 – 12 AUGUST 2016**

<b>App No.:</b>	PT16/3972/ADV	<b>Applicant:</b>	Food Programme Delivery Orchid Group
<b>Site:</b>	6 Dragon Road Winterbourne South Gloucestershire BS36 1BQ	<b>Date Reg:</b>	4th July 2016
<b>Proposal:</b>	Display of 1no Internally illuminated fascia sign, 3no. internally illuminated logo signs and 2no. non-illuminated flat panels	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364826 180529	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th August 2016



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

The application has been referred to circulated schedule following a representation contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward within the circulated schedule procedure as a result.

### **1. THE PROPOSAL**

- 1.1 The application seeks advertisement consent for the display of 1no. internally illuminated fascia sign, 3no. internally illuminated logo signs and 2no. non-illuminated flat panels.
- 1.2 The application site relates to a small Co-operative supermarket at 6 Dragon Road, Winterbourne. The property is surrounded by a number of retail, business and residential premises.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
RT5 Proposals for Out of Centre Retail Development  
T12 Transportation  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS14 Town Centres and Retail
- 2.3 Supplementary Planning Guidance  
Shopfronts and Advertisements SPD (Adopted) April 2012

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

- 3.1 PT15/2126/F – Approval – 13/07/2015 – Installation of 3no. roller shutters to front elevation.
- 3.2 PT13/2314/ADV – Approval – 19/08/2013 – Display of 1no. externally illuminated fascia sign.
- 3.3 PT13/1819/F – Approval – 18/07/2013 – Installation of new shopfront, installation of edge protection to roof and erection of bollards. Installation of 1no. AC condenser unit in rear yard.
- 3.4 PT07/0419/ADV – Approval – 22/03/2007 – Display of 2no. illuminated fascia signs and 1no. non-illuminated menu board.
- 3.5 PT03/3641/F – Approval – 17/12/2003 – Installation of roller shutters to windows on front elevation of property.



- 3.6 PT02/3023/F – Approval – 06/10/2002 – Installation of 1 metre satellite dish on roof for ATM connection.
- 3.7 PT02/1352/ADV – Approval – 22/05/2002 – Installation of illuminated projecting sign.
- 3.8 PT02/1350/F – Approval – 22/05/2002 – Installation of ATM to front of building.
- 3.9 PT01/3189/ADV – Approval – 09/01/2002 – Display of illuminated shop signs.
- 3.10 P97/2038 – Approval – 05/09/1997 – Installation of two first floor windows in north elevation.
- 3.11 P96/1386/A – Approval – 29/04/1996 – Display of externally illuminated sign on rear elevation.
- 3.12 P84/1915 – Approval – 28/11/1984 – Alterations to existing canopy to include bricking up of sides and installation of roller shutter door.

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

4.1 Winterbourne Parish Council  
No Objection

4.2 Other Consultees

Transportation Officer  
No Objection

#### **Other Representations**

4.3 Local Residents

One objection has been received in relation to light pollution and comments ask that if permitted the times at which signs are used is restricted.

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

5.1 Principle of Development

The NPPF specifically states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment and street scene. They should be subject to control only in the interest of amenity and public safety; whilst taking into account the cumulative impact advertisements may have. Consequently advertisements will be assessed with regard to visual amenity, cumulative impact and public safety. The site is situated on a high street and surrounded by retail and commercial premises as well as residential units.

## 5.2 Visual Amenity

The application relates to the display of 1no. internally illuminated fascia, 3no. internally illuminated logo and 2no. non-illuminated flat panel signs. The subject property has existing signage and the proposed signs will replace these advertisements. Some signs will be relocated from their existing positions.

5.3 The design, size and scale of the sign is not considered inappropriate for the size of the building and the streetscene and they will replace existing signs. The positioning of the signs would not be unusual for a property of this type. Accordingly, the proposed signage is not considered to have a negative impact on the character of the area and would not cumulatively create an unacceptably cluttered appearance. Overall the proposed signage is considered acceptable.

## 5.4 Public Safety

The advertisements are not considered to have an impact on the safety of the pedestrians using the pavement and would not be considered detrimental to the safety of motorists as the signage will replace a number of existing signs.

## 5.5 Residential Amenity

The proposal will be located on an established high street and will replace a number of existing signs. The proposal is unlikely to result in a significantly worse impact on the amenities of nearby occupiers, consequently would be considered to have an acceptable impact on the residential amenity of neighbouring occupiers. One objection has been lodged with regard to light pollution and requested that the times of illumination are restricted.. The proposed signage will replace a number of existing signs. The proposed signage is not thought to materially worsen the impact on the objecting parties' property. A condition will be included to ensure the signage does not remain lit after closure of the shop.

## 6. CONCLUSION

6.1 In accordance with Section 220 of the Town and Country Planning Act 1990 and Regulation 4 of the Advertisement Regulations 1992, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

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

## 7. RECOMMENDATION

7.1 It is recommended that the advertisement consent be **GRANTED** subject to the conditions attached to the decision notice.

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

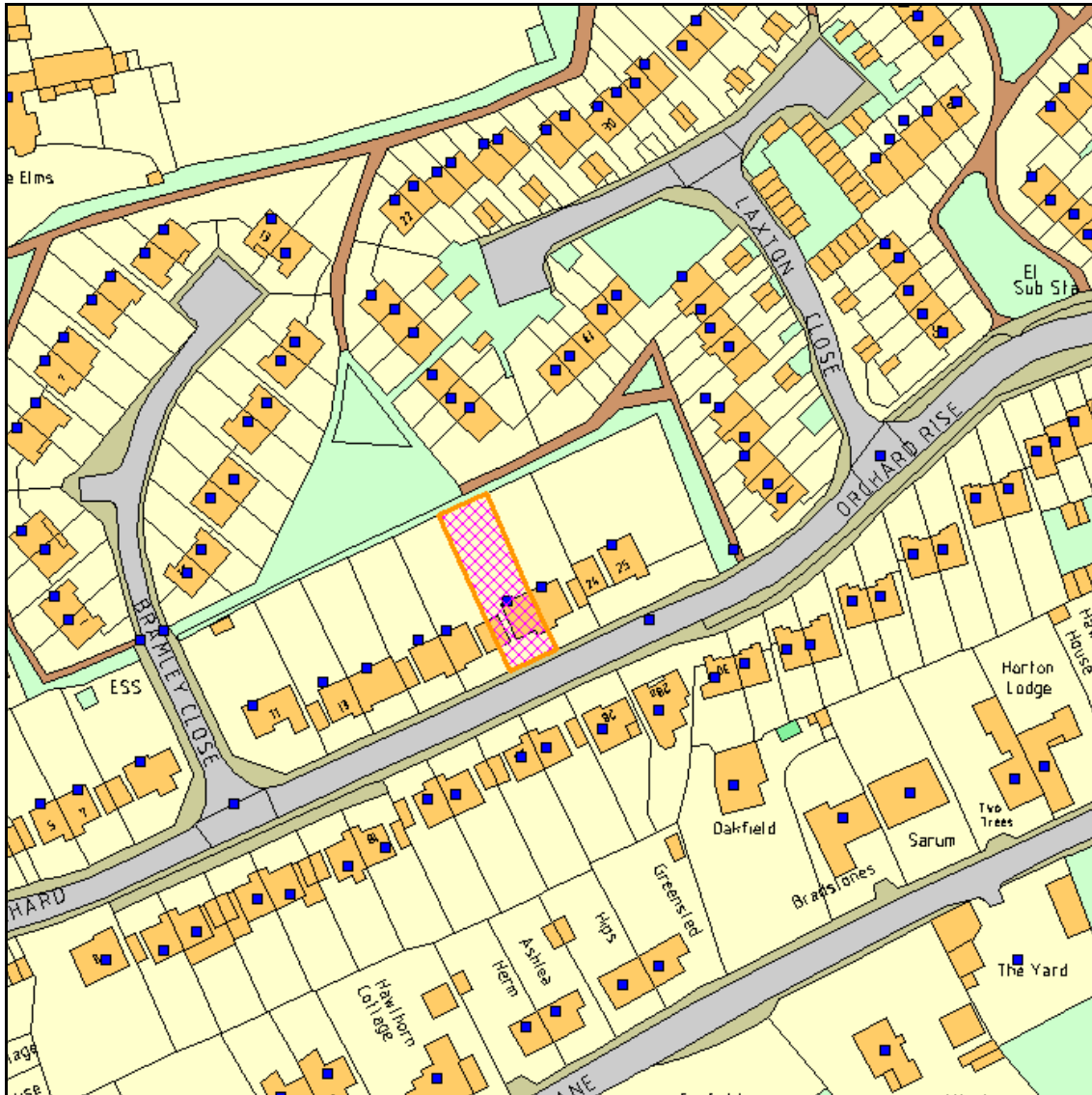
## **CONDITIONS**

1. The illuminated signs hereby approved shall not be illuminated outside of the opening hours of The Co-Op store at 6 Dragon Road to which they are associated with.

In order to prevent unnecessary light pollution, in accordance with policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 or policy H4 of the Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 32/16 – 12 AUGUST 2016**

<b>App No.:</b>	PT16/4120/CLP	<b>Applicant:</b>	Loft Living Conversions Ltd
<b>Site:</b>	21 Orchard Rise Olveston Bristol South Gloucestershire BS35 4DY	<b>Date Reg:</b>	12th July 2016
<b>Proposal:</b>	Certificate of lawfulness proposed for the installation of 1no rear dormer to facilitate loft conversion.	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	360277 187037	<b>Ward:</b>	Severn
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	1st September 2016



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 100023410, 2008. **N.T.S.** **PT16/4120/CLP**

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

This application is referred to the Circulated Schedule for determination as a matter of process. The application is for a certificate of lawfulness for a proposed development.

### **1. THE PROPOSAL**

- 1.1 The application seeks a formal decision as to whether or not the proposed development for the installation of a rear dormer at 21 Orchard Rise in Olveston would be permitted under the regulations contained within the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 This application is not an analysis of planning merit, but an assessment as to whether the development proposed accords with the above regulations. There is no consideration of planning merit, the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

- 2.1 This is not an application for planning permission. Thus it cannot be determined through the consideration of policies contained within the Development Plan; the determination of this application must be undertaken as an evidential test against the regulations listed below.
- 2.2 National Guidance  
The Town and Country Planning (General Permitted Development) (England) Order 2015.

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

- 3.1 PT01/0452/F          Erection of rear conservatory.  
Approved with Conditions 23.03.2001
- 3.2 N8748          Erection of single storey rear extension to form conservatory and utility room.  
Approved with Conditions 21.07.1983

### **4. CONSULTATION RESPONSES**

- 4.1 Olveston Parish Council  
No objection to the proposal.

#### **Other Representations**

- 4.2 Local Residents  
No comments received.

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

- 5.1 The following evidence was submitted to the Local Planning Authority on 7 July 2016 –
  - Existing Elevations

- Site Location Plan
- Block Plan
- Proposed Elevations

## 6. ANALYSIS OF PROPOSAL

6.1 This application seeks a Certificate of Lawfulness for the proposed installation of a rear dormer to facilitate a loft conversion at a property in Olveston.

### 6.2 Principle of Development

An application for a Certificate of Lawfulness is purely an evidential test and is a formal way to establish whether or not the proposed development can be implemented lawfully without the need for planning permission. Thus there is no consideration of planning merit, the application is based on facts presented. The submission is not a planning application and therefore the Development Plan is not of relevance to the determination of this application.

6.3 The key issues in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B (for the dormer windows) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

### 6.4 Assessment of Evidence: Dormer windows

Schedule 2 Part 1 Class B allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, subject to meeting the following criteria:

#### **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 permission for use as a dwelling under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

**(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 plans submitted indicate that the proposed works do not exceed the maximum height of the existing roof.

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

The alterations to the roofline are at the rear of the dwellinghouse.

**(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 dwellinghouse is a semi-detached property, the resulting roof space will not exceed the cubic content raised in either d (i) or d (ii).

**(e) It would consist of or include –**

- (i) the construction or provision of a veranda, balcony or raised platform, or**
- (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**

The proposed development does not consist of or include any of e (i) or e (ii).

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

The dwellinghouse is not located on article 2(3) land

6.5 Development is only permitted by Class B subject to the following conditions:

**B.2**

**Development is permitted by Class B subject to the following conditions**

–

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

The proposed dormer extensions will be constructed from materials to match those used on the existing dwelling. This condition is therefore satisfied.

**(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 side 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 proposed development joins the original rear roof of the property.

**(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 on the rear elevation of the dwellinghouse as such this is not applicable.

**7. RECOMMENDATION**

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

Evidence has been provided to demonstrate that 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) (England) Order 2015.

**Contact Officer: Fiona Martin**  
**Tel. No. 01454 865119**