



**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. 15/16**

**Date to Members: 15/04/16**

**Member's Deadline: 21/04/2016 (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:

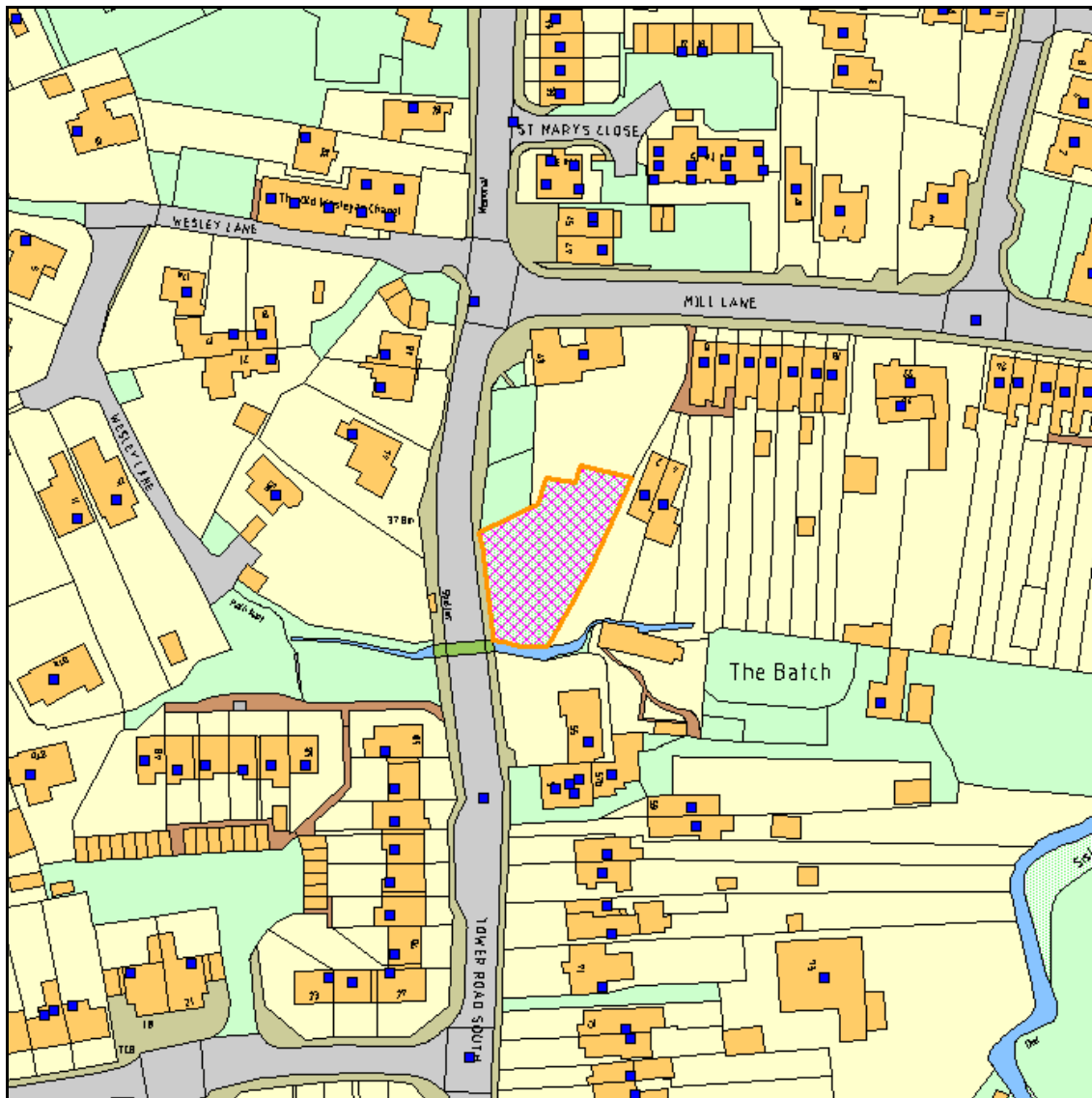
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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.

# CIRCULATED SCHEDULE - 15 April 2016

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/4628/F	Approve with Conditions	Land At Tower Road South Warmley South Gloucestershire BS30 8BW	Parkwall	Oldland Parish Council
2	PK15/4961/CLE	Approve	The Vale Cattybrook Road Mangotsfield South Gloucestershire BS16 9NJ	Boyd Valley	Pucklechurch Parish Council
3	PK16/0585/F	Approve with Conditions	9 Coronation Road Warmley South Gloucestershire	Parkwall	Oldland Parish Council
4	PK16/0740/F	Approve with Conditions	Kingswood Learning Difficulty Service Hanham Road Kingswood South Gloucestershire	Woodstock	None
5	PK16/0753/F	Approve with Conditions	37 Burley Grove Mangotsfield South Gloucestershire BS16 5QB	Rodway	None
6	PK16/0871/F	Approve with Conditions	Chetwynds Mill Lane Upton Cheyney South Gloucestershire BS30 6NH	Bitton	Bitton Parish Council
7	PK16/1061/TRE	Approve with Conditions	4 Bampton Close Emersons Green South Gloucestershire BS16 7QZ	Emersons	Emersons Green Town Council
8	PT15/4049/O	Refusal	Land At Station Road Little Stoke South Gloucestershire	Stoke Gifford	Stoke Gifford Parish Council
9	PT15/4633/CLP	Refusal	The Priory Sturden Lane Hambrook South Gloucestershire BS16 1RW	Winterbourne	Winterbourne Parish Council
10	PT16/0113/F	Approve with Conditions	3 Brookcote Drive Little Stoke South Gloucestershire BS34 6LG	Stoke Gifford	Stoke Gifford Parish Council
11	PT16/0166/F	Approve with Conditions	Land rear of 160-166 Station Road Filton South Gloucestershire BS34 7JW	Filton	Filton Town Council
12	PT16/0781/CLP	Approve with Conditions	Apple Tree Cottage Catherine Hill Olveston South Gloucestershire BS35 4EN	Severn	Olveston Parish Council

## CIRCULATED SCHEDULE NO. 15/16 – 15 APRIL 2016

<b>App No.:</b>	PK15/4628/F	<b>Applicant:</b>	Ms Victoria Britton
<b>Site:</b>	Land At Tower Road South Warmley South Gloucestershire BS30 8BW	<b>Date Reg:</b>	30th October 2015
<b>Proposal:</b>	Erection of 4 no. attached dwellings with new access and associated works (Re Submission of PK15/0676/F)	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	366878 172451	<b>Ward:</b>	Parkwall
<b>Application</b>	Minor	<b>Target</b>	22nd December
<b>Category:</b>		<b>Date:</b>	2015



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100023410, 2008.

**N.T.S.**

**PK15/4628/F**

## **REASONS FOR REFERRING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 The application relates to a vacant plot of land located within the Urban Area to the east of Tower Road South, Warmley. A timber shed (now marked by its concrete base) once stood on the land and was used as a betting shop but the use ceased in 1985 and the shed was demolished. The site has no special designations in the Local Plan. The land is generally below road level and is bordered by stone retaining walls to the north, domestic garden fencing to the east and a stream (Siston Brook) and further retaining wall to the southern boundary. An historic Pennant Sandstone wall bounds the front of the site, through which an access and ramp leads down to where the shed once stood. Within the site and below this wall is a further retaining wall.
- 1.2 It is proposed to erect 4no. x 3 bedroom town houses with associated car parking and access. The site is generally bounded by other residential properties in what is a suburban location. The land falls steeply to the east and less so to the south. The site has been recently cleared of trees and is now just overgrown with brambles. A mature tree does however overhang the northern part of the site and there are trees in the gardens to the east.
- 1.3 The application is supported by the following documents:
  - Design and Access Statement
  - Extended Phase 1 Habitat Survey
  - Reptile Survey
  - Coal Mining Risk Assessment
  - Arboricultural Report
  - Bat Report

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

The National Planning Policy Framework 27<sup>th</sup> March 2012.  
The National Planning Practice Guidance 2014

#### **2.2 Development Plans**

The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013  
CS1 - High Quality Design  
CS4A – Presumption in Favour of Sustainable Development  
CS5 - Location of Development  
CS6 - Infrastructure and Developer Contributions  
CS8 - Accessibility

CS9 - Managing the Environment and Heritage  
CS17 - Housing Diversity  
CS18 - Affordable Housing  
CS23 - Community Infrastructure and Cultural Activity  
CS24 - Green Infrastructure, Sport and Recreation Standards  
CS29 - Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan (Adopted) January 2006

L1 - Landscape Protection and Enhancement  
L5 - Open Spaces  
L9 - Species Protection  
L11 - Archaeology  
EP2 - Flood Risk and Development  
T7 - Cycle Parking  
T12 - Transportation Development Control Policy for New Development  
LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)  
LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.  
The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.  
Affordable Housing SPD Adopted Sept.2008.  
South Gloucestershire Council Residential Parking Standards (SPD) Adopted.

2.4 Emerging Plan

Proposed Submission: Policies, Sites & Places Development Plan March 2015

PSP1 - Local Distinctiveness  
PSP2 - Landscape  
PSP3 - Trees and Woodland  
PSP5 - Undesignated Open Spaces within Urban Areas and Settlements  
PSP6 - Onsite Renewable & Low Carbon Energy  
PSP8 - Settlement Boundaries  
PSP9 - Residential Amenity  
PSP12 - Development Related Transport Impact Management  
PSP17 - Parking Standards  
PSP20 - Wider Biodiversity  
PSP21 - Flood Risk, Surface Water and Watercourses  
PSP22 - Environmental Pollution and Impacts  
PSP44 - Private Amenity Space Standards

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK15/0676/F - Erection of 4no. attached dwellings with new access and associated works.  
Withdrawn 22 June 2015 to allow ecological surveys to be carried out.

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

4.1 Oldland Parish Council  
No objection

4.2 Other Consultees [including internal consultees of the Council]

Lead Local Flood Authority

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

Transportation D.C

No objection subject to conditions relating to provision of access, visibility splays and car parking.

Tree Officer

No objection subject to a condition to secure adherence to the recommendations of the Arboricultural Impact Assessment.

Ecology Officer

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

Wales and West Utilities

Standard comments and informatives

Highway Structures

No comment.

The Coal Authority

No objection

#### **Other Representations**

4.3 Local Residents

2no. letters/e-mails were received from local residents who object to the proposal. The concerns raised are summarised as follows:

- Concerns about the affect of building works on the stability of the boundary wall to the access of 4 Mill Lane.
- Insufficient parking provision.
- Parking spaces too close to neighbouring dwellings.
- The proposed boundary fence/wall should be erected at a height to mitigate noise from the parking area.
- The required visibility splay to the north has not been addressed.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

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

### 5.2 5-Year Land Supply

A recent appeal decision APP/P0119/A/14/2220291 – Land South of Wotton Road, Charfield, established (para. 146) that the Council can currently only demonstrate a 5-year housing land supply sufficient for 4.64 years. As there is provision for windfall sites in the calculation, this weighs in favour of the proposal, which would make a positive contribution, albeit a small one, to the housing supply within South Gloucestershire.

5.3 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only limited weight can currently be given to most of the policies therein.

5.4 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants' to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.

5.6 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments.



- 5.7 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: *Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.*
- 5.8 Local Plan Policy H2 is not a saved policy; there is no longer a prescribed minimum density requirement for housing development. The NPPF however seeks to make efficient use of land in the Urban Area for housing. Given the site constraints and proximity of neighbouring dwellings, 4no. dwellings on this specific plot is considered to make the most efficient use of this site in the Urban Area, which is a requirement of the NPPF.
- 5.9 In terms of the authorised use of the site, it is noted that there are no historical planning permissions associated with the site and historical maps submitted as part of the Coal Mining Risk Assessment show the plot in 1903 as an orchard to the rear of a post-office. The timber shed that housed the bookmaker's, appears to have been unauthorised but the use ceased in 1985 and the shed was demolished. The Council's aerial photograph for 1991 shows the plot heavily overgrown with trees and undergrowth. Officers do not therefore consider this site to be non-safeguarded economic development site the subject of Core Strategy Policy CS13.
- 5.10 Even if it were, whilst policy CS13 introduces a sequential test for the change of use of non-safeguarded economic use sites, it is not considered that in the light of the current housing supply position this can be considered up to date. In effect it seeks a mixed use or other economic development use in preference to residential use. Such a sequential approach is not reflected in the NPPF; and would otherwise be a form of extra control suppressing housing supply. On this basis more weight is given to the paragraph 14 test.
- 5.11 The site is located within a residential area in a sustainable location, close to the centre of Warmley, within easy walking distance of shopping and community facilities and bus stops. In this respect the proposal accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.
- 5.12 Scale and Design  
Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013 only permits new development where the highest standards of site planning and design are achieved. Criterion 1 of Policy CS1 requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.
- 5.13 The location is not characterised by any established architectural distinctiveness, being predominantly an area of mixed development of varying styles and ages. Given the topography of the site, and the difference in levels between the site and Tower Road South, the proposed Town Houses would not look out of place within the street scene and would make the most efficient use of the site.

The materials to be used in construction, as listed on the plans, comprise brick to the lower walls with render above with double roman tiles to the roofs. The proposed dwellings would not look out of place in this location and would not represent an incongruous element within the street scene. The proposal would incorporate a number of sustainable design features. The proposed scale and design is therefore considered to be acceptable.

5.14 Landscape and Tree Issues

Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape.

- 5.15 Given the overgrown nature of the site and rubbish within it, officers do not consider that the site is an open space that contributes significantly to the quality, character, amenity and distinctiveness of the locality (Policy L5).

- 5.16 There are no large trees actually within the site but there is a protected Sycamore growing on the neighbouring plot adjacent to the northern boundary of the site, where the access road is proposed; there is also a belt of trees along the eastern boundary of the site but growing within the neighbouring garden. At the Tree Officer's request, the applicant has now submitted an Arboricultural Report that incorporates an Arboricultural Impact Assessment (AIA); tree Protection Plan and Arboricultural Method Statement. Subject to a condition to secure the recommendations of the Arboricultural Report, the Tree Officer has no objection to the proposal.

- 5.17 Where possible the historic Pennant Sandstone wall would be retained to the street frontage and the retaining wall to the north repaired. On balance therefore the proposal accords with Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.18 Transportation Issues

The existing access into the site from Tower Road South is narrow with a sub-standard visibility splay; it also leads onto a steeply sloping ramp. Revised plans have now been submitted to show a widened access with visibility splays of 2.4m x 43m to either side. This will necessitate the setting back of the boundary walls to either-side and the re-location of the telegraph pole, lamp column and traffic signs to behind the splayed area. Simply lowering the walls would not suffice for safety reasons, especially given the drop into the site itself and the need to account for small children exiting the site on the bend. The first 10 metres of the driveway is shown on the plans at a nominal 2 degrees to provide natural drainage away from Tower Road South and to provide safety at the point of access/egress.

- 5.19 Part of the visibility splay to the north of the access crosses land that is in fact in the Council's ownership. The applicant is in the process of purchasing this land but in the interim, it will be necessary to impose a Grampian Condition to ensure that the construction of the dwellings does not commence until such time that the access has been fully implemented.

- 5.20 The existing retaining walls provide support for the existing highway (i.e. footway and road). The re-location of the walls to provide the access would mean re-designing the retaining wall, the details of which would need to be secured by condition.
- 5.21 Two parking spaces would be provided on the site for each of the 3 bedroom dwellings and each space would have a minimum 7.5m turning area to allow cars to exit the site in forward gear. This level of parking provision satisfies the minimum standards outlined in the adopted South Gloucestershire Council Residential Parking Standards SPD.
- 5.22 In light of the above and subject to conditions to secure the access, details of the re-aligned retaining wall, turning areas, parking spaces and highway dilapidation survey, there are no highway objections and the scheme is considered to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS8 of The Core Strategy.

5.23 Impact Upon Residential Amenity

As regards overbearing impact and overshadowing; officers are satisfied that given the layout of the site, the height and scale of the proposed dwellings and the distance between the existing and proposed dwellings; that there would be no significant issues of overbearing impact or overshadowing. Officers consider that some overlooking of neighbouring property is only to be expected in urban locations and that in this case, the level of overlooking to the rear would not be so detrimental as to justify refusal of planning permission. To some extent the gardens to the east of the site are already overlooked from the elevated footpath on Tower Road South. However there are high trees already growing in the garden of no.2 Mill Lane, furthermore the existing and proposed boundary walls/fences would provide adequate screening at ground floor level.

- 5.24 Whilst the proposed levels of private amenity space provision are limited, they are considered to be adequate given the sustainable location of the dwellings.
- 5.25 Concerns have been raised about the stability of the wall adjacent to the access lane to no.4 Mill Lane and the impact that the proposed development would have on this wall. Officers noted however at their site visits that this section of wall does not in fact bound the application site but land further north. Any damage to the wall would be the developer's responsibility.
- 5.26 The proposal is therefore considered to be acceptable in terms of impact on residential amenity.

5.27 Environmental and Drainage Issues

There are no objections on environmental grounds subject to a condition to control the hours of working during the construction phase. In terms of drainage, the Council's Drainage Engineer has raised no objection to the proposal subject to a condition to secure a SUDS scheme of drainage. If soakaways are not suitable on this site, it is proposed to discharge surface water to the adjacent stream. Foul disposal would be to the existing mains sewer.

A Coal Mining Risk Assessment has been submitted to the satisfaction of The Coal Authority. Appropriate informatives regarding construction sites, would be attached to any decision for approval. The site does not lie in a zone at high risk of flooding. The proposal therefore accords with Policies EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policies CS5 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013.

- 5.28 Concerns have been raised about possible noise disturbance, for neighbouring occupiers, from cars using the proposed parking area. Officers noted during their site visits that there is already a degree of ambient background noise from traffic using Tower Road South and Mill Lane. Whilst it is acknowledged that the parking area would be located on raised land adjacent to no.2 Mill Lane, it is proposed to enclose it with high fencing, the details of which would be secured by condition. The parking area would only accommodate 8 cars and parking courts are not uncommon next to residential properties in urban areas. Officers do not consider that the traffic generation from these four dwellings is likely to be excessive, being one movement per house during the morning and evening peak hour and a total of 5/6 movements per house per day in total. Officers are also mindful that in the past, refusal reasons based on noise from parking areas have not been supported by Inspectors in appeal situations. On balance therefore the likely level of disturbance to result from the proposed parking area is not sufficient grounds for refusal in this case.

5.29 Ecology

The site is not covered by any statutory or non-statutory nature conservation designations. The site has been surveyed for a number of species and the results of the surveys submitted. The Council's Ecologist raises no objection, subject to a condition to secure a detailed Ecological Mitigation and Enhancement Scheme, based on the recommendations of the various Habitat Survey reports. The scheme would show habitat to be retained and protection of Siston Brook. The applicant has already indicated on the submitted plans an ecological buffer zone between the houses and Siston Brook, which would maintain the ecological corridor. Subject to the aforementioned condition, there are no objections on ecological grounds.

5.30 Affordable Housing

The proposal is for 4no. dwellings only, which is below the Council's threshold for affordable housing provision.

5.31 Community Services

The proposal is for 4no. dwellings only, which is below the Council's threshold (10) for contributions to Community Services.

5.32 CIL Matters

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

## **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. In this case the paragraph 14 test in NPPF applies – the presumption in favour of development. It is considered that there are no significant or demonstrable harms and the proposal should be permitted.
- 6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

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

Reason

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

3. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details and before the development is first occupied.

Reason

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

4. Prior to the commencement of the development hereby approved, a detailed Ecological Mitigation and Enhancement Plan shall be submitted to the LPA for approval in writing, based on the recommendations in the Extended Phase 1 Habitat Survey (Magnificent Science Company, dated February 2015) and also as provided in Section 4.2 of the Bat Report (IES Consulting, dated August 2015) and Section 4.2 of the Reptile Report (IES Consulting, dated August 2015). The plan shall show habitat to be retained, protection of Siston Brook, and also include recommendations for avoidance of harm to European hedgehog, details/locations of bat and bird boxes, and a bat-friendly lighting scheme. Thereafter the development shall then proceed in strict accordance with the agreed plan.

Reason

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

5. Prior to the first occupation of the development hereby approved, the off-street car parking and turning facilities shall be provided in accordance with the approved Floor and Site Plans Drawing No. 1440/3B and thereafter maintained for their intended purpose.

Reason

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

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

Reason

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

7. Prior to the commencement of the development hereby approved, details of the proposed new retaining wall to the Tower Road South frontage, (including plans, sections and specification) shall be submitted to and approved in writing by the Council's Structural department. The approved retaining wall shall then be constructed in accordance with the approved plans and subsequently maintained satisfactorily thereafter.

Reason

To ensure the stability of the highway is maintained in the interests of highway safety and the amenity of the area to accord with Policies CS1 and CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006. This is a pre-commencement condition to ensure that the scheme can be built out without compromising highway safety.

8. Notwithstanding the details shown on the submitted plans, no operations/development within the site (other than that required by this condition) shall commence until the proposed site access has been constructed with visibility splays as shown on the Floor and Site Plans drawing no. 1440/3B. All obstructions within the visibility splays, including the existing boundary walls, the existing lamp column, telegraph pole and traffic signs shall be relocated to the back of visibility splays. The said access shall be constructed in accordance with the Council's standard construction details. Thereafter the visibility splays shall be maintained with no obstructions within the visibility splays.

Reason

In the interests of highway safety and the amenity of the area to accord with Policies CS1 and CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policies T8 and T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006. This is a pre-commencement condition to ensure safe access into the site for construction traffic.

9. Notwithstanding the details shown on the submitted plans, the gradient of the new driveway shall not be steeper than 1 in 20 within 8m of the edge of the existing carriageway and shall thereafter be no steeper than 1 in 12.

Reason

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

10. Prior to the relevant works, details of all new fences/walls to be erected on the site and a schedule of repairs (where necessary) to the retaining walls, shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the fences/walls shall be erected/repared prior to the first occupation of the dwellings hereby approved.

Reason

In the interests of the residential amenity of existing and future neighbouring occupiers and the occupiers of the proposed dwellings to accord with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2011 and the requirements of the NPPF.

11. The development hereby approved shall be carried out in full accordance with the recommendations of the submitted Arboricultural Report by Silverback Arboricultural Consultancy Ltd. Dec. 2015.

Reason

In the interests of the adjacent trees in accordance with Policy L1 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.



CIRCULATED SCHEDULE NO. 15/16 – 15 APRIL 2016

<b>App No.:</b>	PK15/4961/CLE	<b>Applicant:</b>	Mrs D Bailey
<b>Site:</b>	The Vale Cattybrook Road Mangotsfield Bristol South Gloucestershire BS16 9NJ	<b>Date Reg:</b>	25th November 2015
<b>Proposal:</b>	Application for a certificate of lawfulness for the existing use of building and yard as (Class B8) storage and building for vehicle and machinery maintenance (Class B2).	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	367684 176362	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	19th January 2016



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PK15/4961/CLE

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

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

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Use or Development, is that the applicant has to demonstrate on the **balance of probability**, that the uses as described, have occurred for a period of 10 years consecutively, prior to the receipt of the application on the 17<sup>th</sup> Nov. 2015.

### **1. THE PROPOSAL**

- 1.1 The application comprises a Certificate of Lawfulness submitted under Section 191 (1) of the Town and Country Planning Act 1990 as amended by S.10 of the Planning and Compensation Act 1991 in respect of buildings and land at The Vale, Cattybrook Road, Shortwood BS16 9NJ, Bristol.
- 1.2 The application comprises a Certificate of Lawfulness for the existing use of building and yard as (Class B8) storage and building for vehicle and machinery maintenance (Class B2). This matter is however discussed at more length within the body of the report.
- 1.3 In order to regularise the breach of planning control, the applicant seeks a Certificate of Lawful Use for the use of the buildings and land, as defined on the submitted Site Location Plan received 13 Nov. 2015 (the building is shown enclosed by the red line).

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning Act 1990: Section 191  
Town and Country Planning (Development Management Procedure) (England) Order 2015  
Town and Country Planning (Use Classes) Order 1987 (as amended).  
The Planning Practice Guidance March 2014
- 2.2 Development Plans  
As the application is for a Certificate of Lawfulness, the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only demonstrate that on the balance of probability, the uses as applied for have occurred for a period of 10 years consecutively, prior to the receipt of the application on the 17<sup>th</sup> Nov. 2015.

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

- 3.1 N8652 - Erection of two-storey side extension to form enlarged garage with bedroom and bathroom above.  
Approved 26 May 1983

#### Enforcement History

3.2 None

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

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

1. Statutory Declaration of Mrs Diane Bailey of 'The Vale' Cattybrook Road, Shortwood, Bristol BS16 9NJ dated 16<sup>th</sup> Nov. 2015

Mrs Bailey submits the following:

- The application is for the continued commercial use (Use Class B1 and B8) of the buildings and open yard at The Vale.
- I am the owner of the premises, which I inherited from my late father Mr Ronald Sprackman in 1980 who was partner of A.C. Sprackman and Sons.
- The commercial business 'A C Sprackman and Sons' traded at Cattybrook Road and was established in excess of 40 years ago by Messrs R, H and E Sprackman with the premises being used as a commercial agricultural hauliers yard, utilising the buildings for storage and distribution of material and products (Use Class B8) in building A along with maintenance of their lorries and machinery (Use Class B1) in building B as shown on the plan at Exhibit One. Copies of the accounts of A.C. Sprackman and Sons are attached at Exhibit Two.
- Building B was used for maintenance of lorries and machinery; it benefits from an inspection pit.
- Mr R Sprackman passed away in 1980 with the business continuing, but trading decreased gradually over the years, with the accounts at Exhibit Two showing that no sales were made after April 2001. Additionally, it was decided to stop paying VAT at that time.
- In 1984, Mr Keith Bailey founded the landscaping business (Town and Country Services) utilising the premises at The Vale, for the storage of machinery, vehicles and equipment. An internet link to the business is provided and an extract from the Free Index Website is attached at Exhibit Three.
- The business was liable for Business Rates, however since 2010 the premises has received 100% Small Business Relief and there has been no charge for Business Rates ever since, which has been confirmed in an e.mail to myself from South Glos. Council Business Rates Team, attached at Exhibit Four.
- Town and Country Services had four employees, along with Mr Keith Bailey and operates with two landrovers, trailers, various machinery and equipment all stored at The Vale. I have completed the accounts for the business since 1984. A copy of the accounts are attached at Exhibit Five, along with some invoices and headed paper attached at Exhibit Six.
- For several years the premises were jointly occupied by both A.C.Sprackman and Sons, and Town and Country Services, until A.C. Sprackman and Sons disbanded in approximately 2002.
- Town and Country Services have continued to trade from the premises. Approximately 2 years ago our employee retired. The business is currently being run by Mr Keith Bailey and my Son Mr Stuart Bailey who is an employee in the business and will in due course continue to trade from the premises.
- The business has private and commercial clients, with a number of clients using the company regularly. All materials used, such as shrubs, plants, soil,

compost, fencing material and machinery are delivered to the premises and then would be taken out on site.

- I confirm that the property has been used continuously for commercial activity in excess of 40 years with the buildings being used for storage (B8) and for machinery repairs (B1). I also confirm that Town and Country Services continue to trade from the premises.

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

1. None submitted.

## **6. OTHER CONSULTATIONS**

Local Councillor

No response

Pucklechurch Parish Council

Due to the lack of evidence provided by the applicant, Pucklechurch Parish Council are not in a position to support this application and therefore has agreed to object in principle.

Sustainable Transport

No comment

Environmental Protection

No response

## **7. ASSESSMENT**

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

s191) (1)

‘If any person wishes to ascertain whether

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

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

or

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

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

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

- (a) There has been a continuous use of land or buildings (other than a dwelling) for more than 10 years.
- (b) A condition or limitation on a planning permission has not been complied with for more than 10 years.
- (c) Building or other operations have been completed for more than 4 years.
- (d) A building (not land) has been used as a dwelling for more than 4 years.

In this case therefore the onus of proof is on the applicant to show on the balance of probability that the use has occurred for a continuous period of 10 years up to and including the date of the application i.e. the relevant 10 year period is 15th July 2005 to 15th July 2015.

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

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

- (a) no enforcement action may be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and*
- (b) they do not constitute a contravention of any of the requirements or any other enforcement notice then in force.'*

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

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

#### 7.5 The relevant test of the submitted evidence

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

Any contradictory evidence, which makes the applicant's version of events less than probable, should be taken into account.

7.6 Hierarchy of Evidence

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

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

From the evidence submitted the Statutory Declaration carries substantial weight.

The Council does however have its own archive of aerial photographs dating 1991, 1999, 2005, 2006, 2008/2009 and 2014/15; these will be referred to in the analysis section below.

Officers have also visited the site on 25<sup>th</sup> Feb. 2016 with the applicant Mrs Bailey, Mr Bailey and the applicant's agent in attendance.

**Analysis**

- 7.7 Officers initially consider the site to be one planning unit. It is clearly all in the same ownership; is distinct in character from the adjacent residential and agricultural land; and appears to be one unit of occupation by Town and Country Services.
- 7.8 Having studied the Land Use Gazetteer officers are satisfied that a Landscape Gardener Contractors Store falls into use class B8. The application however relates to two distinct uses i.e. B8 for the yard and Building A, and B2 for building B. This would result in two separate planning units unless the whole site has a mixed use which would be *sui generis*.
- 7.9 The onus is on the applicant to demonstrate that on the balance of probability the uses(s) applied for have been continuous for 10 years consecutively prior to the receipt of the application. Evidence should be precise and unambiguous.

The Council should not issue a certificate unless this is the case or where it has evidence of its own or from others to make the applicant's version of events less than probable. The Council does however have the option of issuing a certificate for a reduced area of land and can also revise the description of use if needs be.

- 7.10 The applicant relies on one Statutory Declaration and whilst there is no counter evidence from other parties, officers do have a series of aerial photographs of the site and their own observations during the site visit to consider. Taking these matters into consideration officers observe the following:
- 7.11 There are buildings and constructions within the site that are not shown on the originally submitted plan. There are two small sheds in the north eastern corner of the site, which Mr Bailey confirmed at the site visit, are used to store hand tools and lawn mowers. Officers note that these sheds appear on the Council's 2005 aerial photograph and possibly even the 1996 photo so they have been there for 10 years and should be included in the application.
- 7.12 Officers also observed a cover over the bunkers at the northern end of the site. This was still in the process of construction at the time of the site visit and does not appear on any of the Council photographs covering the 10 year period. The applicant's agent suggested that the cover was being constructed under agricultural permitted development rights but that simply cannot be the case as it is clearly not for an agricultural use and the evidence indicates that the use of the site for agricultural purposes ceased over 10 years ago when A.C. Sprackman and Sons ceased trading. In officer opinion therefore this structure is unauthorised and requires planning permission.
- 7.13 Whilst officers are satisfied that most of the yard area has been used for B8 purposes for 10 years in association with Mr Bailey's landscaping business, there are areas where this does not appear to be the case. For example, the area south of Building B is heavily overgrown and appears from the aerial photographs to have been so for the whole of the relevant 10 year period and beyond. Similarly the strip of land to the west of Buildings A and B appears overgrown and unused; Officers observed old agricultural machinery being stored there. The large earth pile in the north-west of the site was overgrown with brambles at the time of the site visit and appears on the aerial photographs to have been so for the whole of the relevant 10 year period. Mr Bailey said he occasionally dug soil out of the pile but there was no real evidence of this on the site visit, all suggesting lack of use of this part of the site.
- 7.14 Moving to Building A, where the applicant says there is B8 storage in association with the landscaping business, officers observed only half of this building being used in this way, the other half was taken up with a caravan, a boat and items of a domestic nature, none of which could be remotely associated with the landscaping business. As for Building B where the applicant says that machinery associated with the landscaping

business is repaired and serviced; officers observed a car and motorbike which Mr Bailey confirmed were nothing to do with the landscaping business. The so called 'office' was in Mr Bailey's words full of rubbish and the rest of Building A was taken up by old agricultural machinery left over from the days of A C Sprackman and Sons. Whilst there was an electricity supply in the building, no utility bills have been submitted to help demonstrate how long the supply has been there and how much is used.

- 7.15 The accounts and invoices etc. submitted as appendices to Mrs Bailey's Statutory Declaration are of little use as some relate to periods prior to the relevant 10 year period and others to only a limited period within the 10 year period.
- 7.16 To conclude, some of the evidence is vague and ambiguous and does not concur with the officer observations on site or from the aerial photographs. It is however evident that part of the site and most likely building A have been used as a Landscape Gardener Contractors Store/Yard (Class B8).
- 7.17 Officers are therefore minded to grant a Certificate but only in relation to a smaller part of the site i.e. the areas around the yard where landscaping materials are being stored, building A and the two sheds to the north east. This would be sufficient for Mr Bailey to continue trading from the site. The applicant has indicated acceptance of this and as a result has submitted a revised plan to show the relevant area hatched green to include building A and the two small sheds in the north east (photographs of the sheds have also been submitted); reference to the cover over the bunkers has been removed. This plan will form the basis for the certificate.
- 7.18 Given however that there is no evidence to contradict the applicant's version of events, officers are satisfied that on the balance of probability a certificate should be issued for the reduced area for the use in the revised description.
- 7.19 Was there Deliberate Concealment?  
The site is not concealed from public view and is fully visible though the access gate and adjoining field. There is nothing to suggest that there was any attempt to deliberately conceal the uses applied for. The site has its own separate vehicular access and movements of items into and out of the site would be difficult to conceal. Officers are therefore satisfied that on the balance of probability, the use referred to above has been continuous as described for a continuous period of at least 10 years prior to receipt of the application and as such a certificate should be granted.

## **8. CONCLUSION**

- 8.1 The submitted evidence covers the relevant 10-year period prior to receipt of the application and beyond.



- 8.2 The evidence submitted by the applicant is considered to be sufficiently precise and unambiguous only in as much as it applies to the reduced area, building A and the two sheds in the north east of the site. There is no contradictory evidence from third parties or from the Council's own aerial photographs to make the applicant's version of events less than probable in respect to this land and buildings only.
- 8.3 It is the considered view therefore that on the balance of probability the applicants have provided the evidence to support the claim in this regard only and a certificate should be issued for the land and buildings relating to the reduced area only.
- Planning Unit
- 8.4 Officers are satisfied that the land and buildings the subject of the application represent a separate planning unit.

## **9. RECOMMENDATION**

- 9.1 That a Certificate of Existing Lawful Use be GRANTED for the continued use of a former agricultural building, two sheds and adjoining yard as a Landscape Gardener Contractors Store/Yard (Class B8).

Sufficient information has been submitted to demonstrate that, on the balance of probability, the building labelled A, the two sheds shown to the north-east and associated yard all hatched green on the submitted plan has been present and used for Landscape Gardener Contractors Store/Yard (Class B8) for a continuous period of 10 years or more prior to the submission of the application.

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

## CIRCULATED SCHEDULE NO. 15/16 – 15 APRIL 2016

**App No.:** PK16/0585/F

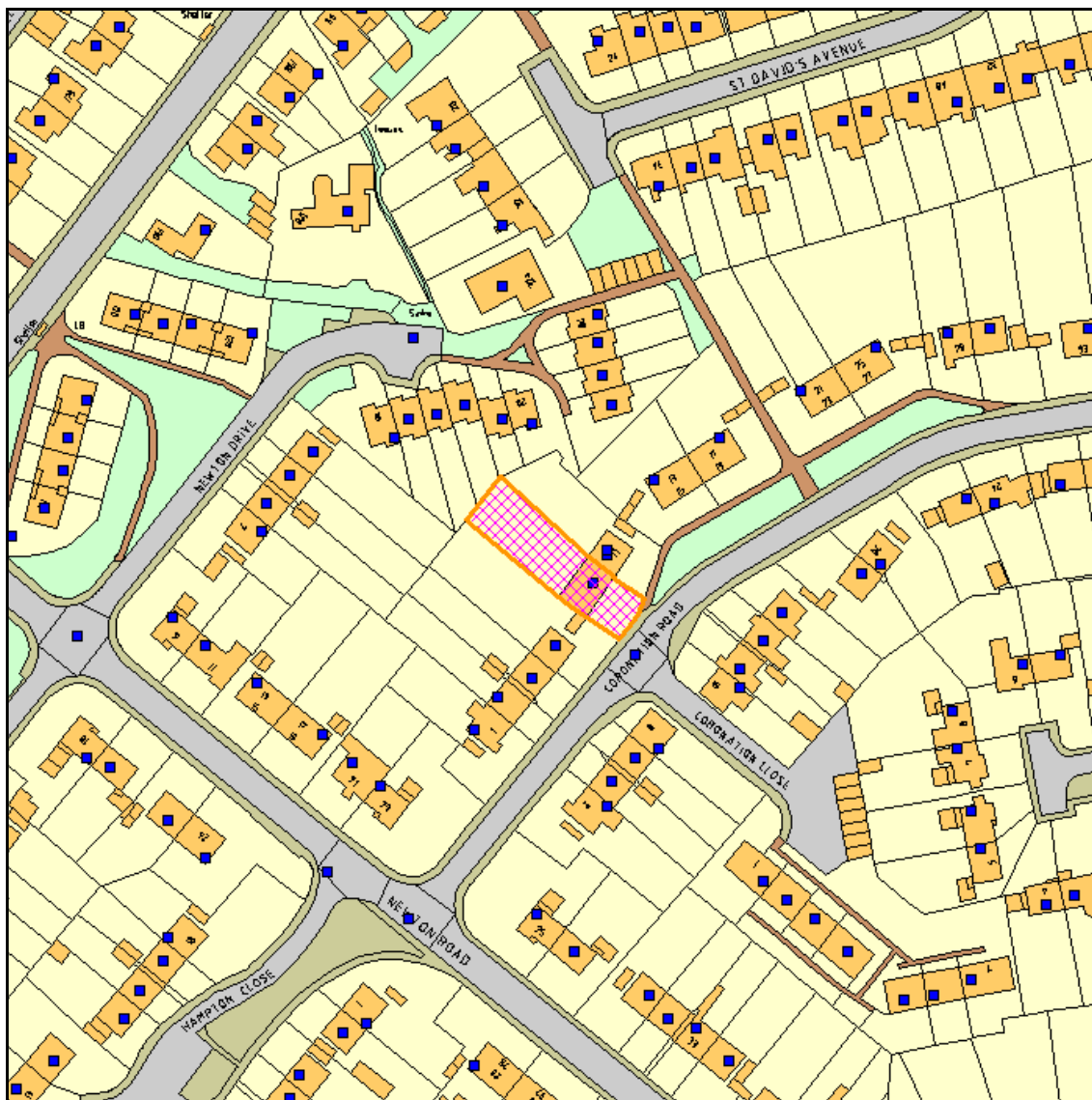
**Applicant:** Mr Alexander Manning

**Site:** 9 Coronation Road Warmley Bristol  
South Gloucestershire BS30 8EX

**Date Reg:** 17th February 2016

**Proposal:** Erection of detached garage/workshop  
**Map Ref:** 366418 172210  
**Application Category:** Householder

**Parish:** Oldland Parish Council  
**Ward:** Parkwall  
**Target Date:** 11th April 2016



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PK16/0585/F

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

### **1. The Proposal**

- 1.1 The proposal seeks to erect a single storey detached outbuilding to the rear of the curtilage of 9 Coronation Road, Warmley.
- 1.2 The subject property is a mid-20<sup>th</sup> Century dormer bungalow with a pitched mansard roof and a single storey attached garage to the side. The site is situated on a gentle gradient sloping downwards towards the rear of the curtilage. The garage forms a boundary with the adjacent dwelling and the remainder of the curtilage has 2 metre closed panel timber garden fences.
- 1.3 A detached garage will be erected to the rear of the residential curtilage with a ridge height of around 4.6 metres.
- 1.4 The subject property is situated within the built up residential area of Warmley.
- 1.5 A pre-application enquiry was lodged prior to the submission of the planning application. The report found the development acceptable in principle but no designs were put forward so a full assessment of its impact was not entirely assessed.

### **2. Policy Context**

- 2.1 National Guidance  
National Planning Policy Framework (adopted) March 2012  
National Planning Policy Guidance 2014
- 2.2 South Gloucestershire Local Plan Core Strategy (adopted) 2013  
CS1 High Quality Design  
CS4a Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage
- 2.3 South Gloucestershire Local Plan (SGLP) (adopted) 2006 (saved policies)  
H4 Development within Existing Residential Curtilages  
T12 Transportation
- 2.4 South Gloucestershire Supplementary Planning Documents  
Design Checklist SPD (adopted) August 2006  
Residential Parking Standards SPD (adopted) December 2013

### **3. Relevant Planning History**

No Relevant Planning History

### **4. Consultation Responses**

- 4.1 Oldland Parish Council  
Objection – consider the proposal excessive in scale

#### 4.2 Other Consultees

##### Transportation DC

No Objection following clarification of existing parking arrangement

##### Natural England

No Comments

##### Tree Officer

No Objection subject to revising the foundation to a slab foundation with minimal excavation.

#### **Other Representations**

#### 4.3 Local Residents

No Comments Received

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

#### 5.1 Principle of Development

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

#### 5.2 Design and Visual Amenity

The proposal consists of the erection of a single storey outbuilding to the rear of the curtilage to form a garage and workshop, there are a number of outbuildings to the rear of properties in the area and would not be considered to detract from the character of the area or host dwelling.

#### 5.3 The proposal has put forward rendered elevations and clay tiles; these materials would not be considered unusual for the type of development proposed. They are materials present in a number of buildings nearby (including properties to the rear of the curtilage) and would be considered acceptable.

#### 5.4 During the pre-application enquiry the dimensions of the proposal meant the structure would have had a ridge height of around 5.5 metres; this was considered excessive and it was recommended this was significantly reduced given the proximity of occupiers to the rear of the boundary. The revised design has a ridge height of around 4.5 metres. Though this is still relatively large for

single storey outbuilding it has not been considered gratuitous. The Parish council have objected to the proposal with regard to this aspect and consider the scale to be excessive. This comment has been considered and it has been found that due to the orientation of the proposal in relation to the dwellings to the rear it is unlikely to result in an unacceptable impact on the properties.

- 5.5 Overall, it is considered that the proposed structure would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to be 'in keeping' with policies CS1 and H4 and conforms to the criteria in the adopted Local Plan.
- 5.6 Residential Amenity  
Policy H4 of the adopted Local Plan gives the Council's view on new development within exiting residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.
- 5.7 The proposal will be situated in close proximity to the rear boundary of the residential curtilage. The properties rear of the boundary are arranged in a stepped fashion with the closest property being directly north of the north-eastern most point of the boundary. This dwelling is in relatively close proximity to the proposal. The parish council have objected to the proposal in relation to its scale. The proposal will result in some negative impact on the dwelling and adjoining gardens, however it has been considered that the subject site is at a lower elevation than these properties to the rear and that these dwellings are significantly taller than the host dwelling. Due to the orientation of the structure it is unlikely to unacceptably impact the amenity of these properties as a result of overbearing and the resultant overshadowing and is therefore acceptable.
- 5.8 The host property has a relatively large area of garden to the rear. It is not thought that the proposal would result in insufficient outdoor amenity space and is acceptable with regard to this.
- 5.9 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.
- 5.10 Sustainable Transport and Parking Provision  
Currently the property has an area of hardstanding to the front of the property and an attached single garage. The proposal would retain the existing garage and allow the erection of a detached garage to the rear of the residential curtilage. According to the residential Parking Standards SPD a 3 bedroom property would be required to provide 2 private parking spaces. This requirement is satisfied by the area of hardstanding to the front and side of the property as well as the provision of a space within the proposed detached garage. The proposal would not require any additional parking spaces nor will it have a negative impact on highway safety or the retention of an acceptable

level of parking provision, meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006). The council has no objection to the proposal in relation to highway safety or parking provision.

5.11 Arboriculture

On site inspection it was noted that there were trees nearby the proposal. The tree officer was consulted. Two ash trees were considered to be affected by the proposal. It was advised that the foundation design is reviewed and a plan submitted for approval prior to the commencement of works on site.

6. Conclusion

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

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

7. Recommendation

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

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

CONDITIONS

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

Reason

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

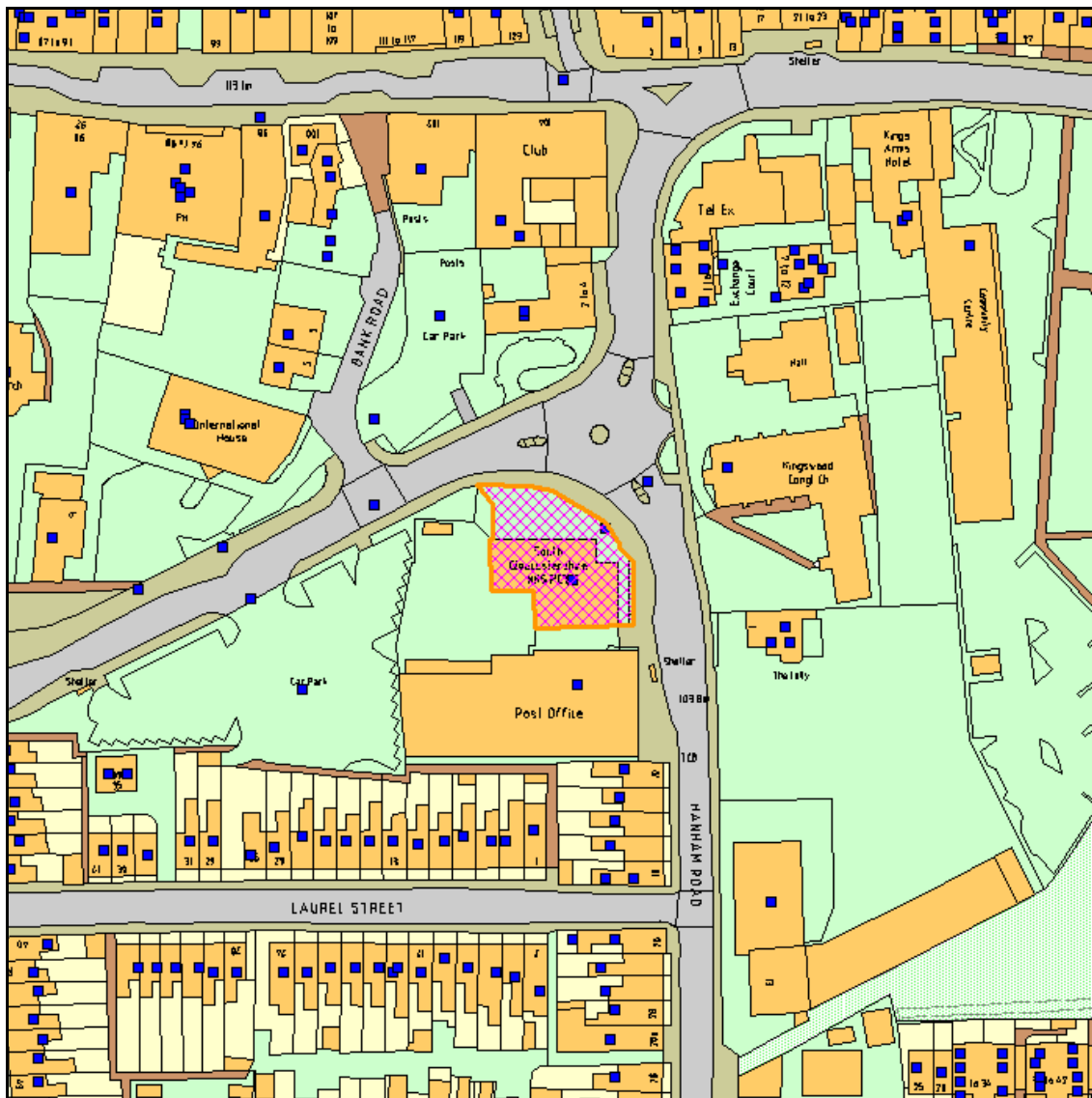
2. Prior to the commencement of development details of the foundation proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In the interests of the long term health of the trees nearby the proposal, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013. These details are needed prior to commencement as they relate to the nature of the foundations to be used.

CIRCULATED SCHEDULE NO. 15/16 – 15 APRIL 2016

<b>App No.:</b>	PK16/0740/F	<b>Applicant:</b>	Mr P Yates
<b>Site:</b>	Kingswood Learning Difficulty Service Hanham Road Kingswood South Gloucestershire BS15 8PQ	<b>Date Reg:</b>	22nd February 2016
<b>Proposal:</b>	Demolition of existing building. Erection of 8 no. flats and associated works (Re submission of PK15/4828/F).	<b>Parish:</b>	None
<b>Map Ref:</b>	364960 173737	<b>Ward:</b>	Woodstock
<b>Application</b>	Minor	<b>Target</b>	12th April 2016
<b>Category:</b>		<b>Date:</b>	



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N.T.S.      PK16/0740/F

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

This application has been submitted to the Council's Circulated Schedule procedure, following objections from local residents which is contrary to the recommendation within this report.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the demolition of the existing building, last used by the NHS Community Learning Disability Team to facilitate the erection of a two-storey building to provide 8 no. two bedroom flats.
- 1.2 The application is a resubmission of a previously withdrawn proposal for 12 no. flats at the site (PK15/4828/F), however this was withdrawn following parking issues.
- 1.3 Amendments have been received to the design on 30<sup>th</sup> March 2016. As these changes were slight, a period of re-consultation was not deemed necessary.
- 1.4 The application site is located within the existing urban area of the east fringe of Bristol. No further designations or constraints cover the site.

### **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  
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  
CS18 Affordable Housing  
CS23 Community Facilities  
CS29 Communities of the East Fringe of Bristol

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

L1 Landscape  
L9 Protected Species  
T12 Transportation

#### **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 PK15/4828/F Withdrawn 08/01/2016  
Demolition of existing building. Erection of 12 no. flats and associated works

### 4. **CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
Un-parished area.

- 4.2 Other Consultees

Sustainable Transport  
No objection subject to conditions.

Highway Structures  
No comment.

Lead Local Flood Authority  
No objection as there will be no significant change to the existing surface.  
Soakaways must be located 5 metres from any structure including the public highway.

Environmental Protection  
No objection, however general information regarding construction sites has been suggested as an informative.

Children and Young People  
No comment received.

West and Wales Utilities  
No comment received.

Community Services  
No comment received.

Housing Enabling  
Confirmation that the application for 8 dwellings falls under the policy CS18 affordable housing threshold of 10 or more dwellings or 0.33 hectares in urban areas and therefore there is no affordable housing requirement.

Ecology Officer  
No objection subject to condition.

Landscape  
No comment to this application, however concerns raised in previous application regarding lack of private amenity space and request that landscape scheme is agreed.

## **Other Representations**

### **4.3 Local Residents**

Four objection letters have been received, and the points made have been summarised below:

- Inadequate parking – 12 or 13.6 (including visitors) spaces are required and only 8 have been provided
- There are already intense on-street parking pressures due to the post office and sorting office and close proximity to the High Street. Existing car parks do not meet demands, and there is double yellow lines around much of the area
- Existing car parks are time restricted and therefore no suitable for visitors
- Two vehicles cannot turn within the site at once and this will cause congestion on the roundabout
- Out of character with area which is mostly Victorian terraced houses
- Access from busy roundabout is dangerous for vehicles and pedestrians

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Kingswood falls within the existing urban area. Policy CS5 sets the strategy for development and directs new development to the existing urban areas and defined settlements. However, policy CS23 seeks to retain community infrastructure unless specific circumstances can be proven. Therefore, subject to an assessment regarding the loss of community infrastructure, the development is acceptable in principle.

### **5.2 Loss of Community Infrastructure**

Policy CS23 states that existing community infrastructure will be retained unless it can be demonstrated that the use has ceased and there is no longer a demand for it or the facility is no longer fit for purpose. When it can be demonstrated that these circumstances apply then a mixed re-use of the site is promoted over a pure residential reuse.

- 5.3 The application site was previously used by the NHS Community Learning Disability Team, and the site was known as the 'Kingswood Learning Difficulties Service.' The site provided a drop in centre with practitioners, including nurses, on site. The building has now been empty for three years according to the agent, and no evidence has come to light to dispute this, and therefore the use is considered to be ceased. The Community Learning Disability Team have relocated to Church Road, Soundwell, a twenty minute walk from the site (1 mile away) and therefore there is no longer a demand. The development is therefore acceptable in terms of policy CS23.

Moreover, this application is being assessed against the presumption for sustainable development set out in paragraph 14 of the NPPF (see 5.16 of this report). Accordingly it should only be resisted if there is a significant and demonstrable harm that outweighs the benefits. Recent case law from the Court of Appeal clarifies that any policies whose effect would be to restrict housing supply should be considered to be out of date such that that this presumption applies; accordingly policy CS23 would fall into this category.

5.4 Residential Amenity

Development will only be permitted where it does not have a prejudicial impact on residential amenity. Residential amenity considerations should cover the living conditions of the proposed dwellings and the living conditions of all nearby occupiers.

5.5 The application site is bordered by the Post Office site, a car park, and the roundabout linking Hanham Road to Cecil Road. It is therefore not considered to have an impact on the residential amenity of any nearby occupiers, as they are some distance away.

5.6 Concerns were raised by the Landscape officer about the lack of private amenity space and the small amount of communal amenity space that had been provided during the course of the previously withdrawn application, which did not meet the private amenity space standards detailed within the draft Policies Sites and Places Development Plan Document. This has not been addressed within this resubmission. It is worth noting however, that the private amenity space standards have not yet been adopted and may be revised prior to examination, so at this stage very little weight can be afforded to that emerging policy. One of the ground floor flats overlooks the private amenity space but does not have direct access to it, enabling the use of the shared space to be equal between all flats. All units do have access to Juliet balconies however, and there is public open space available a four minute walk to the east. Larger balconies have been suggested as an alternative, but given the location adjacent to two main roads, it is unlikely they would be of a particularly high quality and would feel exposed. It was concluded by the officer that Juliet balconies would be adequate, given the size of the units, the small communal area, and the proximity to nearby public open space. Overall, the development is found to be in accordance with policy CS1 of the Core Strategy, and the small amount of amenity space would not amount to a significant and demonstrable harm that would outweigh the benefits of additional housing in this urban location.

5.7 Design and Visual Amenity

The proposed building is of two storeys and has a rather square footprint, however this will be offset by the proposed flat roof stairwell areas either side of the building. The main building will have a hipped roof, and amendments have been sought to include a parapet wall, to prevent the building appearing too 'box like.' This also brings the height of the parapet in line with the existing flat roof development to the south, and integrating the development more effectively into the street scene when viewed from along Hanham Road. Hipped roofs can be seen in the vicinity, with the most similar development being a three storey hipped roof building, finished in render, on the diagonally opposite side of the mini roundabout.

5.8 Objections raising concerns that the development is out of keeping with the character of the area have been received from local residents, stating that the character is primarily defined by Victorian terraces with bay windows and finished in stone. There are hipped terraces along Hanham Road, but officers do not consider this to be the defining characteristic of the area.

There are many other styles of development in the vicinity, and the lack of a uniform architectural style has given the developer some freedom to explore a contemporary option.

- 5.9 With regards to materials, the roof will be mock slate effect tiles in a dark grey colour, and the external walls will be timber cladded and finished in ivory render, which can be seen in vicinity. The proposed windows and doors appear to be grey UPVC from the submitted Design and Access statement. Samples of the external materials will be required prior to commencement to ensure they are acceptable.
- 5.10 Due to the position of the development next to the adjacent car park to the west, a tall boundary treatment is required for security reasons and this has been shown on the External Works plan. Low level lighting bollards and automatic lights are proposed to provide extra security, and the pedestrian entrance will be gated. All of these details will be conditions on the decision notice,
- 5.11 Tree planting has been shown on the Proposed Block Plan, and further details of this and other landscaping and areas of hardstanding will be secured by condition. Subject to this, the development is considered to be in accordance with policy CS1 of the Core Strategy.
- 5.12 Ecology  
A Bat Survey has been provided (Abricon, dated January 2016). An internal and external buildings inspection found that the building had negligible potential to support roosting bats (protected under the Conservation Regulations 2012 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Swallow and swift boxes have been provided and will be conditioned in the event the application is approved.
- 5.13 Transport  
There is an existing vehicular access to the site, directly onto the roundabout junction B4046 Hanham Road and Cecil Road. Vehicles exiting the access enter the roundabout adjacent to the give markings on the Hanham Road arm of the roundabout. Although, it is not ideally located, the access is an existing access. The Council's Transport officer is satisfied that vehicular speeds are low at this particular roundabout and there are no proposed changes to the existing access, which hasn't been the subject of any Personal Injury Accidents on record so far, despite the significant levels of traffic movement previously generated by the drop in NHS site. In consideration of the fact that there will be fewer traffic movements resulting from the new development compared to the extant use then, it is not appropriate to refuse the application on an existing access issue.
- 5.14 For 8no. two bedroom flats, twelve parking spaces would ordinarily be required. Only eight have been shown, providing one per flat. Given the location of the site, a reduced number of parking spaces is considered acceptable by officers. The site falls within a highly sustainable town centre location and Kingswood High Street has a wide range of facilities and is a very short walk from the proposed development.

There are excellent bus and cycle links to Bristol centre, Bath or Gloucester and local facilities such as schools and health centres are easily accessible by bus or on foot. This will help reduce car use and promotes sustainable modes of travel such as walking and cycling. Consideration is also given to this fact that there are two public car parks within easy walking distance to the site. Nearby Cecil Road car park has 53 spaces and the Bank Road 24 spaces, both car parks are free parking with maximum length of stay of 2 hours and this provides for shoppers but for the development site it could provide for visitors. The travel plan submitted by the applicant is acceptable and can be conditioned for implementation in the event that planning is granted. Furthermore, adequate cycle parking has been provided and will also be conditioned on the decision notice.

- 5.15 The NPPF states that '*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*' and as the site is previously developed land, using an existing access with a previously higher level of vehicular movements, the impact is not considered to be severe and is therefore acceptable in transportation terms.

5.16 Affordable Housing

The number of units has been reduced from the previously withdrawn application, from twelve to eight, and this was to address parking concerns and not an attempt to afford the affordable housing requirement laid out in policy CS18 of the Core Strategy. Eight units do not require affordable housing contributions to be made and so none have been negotiated in this instance.

5.17 Other Issues

Following an appeal decision on 8<sup>th</sup> June 2015 (APP/P0119/1/14/22202915) relating to a site in Charfield, the Inspector came to the conclusion that the Local Planning Authority in South Gloucestershire could not demonstrate a 5-year supply of deliverable housing land, and therefore paragraph 49 of the NPPF is currently engaged. Housing applications should be considered in the context of the presumption in favour of sustainable development, and that the Local Planning Authority should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This proposal will add eight two-bedroom units to the housing supply, and is considered to make a modest contribution. When balancing the benefits to the housing supply that eight units will provide alongside the aforementioned lack of private amenity space and reduced parking requirement, the harm caused by these issues is not significant and demonstrable and is therefore outweighed by the contribution to the housing supply. It is therefore recommended that the application is approved, subject to conditions.

## 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 conditions.

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

## **CONDITIONS**

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

### Reason

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

2. Prior to the commencement of development samples of the roofing and external facing materials proposed to be used 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. The information is required prior to commencement to prevent remedial works later on.

3. 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 ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework. Information is required prior to commencement to prevent remedial works later on.

4. Prior to the first occupation of the new building, the off-street vehicular parking, cycle storage, lighting measures, waste storage and turning area shall be provided in accordance with the submitted plans (drawing nos. 07, 10 and 14) and subsequently maintain these satisfactory thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety, security and the amenity of the area, and to provide alternatives to the private car to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; policies T12 and T7 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

5. No development shall commence until a 'Construction Management Plan' has been first submitted to and approved in writing by the Local Planning Authority. The plan shall include details of a method of construction vehicle wheel washing during implementation of the development, delivery times (avoiding importation/removal of spoil during peak hour during ) and construction hours, details of the method of accessing the site for construction purposes, method of removal of spoil and soil is to be removed and any road or land closures necessary to achieve this including timescales of closures. Details of staff parking during construction, on site storage area shall all be first agreed with the Council in advance of any development works on site. The development shall be implemented in accordance with the approved plan.

Reason

In the interest of highway safety in accordance with policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS8 of the Core Strategy (Adopted) December 2013. Information is required prior to commencement to prevent remedial works later on.

6. 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, unless alternative timescales are agreed in writing with the Local Planning Authority.

Reason

In the interest of highway safety and to encourage alternatives to the private car in accordance with policy T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS8 of the Core Strategy (Adopted) December 2013.

7. The western boundary shown in drawing number 10 shall be a minimum 1.8 metres tall.

Reason

In order to increase security at the site, in accordance with policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013.

8. The ground floor level flat shown as unit 1 on the plans shall not have direct access through proposed openings to the area of communal amenity space.

Reason

To ensure that the communal space is shared equally between all eight flats, in accordance with policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

9. The development will be implemented in strict accordance with the enhancements for birds in the form of bird boxes as laid out in Section 6.2.2 of the Bat Survey (Abricon, dated January 2016).

Reason

To ensure that the scheme provides enhancements for swallows and swifts in accordance with policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. During the period of construction no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 7.30am-6.00pm Monday to Friday, 8.00am-01.00pm Saturdays; nor at any time on Sunday or Bank Holidays.

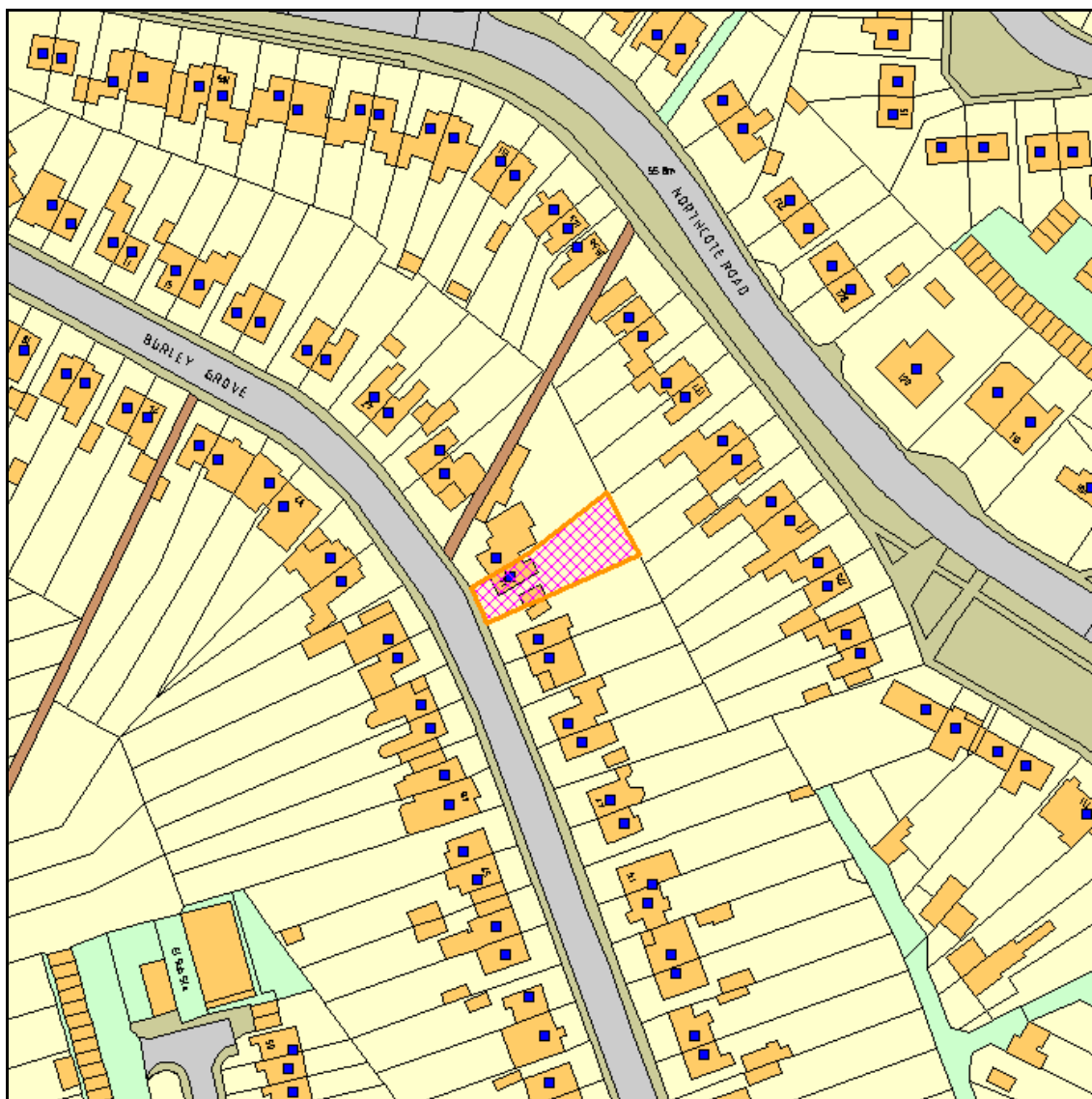
Reason

To protect the residential amenities of those in the area, in accordance with policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.



## CIRCULATED SCHEDULE NO. 15/16 – 15 APRIL 2016

<b>App No.:</b>	PK16/0753/F	<b>Applicant:</b>	Mrs Naomi Phillips
<b>Site:</b>	37 Burley Grove Mangotsfield Bristol South Gloucestershire BS16 5QB	<b>Date Reg:</b>	22nd February 2016
<b>Proposal:</b>	Erection of 1no attached dwelling with new access, parking and associated works and erection of two storey and single storey rear extensions to provide additional living accommodation.	<b>Parish:</b>	None
<b>Map Ref:</b>	365840 176556	<b>Ward:</b>	Rodway
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th April 2016



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PK16/0753/F

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

The application has been subject to comments contrary to the findings of this report. As a result under the current scheme of delegation it is required that the proposal is referred to circulated schedule. The report has been re-circulated for clarity and in respect of further comments in respect of a revision received by the Local Planning Authority.

### **1. The Proposal**

- 1.1 The proposal seeks to demolish an existing detached garage and erection of a two storey side and rear extension and single storey rear extension to form 1no. new attached dwelling. The proposal includes the subdivision of the rear garden area, construction of bin and cycle stores and the re-arrangement of the front hardstanding and garden to provide additional parking facilities.
- 1.2 The subject property is a two storey mid-20<sup>th</sup> century semi-detached property with a detached single garage to the side/rear on the boundary with the adjoining property. Elevations have a rendered exterior and the roof is hipped with brown tile covering.
- 1.3 To the front and rear of the property are areas of private garden and patio. Boundary treatments are a combination of brick walls, hedges and timber garden fences.
- 1.4 The site is located within the built up residential area of Mangotsfield. The surrounding area exhibits a relatively uniform style of design with the majority of dwellings being constructed in the mid-20<sup>th</sup> century.
- 1.5 This application is a resubmission of a withdrawn application that was not considered acceptable. The proposal was seen as unsatisfactory in terms of its design and the impact on adjoining occupier's residential amenity.

### **2. Policy Context**

- 2.1 National Guidance  
National Planning Policy Framework (adopted) March 2012  
National Planning Policy Guidance 2014
- 2.2 South Gloucestershire Local Plan Core Strategy (adopted) 2013  
CS1 High Quality Design  
CS4a 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  
CS18 Affordable Housing  
CS23 Community Infrastructure

- 2.3 South Gloucestershire Local Plan (SGLP) (adopted) 2006 (saved policies)  
H4 Development within Existing Residential Curtilages  
T12 Transportation
- 2.4 South Gloucestershire Supplementary Planning Documents  
Design Checklist SPD (adopted) August 2006  
Residential Parking Standards SPD (adopted) December 2013

**3. Relevant Planning History**

No Relevant Planning History

**4. Consultation Responses**

- 4.1 Parish Council  
No Comment Received

- 4.2 Other Consultees

Highway Structures  
No Comment

Transportation Department  
Parking Standards require a space for each dwelling. A revised block plan was requested.

Lead Local Flood Authority  
The applicant has overlooked the method of surface water disposal – detail is required.

**Other Representations**

- 4.3 Local Residents  
Initial Comments - A number of objections have been received. The concerns all note that the proposed dwelling would be out of keeping due to the terraced nature of the proposal and the semi-detached nature of the surrounding dwellings. Secondly the proposal would represent overdevelopment. There were also concerns that insufficient parking is being provided and that in the original plans the host dwellings parking space encroaches onto the perceived boundary line of the proposed new dwelling.

Further Comments – The application was subject to amendments that did not require re-consultation. The revised plans weren't made public prior to the submission of the report. Consequently, the report was taken out to be recirculated to allow clarification and submission of additional comments. The revised objection further to previous remarks, indicate parking for the development, though in line with local policy requirements, does not take into account local road conditions.

## **5. Analysis of Proposal**

### **5.1 Principle of Development**

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

5.2 The location of the site would be considered a suitable location for development and would be acceptable in principle. Consequently the main issues to deliberate are the design and appearance of the dwelling and the impact on the character of the area; the impact development may have on the amenities of neighbouring occupiers and the proposals impact on transport and parking provision.

5.3 Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. In this case the site has not been specifically identified within the Development Plan, however the housing land supply has been found insufficient; in this situation there is a presumption in favour of sustainable development unless the adverse impacts significantly and demonstrably outweigh the benefits. The proposal would represent a modest contribution to this housing land supply and therefore a material consideration in the determination of this planning application. The proposal is subject to the consideration below.

### **5.4 Design and Visual Amenity**

The proposal consists of the erection of 1 no. attached dwelling with associated works and the erection of a single storey extension to the rear within the residential curtilage of no.37 Burley Grove, Mangotsfield. The area is characterised by a relatively consistent style of construction dating from the mid to late-20<sup>th</sup> century. The properties tend to be roughly uniform and situated a similar distance from the road in a building line following the bends of the road. The properties have reasonably large rear gardens as well as a small area of front garden. The host dwelling is typical of the street and has a wide hipped roof and rendered elevations. Each pair of semis is symmetrical with one mirroring the other and windows being evenly spaced. A number of two storey additions and extensions can be seen along the road; these are predominantly to the rear and side of the properties and in most cases form a car port with additional living accommodation above.

5.5 The host dwelling has been the subject of a rear single storey extension in the past; this and the existing detached garage would be demolished to make way for the extensions and attached dwelling. The current proposal is for the

introduction of a two storey side and rear extension to form additional living accommodation and 1no. attached dwelling and a single storey rear extension to form additional living accommodation. This proposal is not typical of the pattern of development along Burley Grove where the type of housing is predominantly that of large 2 storey semi-detached properties.

5.6 The proposal is a resubmission of a previously withdrawn application. The previous application was withdrawn as it was seen as unacceptable with regard to its design and impact on residential amenity. The previous design concerns are specified below:

- Introduction of a separate dwelling in this location causing a negative impact on the streetscene and balance of the host dwelling;
- Uneven spacing of the window and door openings detracting from the symmetrical character of the area and host dwelling;
- Overdevelopment of the site resulting in a negative impact on residential amenity of both the host and proposed dwellings and neighbouring occupiers;
- Loss of the entirety of the front garden to provide parking facilities;
- Access and parking to the existing dwelling encroaching on the perceived boundary line separating the dwellings.

5.7 Revisions have included the reduction in the depth of the extensions to the rear; re-alignment and orientation of the window and door openings to the front of the property; reduction in the number of bedrooms provided to the host dwelling and the loss of a parking space to the front of the property, allowing the introduction of an area of garden and to introduce a boundary treatment between the properties. The scale of the proposal was not seen as a concern as there are examples of similar two storey side and rear extensions nearby. A two storey extension of the same scale would likely be permitted in this location and the proposed dwelling would be similar in appearance to an extension of this type. Added to this consideration is the fact that were a two storey extension introduced rather than an attached dwelling the resultant property would have the same number of bedrooms as both proposed dwellings and the site would be used no more intensely and therefore would not be considered to be overdevelopment of the site. Weight has been given to this consideration in the assessment of the proposed design.

5.8 One of the key concerns with the previous proposal was the introduction of an attached dwelling to create a row of 3 terraces properties; something that was mentioned in all objection comments – this has not been overcome however some of the related impacts have been mitigated. The previous proposal resulted in two dwellings; one with 2 bedrooms, the other with 3. This made it necessary to introduce 3 parking spaces in accordance with the Residential Parking Standards SPD (adopted) 2013. As a result of the requirement, the entirety of the front garden would have been taken up by parking spaces – something symptomatic of overdevelopment. Added to the consideration was that the entrance in the side elevation and parking to the host dwelling would have been across the perceived boundary line. The revised proposal has reduced the number of bedrooms in both properties to 2 and introduced a door

to the front elevation of the host dwelling. This has allowed the loss of a parking space and the introduction of a boundary treatment between the front driveways offering greater separation between the dwellings.

- 5.9 The proposal has been reduced in depth. The original proposal would have created a significant negative impact on the adjoining property. The revised proposal protrudes by around 3.3 metres to the rear. This could be delivered via Prior Notification and the provisions of the Town and Country Planning (General Permitted Development) Order 2015. Though it would require consultation and assessment of the impact on the amenity of the adjoining occupier there is unlikely to be an objection to such a proposal - this has been given a limited amount of weight in the consideration of the planning application.
- 5.10 Whilst the design of the proposal is in keeping with the character of the area and is considered of an appropriate scale, it introduces a feature not present on the remainder to the street (in that it would form a separate dwellinghouse). There are examples of two storey side extensions along Burley Grove; however these do not form separate dwellings and remain suitably subservient to the main dwelling. A similar proposal has been permitted on the adjacent Northcote Road – only limited weight could be attributed to this as a precedent case as the site offers greater width and consequently the proposal is better identifiable as a separate dwelling. The proposed dwelling would be fitted into a tight site and would negatively impact the rhythm of the streetscene by creating a smaller dwelling that adversely impacts the character of the area. Comments have been received objecting to the design of the proposal with regard to the character of the area and the proposal resulting in the creation a terrace of dwellings, when the remainder of the surrounding properties are semi-detached. That said the current proposal has sought to mitigate the dwellings impact on the streetscene. On balance it is considered that the minor negative impacts are outweighed by the beneficial contribution to housing supply.
- 5.11 The proposal has put forward materials of a similar appearance with respect of the roof, windows and elevations and there is no objection with regard to materials.
- 5.12 Policy CS1 of the Core Strategy States that proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context. As such the proposal has been seen to have some minor negative impact. Measures have been sought to mitigate this impact and on balance the design has been considered acceptable.
- 5.13 Residential Amenity  
Policy H4 of the adopted Local Plan gives the Council's view on new development within exiting residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling. The property has a suitable degree of separation with properties directly to the rear and would not result in loss of privacy to properties bounding the rear of the residential curtilage. Properties forward of the front elevation and

separated by Burley Grove are also unlikely to be significantly impacted as a result of the proposal.

- 5.14 The proposal includes the erection of a single storey rear extension which would have a depth of around 3.3 metres at its greatest. This extension will be in very close proximity to the boundary of the curtilage. A rear extension of this size could be permitted by submission of an application for prior notification. There is unlikely to be an objection to a proposal of this scale. Though it may result in some negative impact on the residential amenity it is not thought to be to an unacceptable degree.
- 5.15 The proposal would also be in close proximity to the boundary of the curtilage to the South-East of the site and will only be separated by the rear access path which is around a metre at its narrowest point. The proposals have a depth of around 3.3 metres from the original rear elevation. The neighbouring property (no.39) has only a small rear extension and its rear elevation is almost in line with the existing rear extension. As the proposal will protrude further than this rear elevation there is likely to be some overbearing impact on the property. An objection was received from the occupier whom was concerned with the impact the development may have on their residential amenity. This concern is not seen as significant enough to warrant a refusal on this basis and there are other examples of similar 2 storey side extensions in the area.
- 5.16 The proposal would require parking for 2 cars; this is possible on site. The previous proposal required 3 spaces resulting in the loss of the entirety of the front garden - this is a characteristic indicative of overdevelopment and considered contrary to Policy CS1 of the Core Strategy. The revised proposal no longer requires 3 spaces; consequently the parking area has been reviewed and is no longer considered to negatively impact the amenity of the proposed dwellings. The subject property is located within a built up residential area and given the scale and location of the proposed development will not result in an unacceptable detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.
- 5.17 Transport and Parking Provision  
Currently the driveway and garage would be used for parking by the existing dwelling. It is proposed that a proportion of the front garden will be taken up by bin storage and 2no. car parking spaces to accommodate the additional 2no. bedroom dwelling. The number of off-street parking spaces would be in accordance with the Residential Parking Standards SPD and considered acceptable. Objection comments note their concern over the parking provision and that it would be insufficient for the resultant development; however it is found to be in line with the Councils parking requirements and therefore acceptable. The comments indicate the proposal, though in line with local policy, does not take into account local road conditions. This is not a sufficient planning reason in order to support a refusal.
- 5.18 Currently the property has a detached garage and an area of hardstanding to the front and side of the property. The proposal would see the demolition of the garage to facilitate the construction of the new dwelling. New development

must provide off-street parking in accordance with the Residential Parking Standards SPD (adopted) December 2013. A 2 bedroom property is required to provide 1 space. As a new dwelling will be erected with 2 bedrooms a total of 2 private car parking spaces must be provided on site. These have been identified on the block plan. In respect of this there are no longer any council objections in relation to highway safety or parking provision; meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006).

5.19 Other Matters

The Lead Local Flood Authority commented on the application noting that details of surface drainage have not been submitted. A condition was recommended however at this scale of development the drainage specifications are provided for by building regulations and a condition is not required.

6 Conclusion

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

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

7 Recommendation

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

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

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 7:30 to 19:00 Monday to Friday; 8:30 to 13:00 Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or



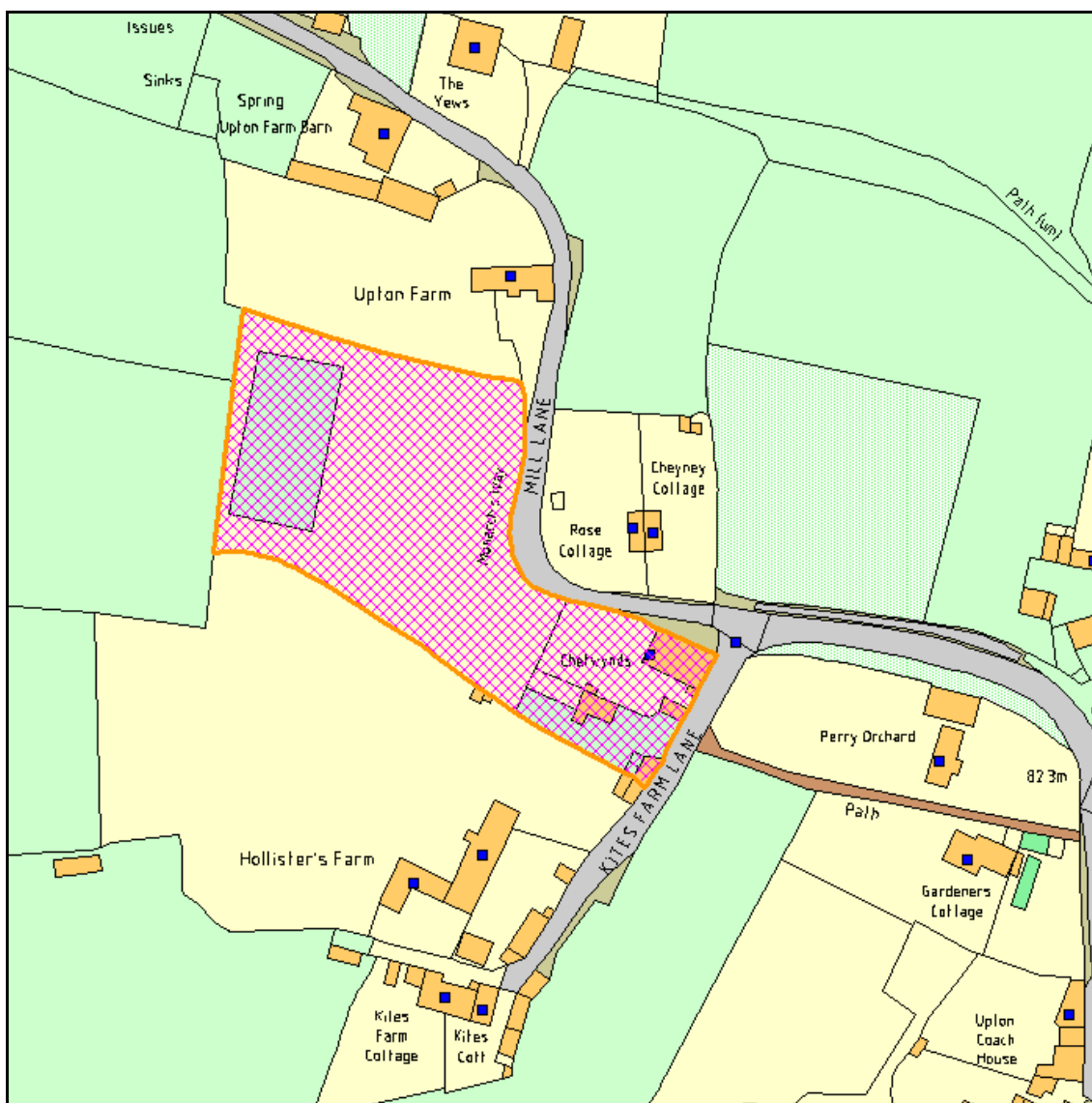
other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To minimise disturbance to occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of the National Planning Policy Framework.

## CIRCULATED SCHEDULE NO. 15/16 – 15 APRIL 2016

<b>App No.:</b>	PK16/0871/F	<b>Applicant:</b>	Mr Damien Silverton
<b>Site:</b>	Chetwynds Mill Lane Upton Cheyney South Gloucestershire BS30 6NH	<b>Date Reg:</b>	26th February 2016
<b>Proposal:</b>	Erection of single storey home/office outbuilding (Resubmission of PK15/4362/F)	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	369142 170046	<b>Ward:</b>	Bitton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	19th April 2016



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PK16/0871/F

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

This application is referred to the Circulated Schedule in order to take into account the comments of objection received. The officer recommendation is for approval.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a single-storey home office garden building within the grounds of Chetwynds in Upton Cheyney.
- 1.2 The proposed building would be located mid-way down the garden of the property but outside of the original curtilage of the dwelling. To west and north of the original curtilage, land has been incorporated into the dwelling's garden to form an informal paddock type garden with specimen trees leading to a slightly depressed tennis court. This is markedly different from the traditional garden of the dwelling which is more heavily planted and provides little 'open' space for recreation.
- 1.3 This additional land has been formally recognised as falling within a residential use (Class C3, as defined in the Town and Country Planning (Use Classes) Order 1987) under a certificate of lawfulness for an existing use (PK15/5113/CLE).
- 1.4 In terms of planning constraints, the site is located outside of the settlement of Upton Cheyney (as defined on the proposals maps). The site also falls within land designated as part of the Bristol and Bath Green Belt and the Cotswolds Area of Outstanding Natural Beauty. The site is located within the Upton Cheyney Conservation Area and Chetwynds is a grade II listed building.
- 1.5 Planning permission is required because the proposed building has a height of 4.2 metres; the maximum height allowed as permitted development is 4 metres.

### **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  
L2 Cotswolds Area of Outstanding Natural Beauty  
L12 Conservation Areas

L13 Listed Buildings  
H4 Development within Existing Residential Curtilages  
LC12 Recreational Routes

- 2.3 Supplementary Planning Guidance  
Development in the Green Belt SPD (Adopted) June 2007  
South Gloucestershire Design Checklist SPD (Adopted) August 2007  
Landscape Character Assessment SPD (Adopted) November 2014  
Upton Cheyney Conservation Area Advice Note (Endorsed) April 1996  
Cotswold AONB Management Plan (Endorsed) 2013

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

- |     |  |           |            |
|-----|--|-----------|------------|
| 3.1 | PK15/5113/CLE  | Approved  | 12/02/2016 |
|     | Application for a certificate of lawfulness for the existing use of land as residential curtilage. |           |            |
| 3.2 | PK15/4362/F  | Withdrawn | 09/11/2015 |
|     | Erection of single storey home office/garden room  |           |            |
| 3.3 | PK00/0030/F  | Approved  | 30/06/2000 |
|     | Construction of Tennis Court   |           |            |

### 4. **CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
Objection: The extent of visibility from Mill Lane has not been shown.
- 4.2 Conservation Officer  
Limited level of information provided
- 4.3 Transport Officer  
No objection subject to restriction of outbuilding to incidental accommodation to the main dwelling

#### **Other Representations**

- 4.4 Local Residents  
One letter has been received which raises the following issues:
- No objection to the home office; provides space for family life
  - Concern if the council insisted on screening as this would have a greater impact than the building itself
  - Screening may block light and outlook

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

- 5.1 This application seeks planning permission for the erection of a outbuilding for use as a home office and garden building at a site in Upton Cheyney.

5.2 Principle of Development

Policy H4 allows for development within existing residential curtilages. The use of the land for residential purposes has been established under a certificate of lawfulness. Whilst the site of the proposal may not strictly fall within the original curtilage of the dwelling, now that the land has been lawfully identified as in a residential use, it follows that policies used to consider domestic style development should be used to determine the application.

- 5.3 In addition to the above, the location of the site within the green belt, conservation area, and proximity to the listed building should be considered. Therefore the proposal should be determined against the analysis set out below.

*Green Belt*

- 5.4 The government attaches great importance to green belts with the fundamental aim of keeping land permanently open in nature. To achieve this, development in the green belt is restricted and deemed inappropriate unless it falls into predefined exception categories.
- 5.5 There is no exception category that relates directly to the erection of domestic outbuildings. One of the exception categories is the extension or alteration of an existing building provided that it does not result in a disproportionate addition over and above the size of the original building.
- 5.6 This planning application is required because the proposed building exceeds the maximum height allowed as permitted development by 0.2 metres. The principle of domestic outbuildings is indeed established by Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 2015. There is no restriction within the Order on outbuildings within the green belt.
- 5.7 The green belt serves 5 purposes: restrict the sprawl of large built-up areas; prevent towns from merging; safeguarding the countryside; preserve the setting and character of historic towns; and assist in urban land regeneration. The proposed development would not contravene the purposes of the green belt. Furthermore, whilst there would be some impact on openness, given that the building is located within a residential garden directly abutting an established laurel hedge and between the main dwelling and the tennis court, the impact is minimal.
- 5.8 It is not considered that the proposal would have a significant impact on the openness and purposes of the green belt and therefore no objection is raised on that basis.

*Heritage*

- 5.9 A number of heritage designations cover the site. The main dwelling is grade II listed. The proposed outbuilding is not located within the land considered to fall within the curtilage of the listed building and would not require physical works to the listed building. Given the mature trees and hedges between the proposed development and the main house, it is not considered that the development would affect the setting of the listed building.

- 5.10 The site is also located within the Upton Cheyney Conservation Area. The Mill Lane part of the conservation area is important in defining the special character of the village. Concern has been raised by the Conservation Officer that too little detail has been submitted to assess the impact of the proposal and ascertain whether additional screening would be required.
- 5.11 The proposed building is set within the garden of the site, away from Mill Lane. The garden is also on higher ground than Mill Lane, separated by a steep bank. Along the boundary with Mill Lane is an established tree hedge. The proposed building would be located adjacent to an existing established laurel hedge. The building is small in nature and constructed from natural stone, timber, and glass. Despite the slightly elevated position, it is not considered that the development would have a detrimental impact on the special character of the conservation area. Whilst the comments about screening are noted, it is also considered that there is sufficient existing screening which would assist in enabling the development to sit comfortably within its setting.

*Summary of Principle*

- 5.12 The proposal has been found not to conflict with green belt policy guidance and would not have an adverse impact on the heritage assets in the locality. The proposal is therefore acceptable in principle but further consideration of the design of the building and the landscape impacts should be made.

5.13 Design

The proposed building would have 1 room. The rear elevation would be made from natural stone and the structure formed by a timber frame. The remaining elevations would be glazed giving the building a lightweight and open feel that respects the character and appearance of the historic buildings and site location.

- 5.14 It is considered that a high standard of site planning and design has been achieved and there is no objection to the proposal.

5.15 Landscape

Located in the AONB, development should preserve and where possible enhance the natural beauty of the area. The site is considered to be well screened. The building is considered to be of a suitable design that would sit comfortably within its landscape setting. It is not considered that the proposal would have an adverse impact on the natural beauty of the AONB and no objection is raised on that basis.

5.16 Transport

The proposal would have no material impact on transportation. It is considered that the scale of the building is appropriate and would not significantly change how the planning unit is used. No objection is raised in this regard.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

## CIRCULATED SCHEDULE NO. 15/16 – 15 APRIL 2016

<b>App No.:</b>	PK16/1061/TRE	<b>Applicant:</b>	Mrs Diane Foster
<b>Site:</b>	4 Bampton Close Emersons Green Bristol South Gloucestershire BS16 7QZ	<b>Date Reg:</b>	8th March 2016
<b>Proposal:</b>	Works to reduce crown of 1no. Oak tree to leave a height of 15m and a radial spread of 9m tree covered by KTPO 03/91 dated 26th February 1991	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	367390 176869	<b>Ward:</b>	Emersons Green
<b>Application</b>	Works to trees	<b>Target</b>	29th April 2016
<b>Category:</b>		<b>Date:</b>	



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PK16/1061/TRE



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

This application is being reported to the circulated schedule because comments have been received that are contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 Works to reduce crown of 1no. Oak tree to leave a height of 15m and a radial spread of 9m tree covered by KTPO 03/91 dated 26th February 1991
- 1.2 The tree is in the rear garden of no.4 Bampton Close, Emersons Green, Bristol, South Gloucestershire, BS16 7QZ.

### **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 PK04/2236/TRE, Site Address: 4 Bampton Close, Emersons Green, South Gloucestershire, BS16 7QZ, Decision: COND, Date of Decision: 06-SEP-2004, Proposal: Works to 1no. Oak (T200) covered by Tree Preservation Order KTPO3/91 to reduce crown by 20% and lift crown by 5 metres., CIL Liable:
- 3.2 PK09/0652/TRE, Site Address: 4 Bampton Close, Emersons Green, South Gloucestershire, BS16 7QZ, Decision: SPLT, Date of Decision: 29-MAY-2009, Proposal: Works to thin 1 no. Oak Tree by 20% and removal of loose branch. Tree covered by KTP03/91 dated 29th July 1991., CIL Liable:

### **4. CONSULTATION RESPONSES**

- 4.1 Emersons Green Town Council has no objection to the proposal subject to the approval of the South Gloucestershire Tree Officer.

#### **Other Representations**

- 4.2 Local Residents  
Comments have been received from a neighbouring resident stating that the proposed works would ruin the aesthetics of the tree and adversely affect the outlook of their garden.

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

- 5.1 Works to reduce crown of 1no. Oak tree to leave a height of 15m and a radial spread of 9m tree covered by KTPO 03/91 dated 26th February 1991.

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 proposed works are not considered to be excessive given the scale of the tree in the context of its position in an urban development.

5.4 The tree has been reduced previously and it is not intended to exceed the previous pruning extents. The works will not remove all shade, as suggested by the adjacent resident as a crown spread of approximately 18 metres will be retained as will a crown height of 15 metres.

5.5 The works, if carried out by a professional and competent tree surgeon to the parameters laid out in BS3998, as per the condition attached to the decision notice, will not have a detrimental effect on either the amenity provided by the tree nor on the tree's long term health.

**6. RECOMMENDATION**

6.1 That consent is GRANTED subject to the conditions attached to 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.

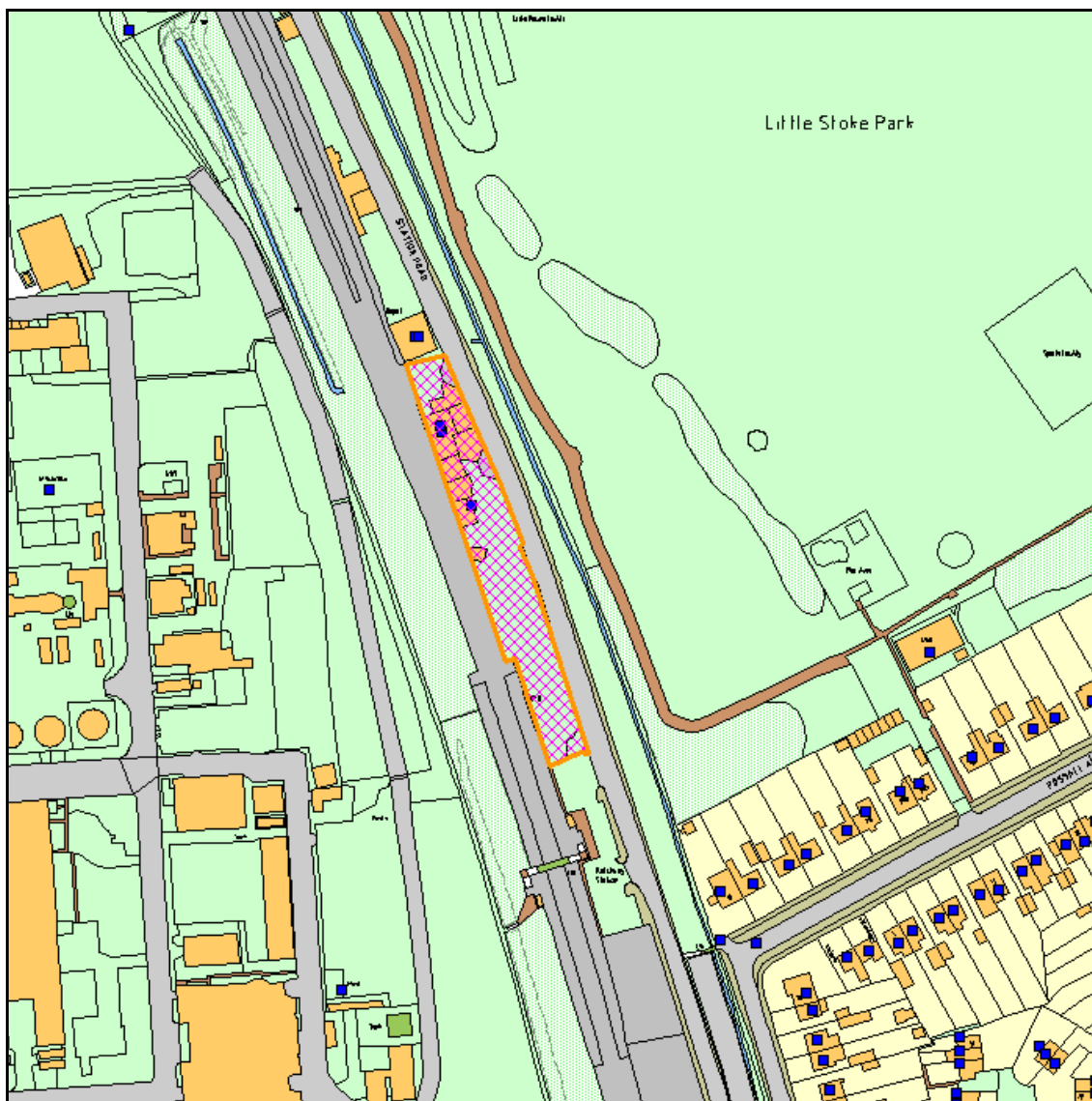
2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

**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.

## CIRCULATED SCHEDULE NO. 15/16 – 15 APRIL 2016

<b>App No.:</b>	PT15/4049/O	<b>Applicant:</b>	Estrans Developments (Little Stoke) Ltd
<b>Site:</b>	Land At Station Road Little Stoke South Gloucestershire BS34 6HW	<b>Date Reg:</b>	25th September 2015
<b>Proposal:</b>	Erection of 6 no. flats and 18 no. three storey dwellings (Outline) with access, appearance, layout and scale to be determined. All other matters reserved	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	361050 181053	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Major	<b>Target Date:</b>	23rd December 2015



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PT15/4049/O

## **REASONS FOR REFERRING TO CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule following a 'no objection' response from Stoke Gifford Parish Council, which is interpreted as being contrary to the officer recommendation for refusal.

### **1. THE PROPOSAL**

- 1.1 The application relates to a 0.23ha brownfield employment site located within the Established Settlement Boundary of the Bristol North Fringe Urban Area. The site is elongated in shape, being 144m along its main frontage with a width varying between 16m and 10m.
- 1.2 At present the site is occupied by a Builder's Merchants/Landscape Contractor (6 employees), a Salvage Yard (4 employees) and a Taxi/Coach Company (4 employees). The site lies adjacent to Patchway Railway Station and is bounded along its entire western edge by the Bristol/South Wales mainline railway, beyond which is the expanse of the Rolls Royce Factory including its three engine testing bays. To the south is Patchway Station and its associated car park, to the east the site is bounded by Station Road, beyond which lie playing fields. The nearest residential development lies to the south-east along Rossal Avenue and Lawson Avenue, these properties are set down in relation to Station Road. Vehicular access into the application site is from Station Road.
- 1.3 It is proposed to rationalise the existing business uses (Builder's Merchants/Landscape Contractors) onto the northern part of the site and erect a terrace of 18no. three-storey, two-bedroomed dwellings along the main length of the site fronting Station Road; with an apartment building to the south to provide 6no one-bedroom flats adjacent to the Station Car Park; with two areas of car parking, one to the north and one to the south of the site. The Taxi/Coach firm and Salvage Yard would cease to operate from the site.
- 1.4 The submission is in the form of an application for outline consent only with access, appearance, layout and scale to be determined. Only the landscaping of the scheme would subsequently be determined as a reserved matter, should outline consent be granted.
- 1.5 The application is supported by the following documents:
  - Design and Access Statement
  - Planning Statement
  - Air Quality Assessment
  - Market Commentary
  - Noise and Vibration Assessment
  - Transport Statement
  - Crime Prevention Statement
  - Flood Risk Assessment

## 2. POLICY CONTEXT

### 2.1 National Guidance

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

### 2.2 Development Plans

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

L1 - Trees and landscape  
EP2 - Flood Risk and Development  
EP4 - Noise Sensitive Development  
EP6 - Contaminated Land  
EP9 - Development in the Vicinity of Safety Hazards  
E3 - Criteria for Assessing Proposals for Employment Development within the Urban Area  
T7 - Cycle Parking  
T8 - Parking Standards  
T12 - Highway Safety  
LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)  
LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)  
LC12 - Recreation Routes

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

CS1 - High Quality Design  
CS4A – Presumption in Favour of Sustainable Development  
CS5 - Location of Development  
CS6 - Infrastructure and Developer Contributions  
CS8 - Improving Accessibility  
CS13 - Non-safeguarded Economic Development Sites  
CS15 - Distribution of Housing  
CS16 - Housing Density  
CS17 - Housing Diversity  
CS18 - Affordable Housing  
CS23 - Community Infrastructure and Cultural Activity  
CS24 - Green Infrastructure, Sport and Recreation Standards  
CS25 - Communities of the North Fringe Urban Area

### 2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.  
The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.  
Affordable Housing SPD Adopted Sept.2008.  
South Gloucestershire Council Residential Parking Standards (SPD) Adopted.  
South Gloucestershire Council Planning and Noise - Specific Guidance Note 1 (March 2015).

## 2.4 Emerging Plan

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

PSP1 - Local Distinctiveness

PSP2 - Landscape

PSP6 - Onsite Renewable & Low Carbon Energy

PSP8 - Settlement Boundaries

PSP9 - Residential Amenity

PSP12 - Development Related Transport Impact Management

PSP17 - Parking Standards

PSP21 - Flood Risk, Surface Water and Watercourses

PSP22 - Environmental Pollution and Impacts

PSP44 - Private Amenity Space Standards

## 3. **RELEVANT PLANNING HISTORY**

- 3.1 P86/3008 - Use of approx. 0.14 ha. of land for parking commercial vehicles. Construction of new vehicular access.  
Approved 5 March 1987
- 3.2 P94/2442 - Use of land for storage and sale of builders materials.  
Approved 11 Dec 1994
- 3.3 P95/1862 - Variation of condition 5 of P86/3008 to allow 10 vehicles to be stationed on site.  
Refused 13 Oct 1995 due to highway hazards and the effect of increased activity and disturbance on neighbours.
- 3.4 P95/1863 - Change of use of car park to coach park.  
Refused 18 July 1995 on highway safety grounds due to the likely rise in additional vehicles standing and manoeuvring on Station Road and due to the increased use of Station Road and its junction with Gypsy Patch Lane
- 3.5 P96/2635 - Use of land for storage and sale of builders materials.  
Approved 3 March 1997
- 3.6 PT01/1691 - Erection of new building as extension to existing maintenance shed.  
Refused 28 Feb 2002 for the following two reasons:

*The site is restricted in size and the erection of the extension would intensify the existing use of the site and lead to further parking on the road which would further accentuate an already acute parking problem to the detriment of highway safety.*

*This proposal would lead to the loss of available turning and manoeuvring space on the site leading to additional vehicles standing and manoeuvring on the public highway, interrupting the safe and free flow of traffic to the detriment of highway safety.*

This decision appears to relate to the existing building now proposed to be retained for employment purposes.

- 3.7 PT09/5864/F - Erection of Security Fence  
Approved 1 Feb 2010

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

4.1 Stoke Gifford Parish Council

No objection. Concerns expressed about the condition of Station Road with urgent repairs now required. Issues about the width and the weight limit of the road would also need to be explored in light of any potential development at this location.

4.2 Other Consultees

Wessex

Standard comments relating to connection to Wessex Water infrastructure.

Avon Fire and Rescue

No response

Police Community Safety Officer

No objection subject to the following comments. Where a Design and Access Statement is required CABA does recommend that the statement includes a section that shows that security and safety have been considered and demonstrates how this will be achieved. At this point the submitted Design and Access Statement has no reference to safety and security.

*The applicant subsequently submitted a Crime Prevention Statement to officer satisfaction.*

Arts and Development

No comment

Lead Local Flood Authority

No objection subject to a prior commencement condition to secure a survey to clarify the condition and capacity of the existing culvert to ensure it has adequate capacity to accommodate the increased flows and that it is in a functional condition.

New Communities

The following contributions to be secured by S106 Agreement are requested:

Off-site POS provision/enhancement - £66,416.73p

Off-site POS maintenance contribution - £57,092.49p

*The applicant has subsequently agreed to pay these contributions.*

Avon Wildlife Trust

No response

Urban Design

No objection in principle subject to details of materials.

Landscape Officer

No objection

Ecology Officer

No objection subject to a condition to secure an Ecological Enhancement Plan and informatives relating to the possible presence of bats and birds.

Sustainable Transport

No objection

Children and Young People

No response

Housing Enabling

8no. affordable homes are sought 6 x 1 bed flats for social rent and 2 x 2 bed homes as shared ownership Plots 7 & 8.

Railtrack Property Limited

No response

Network Rail Infrastructures Ltd.

Object – No specific drainage scheme/plan has been provided. We will need to see drainage plans and a flood risk assessment/appraisal for the site prior to removal of our objection.

David Locke Associates for Rolls Royce

Rolls-Royce consider that no meaningful conclusions about the appropriateness of residential development can be drawn without a fuller understanding of the activities on the Filton site. Rolls-Royce, therefore, would be pleased to discuss the impact of their operational activity with the applicant in more detail. In these circumstances, and until further discussions are completed, Rolls-Royce maintain an objection to the development until a more comprehensive assessment of relevant noise issues is available and its conclusions examined.

A subsequent response was received which stated the following:

David Lock Associates (DLA) act for Rolls-Royce plc and have submitted an earlier response to this planning application in respect of noise issues. Rolls-Royce have now investigated this issue in further detail and their noise consultants Aecom have produced a Technical Memorandum which is attached. The Technical Memorandum concludes that the application for residential development would

*...constitute an unreasonable burden or restriction upon the existing operation of the existing Rolls-Royce facility, and noise from the Rolls-Royce facility could be considered to result in a significant impact on any new residential development in this location. It should be noted that no study has been*



*undertaken to establish whether the required reduction in test bed noise levels is indeed feasible.*

The proposed residential development would be exposed to noise levels in excess of those prescribed in the planning conditions which control the operations of the test beds buildings.

Indeed the NPPF sets out that “...existing Businesses wanting to develop in continuance of their business should not have unreasonable restrictions put upon them because of changes in nearby land uses since they were established.”

In the light of these conclusions and on the basis of the available information about the design and specification of the proposed dwellings Rolls-Royce plc must object to the existing proposal.

#### Wales and West Utilities

Standard comments regarding location of pipes etc.

#### Environmental Protection

Objection on grounds of:

- Insufficient information to fully assess the impacts of air quality and odour on future receptors.
- The impact of excessive noise and vibration from the adjacent railway on future occupants.
- The unreasonable restrictions on the ability of Rolls-Royce to develop in continuance of its existing business

### **Other Representations**

#### **4.3 Local Residents and Businesses**

3no. e-mails of objection have been received from local residents'. The concerns raised are summarised as follows:

- Inadequate parking provision – will increase on-street parking.
- No plans regarding the re-siting of the Builder's Merchants.
- There is a proposal to restrict parking in Station Road using yellow lines (L3/CH/STOP/PT.4981).
- Cars will park in the Station Car Park.
- There is no footway on the western side of Station Road.
- The footpath on the eastern side of Station Road is narrow and dangerous due to subsidence.
- Will cause flooding further down the ream.

An objection was received from the proprietor of South Glos. Taxis Ltd. which currently operate from the Depot. The concerns raised are summarised as follows:

- There is an issue with subsidence behind the buildings towards the railway line and into the ream.
- There is no mains drainage, mains sewer or mains water.

- Vibrations from trains.
- High level of on-street parking causes congestion.
- Queues of traffic waiting to use the nearby Civic Amenity Site causes congestion.
- Loss of employment (40 staff) on site due to re-location of taxi company.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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

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

### 5.2 5-Year Land Supply

A recent appeal decision APP/P0119/A/14/2220291 – Land South of Wotton Road, Charfield, established (para. 146) that the Council can currently only demonstrate a 5-year housing land supply sufficient for 4.64 years. As there is provision for windfall sites in the calculation, this weighs in favour of the proposal, which would make a positive contribution, to the housing supply within South Gloucestershire; as such para. 14 of the NPPF is therefore engaged and officers must in this case consider how much weight to give to this in determining this application.

5.3 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only limited weight can currently be given to most of the policies therein. Some policies can however be given more weight than others, especially where an objection or objections have been raised but where minor modifications to the Policy will overcome these. In this instance, Policies PSP9, PSP17 and PSP22 are considered to have less than significant weight as opposed to limited weight or significant weight.

5.4 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants' to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.

- 5.6 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments.
- 5.7 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: *Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.*
- 5.8 The site lies within the Urban Area where the principle of residential development is generally acceptable. The site does however fall within the remit of Structure Plan Policy CS13 which seeks to retain small scale economic development sites within the Urban Area not safeguarded in Policy CS12. This is particularly relevant in the communities of the Bristol North Fringe where there are large strategic employment allocations but relatively few small-scale, affordable sites for local businesses. Policy CS13 is clear that proposals for change of use on economic development sites, not safeguarded by Policy CS12, will **not be allowed** unless it can be clearly demonstrated that all reasonable attempts have failed to secure a suitable economic development use. Where these circumstances occur, only then would alternative uses be considered in the following sequence:
1. A mixed use scheme
  2. A residential scheme only.

Officers are however mindful that a recent court of appeal decision relating to Richborough Estates Partnerships LLP v Cheshire East Borough Council and Secretary of State for Communities and Local Government established that where a Local Planning Authority cannot demonstrate a minimum 5-year housing land supply that the policy in Paragraph 49 of the NPPF can apply to all policies that restrict housing supply. Officers consider that this will apply to Policy CS13 and as such officers must consider how much weight to give to the requirements of CS13 in this case.

5.9 Alternative Uses

The applicant's Planning Statement suggests that the site is "under-utilised" and has "not-functioned profitably, consistently, over the years as a commercial location." These statements however are not supported by any figures or copies of accounts. What is not in doubt is that the combined sites' both north and south, currently support three commercial activities i.e. Builder's Merchants/Landscape Contractors (6 employees), Reclamation Yard (4 employees) and a Taxi/Coach Company (4 employees) and appear to have done so for some time. At the time of the Officer Site Visits the whole of the site (north and south) appeared to be fully utilised.

- 5.10 It is intended to rationalise the existing Builder's Merchants/Landscape Contractors onto the northern part of the site but retain the same number of employees; the Taxi/Coach Company and Reclamation Yard would be re-located, but to where is currently unknown. It is intended in time, that the proceeds from the proposed residential scheme on the southern part of the site would finance the construction of improved facilities on the northern part of the site but no draft details of these facilities have been submitted. It is suggested that the loss of the on-site jobs associated with the Taxi/Coach Company and Reclamation Yard would in time be compensated by increased employment opportunities at the Builder's Merchants/Landscape Contractors, but at this moment in time, that is pure speculation.
- 5.11 As regards possible alternative commercial uses for the site, a Market Commentary prepared by Knight Frank LLP has been submitted which explores how the site would best function in an industrial/warehouse capacity. The report confirms that in 2015 the supply of space in Bristol was at its lowest level for 10 years with '...not only a lack of supply of modern accommodation but also a lack of availability generally.' The report confirms that, 'The northern fringe of Bristol is established as the prime industrial spot.' Greater Bristol demand is driven principally by the B8 Use Class (Storage or Distribution) with a noticeable increase in activity within the B1(c) and B2 Use Classes.
- 5.12 The report concludes that realistically the best sized warehouse accommodation on the plot would be in the range of 5,000-10,000 sq. ft. but due to the plots shape and access limitations for HGV's, would be unsuitable for such a use.
- 5.13 Whilst officer's would concur with this view, there does not seem to be any reason why smaller B1 or B2 uses cannot be accommodated on the site (for which the Market Commentary noted there is an increased demand in the area) or that the site could not be operated more efficiently without the need to build houses. What is quite evident is that the site has not been marketed in any way for alternative commercial uses, which given its proximity to the railway line, motorway and other commercial uses is surprising. Officers must therefore conclude that all reasonable attempts have **not** been made to secure suitable economic development re-use of the site or in fact that there needs to be any.
- 5.14 Even if officers were to accept the applicant's submission that the commercial uses of the site are not viable, then we move to the sequential consideration of alternative uses outlined in Policy CS13. The applicant considers that the proposed residential development would function alongside the rationalised existing commercial uses to create an overall mixed use scheme, which would be given priority under CS13 to a residential only scheme. On the ground however, what would be experienced would be an area of housing on the application site and a separate commercial area to the north, with no physical or functional connectivity between the two; no commercial development is proposed through this current application. Officers therefore do not consider that the proposal represents a 'mixed use scheme'. Nevertheless, given the outcome of the Richborough Estates decision and that NPPF Paragraph 14 is engaged, officers conclude that in this case, it cannot be demonstrated that a residential scheme on this site as opposed to a commercial scheme would in

principle, represent a significant and demonstrable harm given the lack of a 5-year housing land supply. On balance, there is therefore insufficient grounds to refuse the application for being contrary to Policy CS13.

5.15 Scale and Design

Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013 only permits new development where the highest standards of site planning and design are achieved. Criterion 1 of Policy CS1 requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

5.16 The location is not considered to exhibit any particular local distinctiveness that has to be adhered to in the design of the proposed dwellings. The site relates more to the industrial uses to the west and adjacent railway line. Given the topography of the location, the existing residential development to the south-east is relatively divorced from the site. The proposed 3-storey linear terrace and 4-storey apartment block, from a visual perspective, would not appear as an incongruous element within the street scene and in terms of residential development alone, would make efficient use of the site.

5.17 In terms of urban design the scheme as now designed responds well to the advice given at pre-application stage to include, south facing roofs, bin stores and large picture windows to the east. The simple, crisp modern detailing on traditional form and rhythm of gables along the street frontage is a positive feature. To improve surveillance from plot 1 over the adjoining parking area, the scheme has been further revised to increase the window sizes on the side elevation. In response to the comments of the Police Crime Prevention Design Advisor a response document was submitted which outlines the design features of crime prevention and additional measures in mitigation; these can be secured by condition.

5.18 Subject to conditions to secure the full details of the materials to be used in construction and details of window reveals, there are no objections to the proposed general scale and appearance of the buildings. Further comment on the general layout and amenity spaces will be given in the residential amenity section.

5.19 Landscape

Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape.

5.20 Given the developed nature of the site, officers do not consider that the site is an open space that contributes to local character (Policy L5).

5.21 There are no large trees actually within the site and landscaping remains to be determined as a reserved matter. Trees are shown along the pavement in front of the proposed properties. The line of trees should be extended in both directions to help soften and break up the hard areas of the car parks.

Details of the design and specification of the tree pits should be submitted with the reserved matters application. The location of any underground services should be submitted prior to any reserved matters application being determined to ensure that there is adequate space for the proposed trees.

- 5.22 On balance therefore the proposal accords with Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.23 Transportation Issues

The site is located on Station Road, Little Stoke, just north of Patchway Railway Station. Station Road joins the B4057 (Gypsy Patch Lane) which in turn links to the A38 (Gloucester Road), which is one of the main arterial routes for north Bristol, adjoining the national motorway network. Station Road is approximately 6m wide, lit and subject to a 30mph speed limit; it serves a few residential roads to the north, a sports centre, the Sort-It refuse/re-cycling centre and Patchway Station. A through route is provided to the north via Clay Lane.

- 5.24 To the north of the site is a redundant railway bridge that has a 14'6" height restriction. As a result, all HGV's using the refuse tip, are signed to travel to and from the north, thus avoiding passing the application site.
- 5.25 There is a pedestrian footway on the eastern side of Station Road from north of the site to just south of the Station, where steps lead down to the residential houses on Lawford Avenue. A pedestrian footway on the western side of Station Road runs from the station, south to the junction with Gypsy Patch Lane, otherwise there is no footway to the front of the application site.
- 5.26 Officers noted during their site visit (Friday 10.30a.m.) that Station Road was narrowed and congested by the heavy on-street parking along its western side, along virtually the whole of the application site frontage and beyond. Officers were informed that these cars belong to Rolls Royce employees and have been displaced from the nearby residential estate where parking controls are now in place. A technical note submitted by the applicant's Transport Consultant confirms that approximately 20 of these on road parking spaces would be lost as a result of the development. The note also claims that around half of the vehicles parking along the site frontage were connected with the Builder's Merchant but given that they only have 6 employees, this seems unlikely.
- 5.27 To make matters worse, a section of the footway on the eastern side of Station Road has subsided and fallen away down the embankment into the adjacent water course. A temporary barrier has been erected to allow pedestrians to use the road to pass the damaged section. These stability problems will necessitate the construction of a contiguous bored piled wall along the eastern side of Station Road and it is anticipated that these works are to be carried out in a phased approach over the next three years (minimum). The Council's Structures Manager has confirmed that it will be impossible to carry out these works at the same time as when the development that is the subject of this outline planning application is constructed. Furthermore, the proposed development, if approved, cannot be constructed until the highway stabilisation works are complete as the movement of the construction vehicles into the

development site could cause further slope failures, which could result in the carriageway being closed for an indefinite period. Officers consider that in order to address this situation a Grampian Condition would be required to ensure the completion of the stability works prior to the commencement of the development for which planning consent is hereby sought.

- 5.28 Regardless of the above, if the construction of the proposed residential development starts after the completion of the stability works, the proximity of the proposed buildings to the edge of the highway would need the developer to provide temporary support to the highway during construction. This again would need to be secured by a condition attached to any planning consent granted.
- 5.29 At the time of the officer site visit, it was noted that the above mentioned constraints on traffic movements, rendered part of Station Road as virtually single-lane, with little opportunity for two cars to pass. Officers noted several examples of cars approaching from either end of Station Road and being brought to a halt head-on with one having to reverse back down the road to facilitate passing. It has however come to light during the course of this application that a Traffic Regulation Order is in place whereby parking restrictions are to be introduced on both sides of Station Road. For most part there would be double yellow lines preventing any parking with only a short stretch outside the application site with waiting limited to 1 hour Mon-Sat 12pm-2pm.
- 5.30 Being located next to the Station with regular services into the centre of Bristol and with bus stops some 500m/600m away, the site is well served by public transport. The site is also within a reasonable walking distance and easy cycling distance of local services, shops and job opportunities and as such the site is in a sustainable urban location.

5.31 Access and Parking

The proposed development is for 18 x 2-bedroom houses and 6 x one-bedroom apartments. Each of the houses would have a garage measuring 3m x 6m internally; a further 20no. parking spaces, would be provided in two parking areas located at either end of the proposed terrace of houses. Whilst access to the garages would be directly off Station Road, the accesses to the separate parking areas would have visibility splays of 2.4m x 43m; these access facilities are considered to be acceptable.

- 5.32 Given that the internal dimensions of the proposed garages would be 3m x 6m, which meets the standards set out in the South Gloucestershire Residential Parking Standards SPD, these can be counted as car parking spaces, as well as covered cycle parking in line with Local Plan Policy T7 (the apartment building would have separate cycle storage on the ground floor accessed from the stairwell). Together with the two aforementioned parking areas, this provides a total of 38 car parking spaces.
- 5.33 The Residential Parking Standards (Appendix A) are minimum standards and for this development the requirement is as follows:
- 1 space per one bedroom dwelling

- 1.5 spaces per two bedroom dwelling
- Visitor spaces at 0.2 per dwelling (rounded to the nearest whole number).

This equates to 37.8 spaces rounded up to 38 spaces minimum. As the scheme provides exactly 38 parking spaces in total, the minimum standards of the SPD are met. It is not proposed to allocate the parking in the two parking areas but it is proposed to put controls in place to prevent Station users from using the spaces. The nature of these controls is not stated in the application but these could be secured by condition.

- 5.34 Each of the terraced dwellings would be provided with space for refuse and re-cycling storage directly adjacent to the entrance to the dwelling. The apartment building would be provided with ground floor refuse and re-cycling storage. The bins would be collected from inside this store so as not to create any external clutter and management issues to the streetscape and adjoining car park area.

5.35 Traffic Generation

The existing Builder's Merchant's/Landscape Contractor's, which generates vehicle movements throughout the day and on Saturdays would be rationalised onto a smaller site to the north, currently used by a Taxi/Coach company. It is estimated in the submitted Transport Statement that this would result in a net reduction in traffic generation of 13 trips in the a.m. peak hour 08:00 – 09:00 and 3 trips in the p.m. peak hour 17:00 – 18:00 hours.

- 5.36 The existing commercial uses are to be rationalised onto the remaining northern part of the existing commercial site. A site layout for the re-located Builder's Merchant's/Landscape Contractor is not available at this stage but it would be in the Builder's Merchant's/Landscape Contractor's interest to provide sufficient on-site parking for customers as well as deliveries.

- 5.37 Station Road is subject to a 7.5t weight limit except for access, as is Stoke Lane and Little Stoke Lane which are the roads that lead to the Civic Amenity Site to the north.

- 5.38 It is not proposed to alter the route for any HGV's delivering to the relocated Builder's Merchant's/Landscape Contractor's, although due to the reduced floor area, it is likely that HGV movements would be lower than the existing site. Additionally there would be no coach movements past the site, which are currently associated with the Taxi/Coach firm.

- 5.39 In light of the above and subject to conditions to secure the access, turning areas, parking spaces and stopping up of the existing access, the residual cumulative impacts of development would not be 'severe'. There are no highway objections and the scheme is considered to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and CS8 of The Core Strategy.



#### 5.40 Impact Upon Residential Amenity

Residential amenity refers to the quality or character of an area and elements that contribute to the overall enjoyment of an area. In considering residential amenity issues, officers must consider the impact on both existing and future occupiers of existing and proposed dwellings respectively. The health and well-being of residents is often directly related to the level of residential amenity occupants can enjoy. Sustainable development incorporates a social role, which seeks to secure well designed, strong, vibrant and healthy communities (NPPF para. 7).

- 5.41 Core Strategy Policy CS1 seeks to secure the 'highest possible standards of site planning and design' in new development. Paragraph 17 of the NPPF lists the 12 core planning principles which underpin the decision making process. The fifth core principle listed states that planning should:

“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”

The key issues to consider in assessing the impact of a scheme on residential amenity are :

1. Privacy – how would the development proposals affect privacy levels?
2. Overbearing effects – would the scale of development and its proximity to other buildings result in an oppressive environment?
3. Natural light and outlook – would the development provide existing or proposed properties with sufficient outlook and natural lighting levels thereby avoiding significant overshadowing and enclosure?
4. Environmental effects – would the development cause or be exposed to any other environmental effects?
5. Other design guidance – how does the design of the proposal promote a good standard of amenity.

The South Gloucestershire Design Checklist SPD (Adopted) 2007 offers some more high level guidance for design of larger housing schemes. Whilst Policies PSP9 – Residential Amenity and PSP44 – Private Amenity Space Standards of the Proposed Submission : Policies, Sites and Places Plan are still emerging policies to which only varying weight can currently be given, depending on their respective stage of production, they do give some indication as to the likely criteria to be used in the future, when assessing residential amenity issues.

- 5.42 The nearest residential properties to the application site, in fact lie some 35/40m to the south-east in Rossall Avenue. These properties however lie on the opposite side of Station Road on much lower land and appear on the ground to be quite divorced from the established industrial uses to the west of Station Road.

There are no residential properties in close proximity to the north, south or west of the site and immediately to the east lies the landscaped areas of Little Stoke Park.

- 5.43 As regards overbearing impact and overshadowing; officers are satisfied that given the layout of the site, height and scale of the proposed buildings and the distance between the nearest existing and proposed dwellings, that there would be no significant issues of overbearing impact or overshadowing. Officers consider that some overlooking of neighbouring property is only to be expected in urban locations but in this case the level of overlooking of residential property would be negligible. Furthermore the proposed boundary walls/fences would provide adequate screening at ground floor level for future occupants; the boundary treatments would be secured through the landscaping scheme to be determined at the reserved matters stage should outline consent be granted.
- 5.44 As regards natural light and outlook, all of the proposed dwellings are reasonably well served by windows to allow sufficient natural light to the primary internal living areas. In terms of outlook, the houses would overlook Little Stoke Park to the west, albeit over Station Road, but this is an acceptable situation in an urban location. There are no north facing windows proposed but all west facing windows would immediately overlook the railway line and expanse of the Rolls Royce Factory beyond. This would be a poor outlook for future occupiers but at least the main habitable rooms of these dwellings would look east.
- 5.45 For the flats, there are few east facing windows and none to the west, so most of the windows would either overlook the Station Car Park to the south or the proposed residential parking area to the north. Whilst this is again not an ideal situation, it would provide passive surveillance of these parking areas.
- 5.46 In terms of environmental impacts and amenity issues, these are considered to be inter-related, in particular on this site given the existing uses to the west, north and south, not to mention the traffic on Station Road. Whilst the proposal would not in itself create any significant adverse impacts in environmental terms, the adjacent uses would inevitably have adverse impact for any future occupiers. Whilst these matters are discussed at length in the Environmental section below, suffice it to say at this stage that officers consider that the impacts upon the amenities for future occupiers of the proposed dwellings are likely to be severe, so much so that this would represent a clear refusal reason.
- 5.47 The dwellings would be situated in an area characterised by predominantly industrial uses; immediately adjacent to the main railway line with trains running at regular intervals throughout the day and night with associated disturbance, vibration and fumes. Also in close proximity to the north-west and south-west are the three jet engine test beds operated by Rolls Royce, with their associated noise, odour and vibration. Furthermore, the daily comings and goings associated with the Station car park are inevitably likely to further contribute to the adverse impact on residential amenity as also would the activities of the builder's merchants to the north; officers noted during their site visit, black smoke billowing from fires being lit on the site. All in all, it is difficult to comprehend a worse location for residential dwellings.

- 5.48 Future occupiers would surely resist opening their windows to invite such levels of disturbance into their bedrooms or living rooms; this situation clearly does not accord with the high level living conditions sought by the NPPF or Policy CS1. As for the outdoor private amenity areas proposed, these take the form of small individual rear gardens for the houses and a small (approx. 33 sq.m.) communal garden for the 6 flats. In each case these gardens would lie immediately adjacent to the railway line where maximum levels of disturbance would be experienced.
- 5.49 Notwithstanding the level of disturbance likely to be experienced within these gardens, they are also very small. The two-bedroom houses can potentially support families with children, yet for most part the proposed gardens are considered to be too small. Most fall below the minimum 50sq.m. required by Policy PSP44. Whilst it is acknowledged that this is only an emerging policy, officers consider that such small gardens (Plot 1 only 42sq.m and Plot 18 39.4 sq.m) in such a location would be most unlikely to be used to any meaningful extent, again contributing to the very poor living conditions for future occupiers.
- 5.50 Having considered these matters, officers conclude that the scheme would fail to achieve the highest standard of site planning or level of residential amenity required by Core Strategy CS1 or the NPPF, so much so that this would justify a further refusal reason.

5.51 Drainage Issues

The site lies in Flood Zone 1 and is not prone to flooding. Following concerns raised by Network Rail, the Council's Structures Manager and Drainage Engineer, a revised drainage strategy has been negotiated whereby surface water would now be discharged to the watercourse which flows to the east of Station Road, as opposed to just soakaways within the site. The revised drainage strategy is supported by a Flood Risk Assessment and Drainage Strategy Plan. The surface water would now be discharged at an attenuated rate to the Watercourse via an existing culvert, which runs beneath the railway line and Station Road along the northern boundary of the site. This is considered to be a better situation to that existing whereby surface water from the site just flows onto Station Road. Foul disposal would be to a Wessex Water Foul main which runs parallel to the watercourse to the east of Station Road.

- 5.52 Subject to a condition to secure the drainage strategy and a survey to ascertain the capacity of the culvert, there are no objections on drainage grounds. The proposal therefore accords with Policies EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policies CS5 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013.

5.53 Environmental Issues

The NPPF at para.120 states that to prevent unacceptable risks from pollution, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health or general amenity, and the potential sensitivity of the

proposed development to adverse effects from pollution, should be taken into account. Furthermore, at para. 123 the NPPF states at bullet point 3 that, “policies and decisions should amongst other things aim to recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established”.

5.54 The NPPF Annex 2 Glossary of Terms defines pollution as :

“Anything that affects the quality of land, air, water or soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise and light.”

5.55 Notwithstanding the requirements of Core Strategy Policy CS1, the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 saved policy EP4, does not permit noise-sensitive development which would suffer an unacceptable degree of disturbance as a result of close proximity to existing noise or vibration sources. The supporting text to Policy EP4 para. 4.194, confirms that, housing is a noise-sensitive development.

5.56 Emerging Policy PSP22, whilst carrying less than significant weight, states that:

“Development will be permitted where proposals clearly demonstrate that development is sited and designed to avoid any adverse impacts, directly or cumulatively, on the environment, or on the health, safety and amenity of users of the site or the surrounding area, by way of fumes, dust, noise, vibration, odour, light or other forms of air, land, water pollution, creating exposure to contaminated land or land stability.”

“Account will be taken of:

The impact of existing sources of noise or other pollution on the new development;

And

The impact of the new development on the viability of existing uses, by reason of its sensitivity to noise or other pollution.”

“New development sensitive to existing pollution sources, including fumes, dust, noise, vibration, odour, light or other forms of air, land or water pollution, will not be appropriate if the pollution cannot be satisfactorily mitigated.”

“Development sensitive to pollution is also unlikely to be permitted where its presence could threaten the ongoing viability of existing uses that are considered desirable for reasons of safeguarding, economic or wider social needs through the imposition of undue operational constraints.”

5.57 Regarding noise, the supporting text to Policy PSP22 at para. 6.49 confirms that:

“Noise sensitive development, including houses, hospitals and schools, should not be located near existing sources of significant environmental noise, unless via an assessment of environmental noise and appropriate scheme of mitigation measures are proposed. Prevention through good acoustic design is preferable to mitigation.”

- 5.58 Similar supporting text is found under the heading of Air Quality. Para 6.51 states that, good air quality is important to protect peoples’ health and the environment. A variety of sources of air pollution are identified including transport and industry. Key pollutants are nitrogen oxide and fine particulate matter. The aim of the policy is to reduce air quality impacts both from potentially polluting development and on pollution sensitive development to an acceptable level. Development should seek to minimise the impacts of air pollution on any receptors. This is particularly relevant for development adjacent to amongst other things, industrial sources. An air quality assessment will need to be undertaken by a competent person for certain developments, in relation to EU limit values and national air quality objectives.
- 5.59 Officers consider that the location of the proposed development adjacent to a number of potential sources of pollution, most notably the railway line and Rolls Royce jet engine testing beds, is a key constraint on the development of this site.

#### Land Contamination

- 5.60 The historic use of the land as a Builder’s Yard may have caused contamination. A condition is therefore justified to secure an appropriate site investigation to establish the level of contamination and if necessary any measures in mitigation should contamination be found.

#### 5.61 Air Quality and Odour

An air quality assessment has been undertaken by Entran Limited (dated July 2015). The Council’s Environmental Health Officer (EHO) however considers that the assessment does not adequately consider the potential impacts of the existing pollutant sources on the receptors that would be newly introduced by the proposed development. These impacts must be adequately considered to ensure that there is not a detrimental impact on the health of the future occupants.

- 5.62 The development site lies between the main railway line from London Paddington to South Wales directly to the west and Station Road directly to the east. Patchway Station and the station car park are also adjacent to the site to the south/south-west with the Builder’s Merchant’s/Landscape Contractor re-located to the adjoining land to the north. Beyond the railway line to the west, lies the Rolls Royce site. Operations on this site include three jet engine test beds. Test bed 1 lies approximately 75m to the south-west of the southern end of the application site, whereas test beds 2 and 3 lie approximately 50m and 80m respectively, to the north- west of the northern end of the application site.
- 5.63 The railway line is of concern due to the large number of diesel locomotive movements which can give rise to high nitrogen dioxide (NO<sub>2</sub>) concentrations close to the track. The report states in relation to the

assessment of locomotive emissions that it is expected that the nitrogen dioxide concentrations at the development site would be similar to those recorded at SGC monitoring site 109. However, site 109 was located 20 metres away from the railway line (the monitoring ceased at the end of 2012), whereas the development site boundary is only approximately 3 metres away from the railway line. In officer opinion, the monitored results at site 109 cannot be relied upon to represent the nitrogen dioxide concentrations at the development site.

- 5.64 Also due to the close proximity of the development to Patchway Station, the potential for exposure to sulphur dioxide (SO<sub>2</sub>) from stationary trains should also be considered as appropriate. The potential impacts from emissions arising from the Rolls Royce site, in particular the engine test beds, have not been considered at all in the assessment, which is a major oversight. The Test beds are designed to simulate the stresses on the engine by endurance testing, often for 24 hours a day/7 days a week during the test periods. Inevitably these test runs often produce emissions and odours during inappropriate and poor combustion conditions by design, which are not mitigated at source. A stack arrestment (end of pipe) system is neither practicable or preferred by Rolls Royce as such arrestment kit would interfere with the test parameters and negate the purpose of the test. On this basis, the test beds are exempt from the Environmental Permitting Regulations and are not subject to specific conditions for emissions to air.
- 5.65 The current nearest residential properties in Rossall Avenue are considerably further away than the proposal site and below the elevated rail/road embankment and there is a history of odour and fume complaints from these properties. The local authority must anticipate therefore, fume and odour complaints from the much nearer proposed properties with direct line of sight to the Test Beds.
- 5.66 There has been no consideration of the potential odour impacts on the future occupants. In light of the history of odour complaints arising from the Rolls Royce activities, and because of the potential also for odours/fumes from the railway locomotives, the assessment should consider the potential odour impacts with reference to the most relevant, appropriate and up to date guidance, e.g. Environment Agency; H4 Odour Management.
- 5.67 In order to fully assess the above impacts, the EHO considers that a period of at least three months automatic monitoring is required using compliant methods. This would be more appropriate than modelling as modelling railway emissions can be difficult and the data can be unreliable. This would also allow for the air quality impact emissions from Rolls Royce to be assessed in relation to the short term objectives, in that the test beds operate intermittently.
- 5.68 The applicant's agent has suggested that the railway line is to be electrified shortly and that this is likely to be in place prior to occupation of the proposed dwellings. The Council's EHO has confirmed that the electrification of the railway line was due for completion in 2016/17. However, the electrification project is running behind schedule and may be up to 4 years late.

Not all of the trains on the line would be electrified, only the new Inter City Express trains (IEP). On the section of line in question, electrification will only reduce the number of diesel trains by 2 trains per hour in each direction and these are the inter-city trains from London to South Wales. Currently there are 2 other passenger trains per hour in each direction plus freight trains so in total, there are 8 trains per hour plus freight trains running on this section of line.

- 5.69 Furthermore, there is an issue with the track at Patchway in that the track closest to the station is deeper than the other track so is on a steeper gradient and the locomotives are climbing and therefore working harder and producing more emissions.
- 5.70 Entran have subsequently commenced monitoring of air quality and submitted an interim Technical Note to this effect dated 29<sup>th</sup> March 2016. The note concludes that air quality and odour would not pose a constraint to the redevelopment of the application site for the residential purposes proposed. In reaching this conclusion, reference was made to South Gloucestershire Council complaints data but the table quoted only relates to the period 2006-2010.
- 5.71 Automatic monitoring was requested by the Environmental Protection Team for a period of at least 3 months to assess the potential impacts of emissions from railway locomotives and the Rolls Royce site, particularly the engine test beds, on the receptors that would be introduced by the proposed development. The Note states that on-site monitoring for nitrogen dioxide commenced on 18<sup>th</sup> February 2016, so the monitoring at this stage is incomplete.
- 5.72 While the monitoring data obtained to date identifies nitrogen dioxide concentrations are well below both the long and short-term nitrogen dioxide objectives, officers cannot make final comments and therefore, an informed decision on the proposal, until the full period of monitoring has been completed and the final air quality (and odour) assessment has been submitted. Also it is not clear whether the Rolls Royce Test Beds have been operational during the monitoring period to date. To capture a representative scenario, the test beds ideally should be operational at some point during the monitoring period.

5.73 Noise and Vibration

The application is supported by a Noise & Vibration Assessment by Matrix Acoustic Design Consultants dated 14<sup>th</sup> July 2015. During the course of the application three further Acoustic Notes nos. 2, 3 and 4 have been submitted by Matrix. In addition David Lock Associates have submitted comments on behalf of Rolls Royce and these comments include a Technical Memorandum on noise by AECOM dated 2 March 2016 which reviews the initial Matrix assessment.

- 5.74 On the one hand, Matrix have concluded that the noise levels from the passing trains would be high enough to warrant high sound insulation for the proposed dwellings on the western facades and an acoustic fence on the western boundary of the proposed gardens.

Matrix also conclude that the noise emissions from the Rolls Royce jet engine test beds will be acceptable. As regards vibration Matrix confirm that the levels due to passing trains would be high, so much so that standard foundations will not be possible for the proposed houses but that this can be mitigated by appropriate design.

- 5.75 On the other hand, Rolls Royce have objected on the grounds that the noise assessment undertaken by Matrix, including the additional Acoustic Note does not sufficiently account for the issues relating to noise from the nearby Rolls-Royce facility.
- 5.76 Rolls-Royce consider that the construction of the proposed development would result in the residential property being exposed to noise levels in excess of those prescribed within existing planning conditions. Were the development to be permitted, the existing planning conditions would require a significant reduction in the maximum permissible noise emissions from the test bed buildings. No study has been undertaken to establish whether the required reduction in test bed noise levels is even feasible. Hence it is considered that the proposed development would constitute an unreasonable burden or restriction upon the existing operation of the existing Rolls-Royce facility which would be contrary to NPPF para. 123.
- 5.77 The Council's EHO has considered the application in light of the conflicting information available to him. The EHO formally objects to the proposal on noise and vibration grounds due to the effects from the nearby mainline railway. Under the Noise and Planning Policy Framework NPPF – the lowest observed adverse effect level LOAEL is likely to be exceeded; and the significant observed adverse effect level SOAEL maybe occasionally exceeded.
- 5.78 Officers would emphasise the National Noise policy ensuring that new development does not impinge and hamper existing nearby business and economic development, stating at bullet point 3 of NPPF para. 123 that planning policies and decisions should aim to:
- “ recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.”
- 5.79 Based on the applicant's noise data and assessment only, a formal noise objection in relation to the Rolls-Royce test beds cannot be substantiated; however officers are aware that there can be low frequency noise and acoustic tones from the nearby Rolls-Royce engine test beds which may be audible and intrusive at any time of the day and night. The proposal is markedly closer to the test beds and the railway line than existing nearby residents. Officers note the objections raised by Rolls-Royce and concur with their consultant's report, assessment and findings.
- 5.80 Officers can confirm a history of complaints of noise (and odour) from the 24/7 operation of the Rolls-Royce test beds culminating in widespread concerns in 2002 which lead to a residents' Public Meeting.



5.81 On balance therefore there are grounds for an objection on noise and vibration grounds.

5.82 Ecology

The site is not covered by any statutory or non-statutory nature conservation designations. The existing buildings on the site offer negligible bat roosting potential. Whilst there are no objections to the proposal on ecological grounds, the proposal does provide opportunities for biodiversity enhancement. In the event of planning consent being granted therefore, a condition should be imposed to secure an Ecological Enhancement Plan. The plan should include a bat sensitive lighting scheme.

5.83 Affordable Housing

In accordance with Core Strategy Policy CS18, 35% affordable housing is sought on schemes for 10 units or more or on land measuring 0.33 hectares. For this scheme for 24 homes (6 x 1 bed flats & 18 x 2 bed houses) affordable housing is required as follows:

- 35% of dwellings to be delivered as affordable housing as defined by the NPPF. This equates in this case to 8 affordable homes.
- Tenure split of 80% social rent and 20% intermediate housing, as identified by the West of England Strategic Housing Market Assessment (SHMA) 2009. In this case 6 affordable homes for social rent and 2 as shared ownership.
- A range of affordable unit types to meet housing need based upon the findings from the SHMA 2009 i.e. in this case 6 x 1 bed flats for social rent and 2 x 2 bed homes for shared ownership Plots 7 & 8.
- Affordable housing to be delivered without any public subsidy.
- The Council to refer potential occupants to all first lettings and 75% of subsequent lettings.
- Affordable housing should be distributed across the site in clusters of no more than 6 units, unless a specific peppercotting strategy is approved.
- All units to be built in line with the same standards as the market units (if higher) and to fully comply with the latest Homes and Communities Agency (HCA) standards applicable at the time the S106 will be signed, to include at least Level 3 of the Code for Sustainable Homes, Lifetime Homes Standard, Part 2 of Secured by Design and compliance of RP design brief.
- Delivery is preferred through the Council's list of Approved Registered Providers. In the event of the developer choosing a Registered Provider from outside the partnership then the same development and management standards will need to be adhered to.
- Phasing: Affordable housing to be built at the same time as the rest of the housing on site in line with agreed triggers as per S.106 agreement, with a detailed assessment on a site by site basis. Where the development will proceed over more than one phase, the location, amount, type and tenure of the affordable housing in each phase will need to be set out in an Affordable Housing Masterplan and Schedule. The plan and schedule to be approved prior to submission of the first residential Reserved Matters application.

- The Council will define affordability outputs in the S.106 agreement without any further information regarding sales values the affordability standards are as follows:
  - social rents to be target rents, set in accordance with the Direction on the Rent Standard 2014
  - shared ownership: no more than 40% of the market value will be payable by the purchaser The annual rent on the equity retained by the RP should be no more than 1% of the unsold equity
  - service charges will be capped at an appropriate level to ensure that the affordable housing is affordable
- Social rented to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy is provided.
- Any capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy.

Officers attach significant weight to the provision of affordable housing.

#### 5.84 Community Services

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

Off-site POS provision/enhancement -	£66,416.73p
Off-site POS maintenance contribution -	£57,092.49p
	-----
Total	£123,509.22p

Library contributions would be precluded by the adopted Regulation 123 list of infrastructure.

The requested contributions would be towards the following:

Informal Recreational Open Space – Little Stoke open spaces\_and/or other such Informal Recreational Open Space as may be appropriate.

Natural and Semi-natural Open Space – enhancements to “40 Acres” (off Bush Avenue) and/or Orpheus Avenue/Clover Leaze SSCI and/or other such Natural and Semi-natural Open Space as may be appropriate.

Outdoor Sports Facilities – Little Stoke Park. This park is a venue for weekly “Parkrun” events, with up to 300 runners attending. There is a desire to widen further sections of the path around the park to help cater for volume of runners. The contribution would be put towards this project and/or other such Outdoor Sports Facilities as may be appropriate.

Allotments – The only allotments within the recommended distance threshold is Bush Avenue Allotments. These are administered by Little Stoke Garden

Society on behalf of Stoke Gifford Parish Council who own the site. There is a continual waiting list for plots. There is scope and desire to extend the allotment site on its western side, so the off-site contribution would go towards this extension project or such other allotment facilities as may be appropriate.

5.85 CIL Matters

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

5.86 Planning Obligations

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

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

In this instance, it is considered that the planning obligations relating to affordable housing and new communities are required to mitigate the impacts from the development and are consistent with the CIL Regulations (Regulation 122).

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

## 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 This proposal was the subject of comprehensive pre-application advice in which the Council very clearly outlined its concerns in relation to, the proposed residential development of this land, in such an industrial location. Despite all of the advice given, the application has been submitted without any evidence to demonstrate that all reasonable attempts have been made to secure a suitable alternative economic development use for the site as required by Core Strategy Policy CS12. The adjacent industrial uses would expose future occupiers to excessive levels of noise and vibration from the railway, resulting in poor living conditions, which would be exacerbated by insufficient provision of usable private amenity space.

Additional concerns have been raised about the likely impacts on residential amenity from the nearby Rolls-Royce engine testing beds, for which there are long-standing issues for existing local residents. There are further concerns regarding the ability of Rolls-Royce to develop its existing business without unreasonable restrictions to result from the proposed scheme.

- 6.3 Despite being advised at the pre-application stage to consult the EHO regarding what further environmental surveys would be required; insufficient information has been submitted to fully assess the impacts of odour and air pollution on the health of future occupants.
- 6.4 Para. 14 of the NPPF is engaged where relevant policies are out of date such that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. It is acknowledged that the Council cannot currently demonstrate a 5-year housing land supply and that Para.14 of the NPPF is therefore engaged.
- 6.5 In assessing the overall balance, it is acknowledged that the provision of 18 dwellings of which 35% would be affordable housing weighs significantly in the application's favour. This however must be balanced against a) the very poor quality living conditions for future occupants and b) the future success of a business of national importance i.e. Rolls Royce, which could be compromised. Furthermore, due to the works required to stabilise Station Road it is unlikely that the scheme could be delivered in the next 5 years anyway, during which the situation regarding housing land supply could significantly change. In total, these adverse impacts of the proposed scheme, would significantly and demonstrably outweigh the aforementioned benefits.
- 6.6 The recommendation to refuse outline planning consent 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 outline planning consent be **REFUSED** for the reasons listed on the Decision Notice.

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

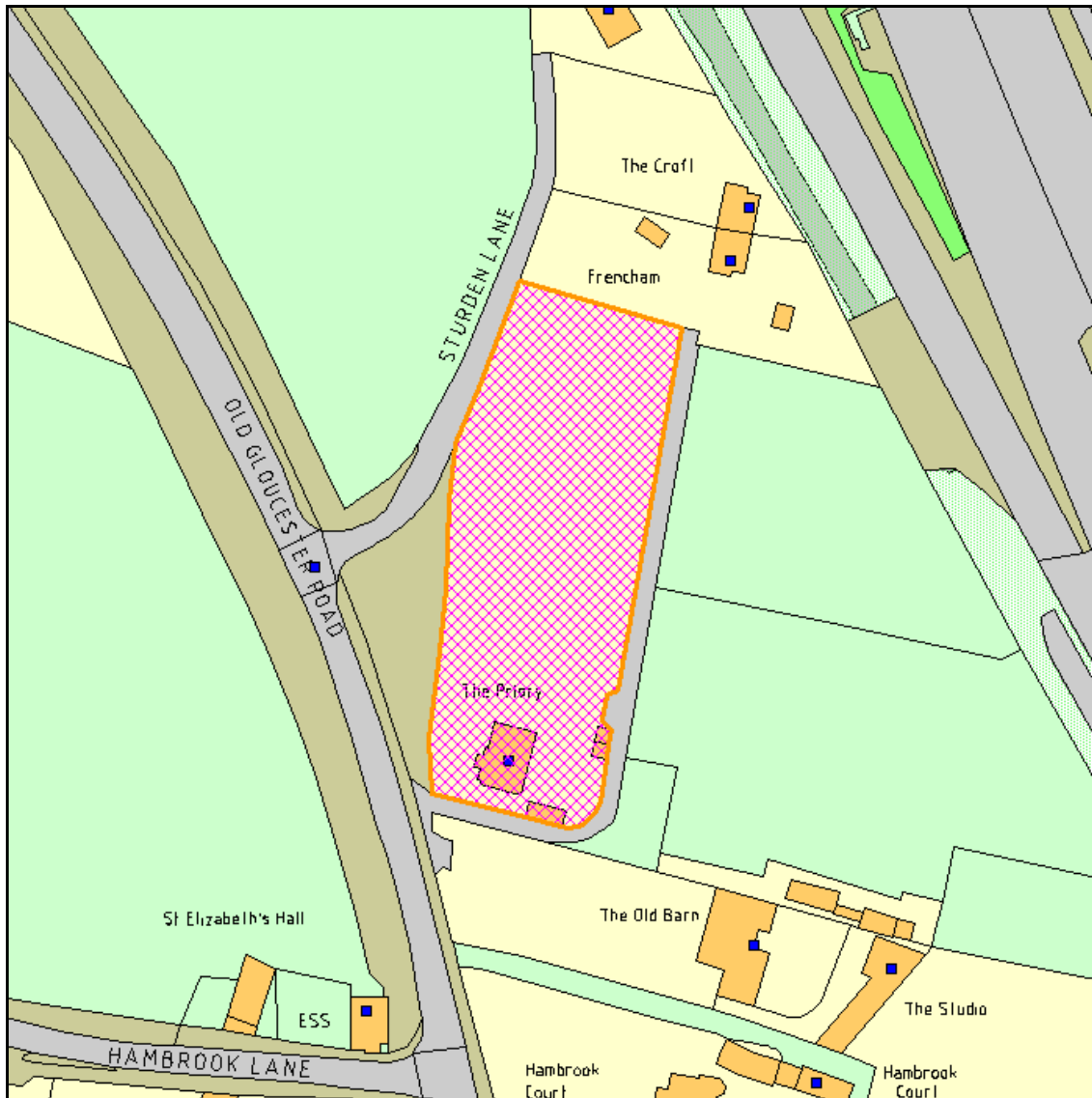
## **REFUSAL REASONS**

- 1. In terms of air quality, insufficient information has been submitted to fully demonstrate that the potential cumulative impacts of the existing pollutant sources on the health of future occupants of the proposed development would be of an acceptable level. The scheme is therefore contrary to NPPF para. 120.

2. Due to the proximity of the mainline railway to the development site, future occupiers would be exposed to unacceptable levels of noise and vibration all to the detriment of their health which would be contrary to saved Policy EP4 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the provisions of the NPPF para. 120.
3. Given the incompatible relationship with established business uses and existing restrictions thereon, the proposal would place unreasonable restrictions on the ability of Rolls-Royce to develop in continuance their business, which would be contrary to NPPF para. 123.
4. The proposed development, with very limited and unusable private amenity space, would be located in a primarily industrial area, directly adjacent to a Railway Station, busy mainline railway, the Rolls-Royce factory with its three jet engine testing beds, a Builder's Merchants and Landscape Contractors and a road leading to a Civic Amenity Site. Future occupants would be exposed to the cumulative adverse environmental effects of the adjacent uses to the detriment of residential amenity. The poor living conditions proposed would be contrary to Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th December 2013 and the provisions of the NPPF.
5. In the absence of a Section106 legal agreement to secure contributions towards Off-site Public Open Space provision and maintenance required to service the proposed development, the proposal is contrary to Policies CS6 and CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
6. In the absence of a Section106 legal agreement to secure a Affordable Housing provision, the proposal is contrary to Policy CS18 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

## CIRCULATED SCHEDULE NO. 15/16 – 15 APRIL 2016

<b>App No.:</b>	PT15/4633/CLP	<b>Applicant:</b>	Mr Chamberlain
<b>Site:</b>	The Priory Sturden Lane Hambrook Bristol South Gloucestershire BS16 1RW	<b>Date Reg:</b>	26th October 2015
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed erection of a detached triple garage block.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364123 179118	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Certificate of lawfulness	<b>Target Date:</b>	16th December 2015



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PT15/4633/CLP

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

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

### **1. THE PROPOSAL**

1.1 The applicant seeks a formal decision as to whether the proposed erection of a detached outbuilding to be used as a residential garage block using the existing access. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under Class E(a), Part 1 of Schedule II of the Town and Country Planning (General Permitted Development) (England) Order 2015.

1.2 The burden of proof about the proposal rests with the applicant.

### **2. POLICY CONTEXT**

2.1 National Guidance  
Town and Country Planning (General Permitted Development) (England) Order 2015.

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

3.1 PT08/2976/CLE Application for Certificate of Lawfulness for the use of land as residential curtilage 06.03.2009

3.2 PT08/1248/F Erection of single storey side extension to provide additional living accommodation Refused 27.08.2008

3.3 P90/2805 Erection of detached dwelling and garage; construction of new vehicular access (outline) Refused 18.12.1990

### **4. CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council  
No objection

4.2 Public rights of way  
No comment

4.3 Councillors  
No comments received.

#### **Other Representations**

4.3 Local Residents  
None received

## 5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Received plans;
- ☐ Location plan
  - ☐ Block plan of site showing the building located 25m from the dwelling on site.
  - ☐ Sheet 1 Proposed floor plan showing 20m by 9m deep floor plan 2m away from the rear boundary of the site.
  - ☐ Sheet 2 Elevations of proposed building

## 6. EVALUATION

- 6.1 The application is for a Certificate of Lawfulness for a proposed building and as such is purely an evidential test and a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit: the decision is based on the facts presented. The submission is not a planning application and as such the Development Plan (with its policies regarding visual/residential amenity, Green Belt, noise, access) is not of relevance to the determination of this application. If the evidence submitted demonstrates that the proposed development is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming this.
- 6.2 There is no consideration of planning merit.
- 6.3 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Class E(a), Part 1 of Schedule II of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 6.4 The application form confirms that the use would be residential and the building permanent.
- 6.5 The site consists of a dwellinghouse and its curtilage, and there is no evidence to indicate that the permitted development rights have been removed as the house appears to pre-date the introduction of the planning system. Notwithstanding this the land now associated with the dwelling appears to have been clarified by way of a Certificate of lawfulness reference PT08/2976/CLE which correlates with the curtilage shown in the application.
- 6.6 For the purposes of Class E the Order identifies that “purposes **incidental** to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.’
- 6.7 Case law relating to matters not considered incidental relates to the overprovision of a particular use such that its function becomes more ancillary to the function of the dwelling or a separate planning unit, rather than an incidental use of the dwelling.
- 6.8 This proposal is for a total of 180m<sup>2</sup> all to be used as garaging.



This compares to an extended house footprint of around 19m by 9m plus front projection ( so also around 180m<sup>2</sup>). As such the proposal for incidental use is equal to the footprint of the house and is disproportionate to the footprint size of the extended dwelling. There are also other buildings within the site. A further factor for consideration of the certificate is that the garaging is to be located some 25m away from the bungalow at their closest points.

- 6.9 Guidance in the GDPO does not provide a definition of incidental and as such it is right to consider case law. This would suggest that the sheer physical extent of buildings/uses proposed or being carried out while complying with the physical limitations in the GDPO may be considered to take the development out of the definition of "incidental". The 1989 case *Emin v SOS* concerning buildings that were to be erected providing facilities for archery, table tennis, billiards and pottery. A determination was sought as to whether planning permission was required. At appeal the SOS had considered that the archery use was not one that could be considered as incidental having the characteristics of a sport and none of the features of a pastime normally conducted within the confines of a dwelling. The sheer size of the buildings, which had a lavish and almost institutional aspect to them, went beyond the type of development envisaged in the Order as being incidental. The High Court agreed that the term "incidental to the enjoyment of the dwelling house" should not rest solely on the unrestrained whim of a householder and there should be some connotation of reasonableness in the circumstances of each case.

**6.10 Analysis to determine whether the proposed out-building can be described as being incidental to the enjoyment of the dwellinghouse.**

In *Emin v Secretary of State for the Environment and Mid-Sussex County Council*, QBD, 1989, 58 P&CR there were two schemes for buildings in the curtilage of a dwellinghouse. The first was to accommodate a utility room and garden/games room. The second was for archery, billiards and pottery. In the judgement Sir Graham Eyre QC refers to the need to address "*the nature of the activities to be carried on in the proposed building to ensure that they are incidental or conducive to the very condition of living in the dwellinghouse.*" He explained that the scale of those activities is an important matter and "*in that context the physical sizes of buildings could be a relevant consideration in that they might represent some indicia as to the nature and scale of the activities.*" "*When a matter is looked at as a whole, size may be an important consideration but not by itself conclusive.*" Whilst it is a matter primarily for the occupier to determine what incidental purposes they propose to enjoy, an objective test of reasonableness should be applied having regard to the circumstances of a particular case. Whether a building is required for a purpose associated with the enjoyment of the dwellinghouse "*cannot rely on the unrestrained whim of he who dwells there.*" **It was considered that the test to be applied is whether the use of the proposed buildings, when considered in the context of the planning unit, are intended to be, and will remain, incidental or subordinate to the main use of the property as a dwellinghouse.**

- 6.11 It is considered that this would support the concern in relation to the scale of the proposals here. Even though the proposed use of the building might of itself be classed as being incidental in a more modest building, the test to be applied is whether the use of the proposed building, when considered in the context of the planning unit, is intended to be or would remain incidental or subordinate to the main use of the property as a dwellinghouse. Due to the scale of the garage use and the large size of the proposed outbuilding, it is considered that the outbuilding would not remain incidental or subordinate to the main use of the property. Emin confirms that the scale of the proposal is a relevant consideration in determining this. The degree of separation between the garage and the dwelling further adds to the concerns that the building would not be incidental to the existing planning unit.
- 6.12 This is further supported by an appeal decision at 167 Hempstead Road, Kent (APP/A2280/X/12/2174843) where an Inspector declined to issue a lawful development certificate for an outbuilding, finding that it would go beyond a purpose incidental to the enjoyment of a dwelling. The single-storey outbuilding was proposed to have a footprint of 64 sqm and comprise three rooms consisting of a store for gardening equipment, a room to be used as a children's play area and a workshop. The Council expressed concern about the layout and the potential for the outbuilding to be used for business purposes. The Inspector was not convinced that such large areas were necessary for workshop and storage purposes and took the view that they went beyond what would be reasonably necessary for a domestic and hobby workshop or for the storage of material and equipment associated with household and garden maintenance.
- 6.13 At Eight Acre, Harpenden (APP/B1930/X/07/2061614) the Inspector allowed an appeal and granted an LDC for an outbuilding to contain a swimming pool, a room for snooker, gym and play area and a bbq area. The building's footprint of 397 square metres would be more than four times larger than the host dwelling. The Inspector found that the proposed uses were typical, every day pursuits. He considered that the building would not be disproportionate to what was required to house the proposed uses. Whilst this case shows that the size of the outbuilding was four times larger than the host dwelling the proposed uses meant that the size was considered necessary.
- 6.14 In contrast to that case the outbuilding proposed at The Priory would facilitate parking for at least six cars which is considered to be disproportionately larger than what is required to house the number of cars reasonable necessary for the bungalow dwelling. There is no justification as to why such large floor areas are necessary for each garage space and or why the garage is located so far distant from the dwelling. The scale is at a degree that has gone beyond that which may be considered incidental to the enjoyment of the modest dwellinghouse, despite the generous grounds in which the property is located.

- 6.15 At Longford Lane, Gloucester (APP/U1620/X/11/2160151). The Inspector held that the floorspace of the uses proposed within the outbuilding (gym, Jacuzzi, garage, workshop) were of a size that one would expect to find in a domestic setting and that the activities fell into the category of uses incidental to the enjoyment of the dwellinghouse. The circumstances of that case are not considered to be directly applicable to the circumstances of this proposal. It is not disputed that the use might be incidental if contained within a more modest structure and closer to the dwellinghouse – it is the scale of the building, and therefore the extent of the use that undermines this.
- 6.16 An appeal decision at 253 Shinfield Road, Reading (APP/X0360/X/08/2064662) explains that a Certificate of Lawfulness was sought for an incidental outbuilding comprising a snooker/gym room, WC and shower and a double garage. The Inspector noted that the resulting building, measuring 184 sqm would double the amount of accommodation in the existing dwelling. A games room and garage would normally be considered to be incidental but in this case the building exceeded that which would be reasonably required to serve the leisure purposes required.
- 6.17 In conclusion, based on the reasoning above, it is considered that due to the cumulative scale of the proposed garage use, the disproportionate size of the outbuildings in relation to their proposed use cannot be described as incidental to the main dwelling. On the balance of the evidence therefore the proposal would not fall within the remit of Class E given that it is not accepted that they would be incidental to the enjoyment of the dwellinghouse.
- 6.18 The remainder of the report is primarily in the interest of fullness of information in order to show that had the proposed outbuilding being considered to be incidental to the enjoyment of the host dwelling, the building would otherwise have fallen within the remaining criteria of Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 2015.
- 6.19 **Permitted Development:**  
Permitted development Class E(a), Part 1 of Schedule II of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows for the following:  
***E. The provision within the curtilage of the dwellinghouse of—***  
***(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or***  
**Development not permitted**  
E.1 Development is not permitted by Class E 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 dwelling house is a longstanding house not granted under these parts of the Schedule. Therefore it is entitled to use its permitted development rights.

(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The proposal would not exceed 50 of the curtilage.

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

The principal elevation of the dwellinghouse faces Gloucester Road and the garage block is located behind this. As such the proposal meets this criterion.

(d) the building would have more than a single storey;

The building is only single storey

(e) the height of the building, enclosure or container would exceed—

(i) 4 metres in the case of a building with a dual-pitched roof,

(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

(iii) 3 metres in any other case;

The building height does not exceed four metres and is shown with pitched roofs. The building is shown two metres from the boundary and as such the application meets this criterion.

(f) the height of the eaves of the building would exceed 2.5 metres;

The eaves are shown to be below 2.5 metres high.

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

The property is not located in the curtilage of a listed building.

(h) it would include the construction or provision of a verandah, balcony or raised platform;

No verandah, balcony or raised platform is advised

(i) it relates to a dwelling or a microwave antenna; or

The proposal is not shown to be a dwelling or a microwave antenna

(j) the capacity of the container would exceed 3,500 litres.

The development is a building not a storage container.

Development is also restricted in an Area of Outstanding Natural Beauty, the Broads, a National Park or a World Heritage Site, but the site does not fall within any of those amenity areas.

## **6. RECOMMENDATION**

6.1 That a Certificate of Lawfulness for Proposed Development is REFUSED for the following reason:

It is concluded that on the balance of probabilities the proposed development could not reasonably be described as for purposes incidental to the enjoyment of the dwellinghouse (The Priory) due to its scale and degree of separation from the dwellinghouse. The likely use in relation to the modest size of the dwellinghouse would go beyond that which may be considered incidental. Accordingly, the development would not constitute permitted development within Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 2015.

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

**CIRCULATED SCHEDULE NO. 15/16 – 15 APRIL 2016**

**App No.:** PT16/0113/F

**Applicant:** Turner Bros/SJT Design

**Site:** 3 Brookcote Drive Little Stoke Bristol South  
Gloucestershire BS34 6LG

**Date Reg:** 11th March 2016

**Proposal:** External alterations and erection of single storey rear extension to facilitate conversion of existing 4 bed house to 2no. 2 bed houses with associated works

**Parish:** Stoke Gifford Parish  
Council

**Map Ref:** 361662 180653

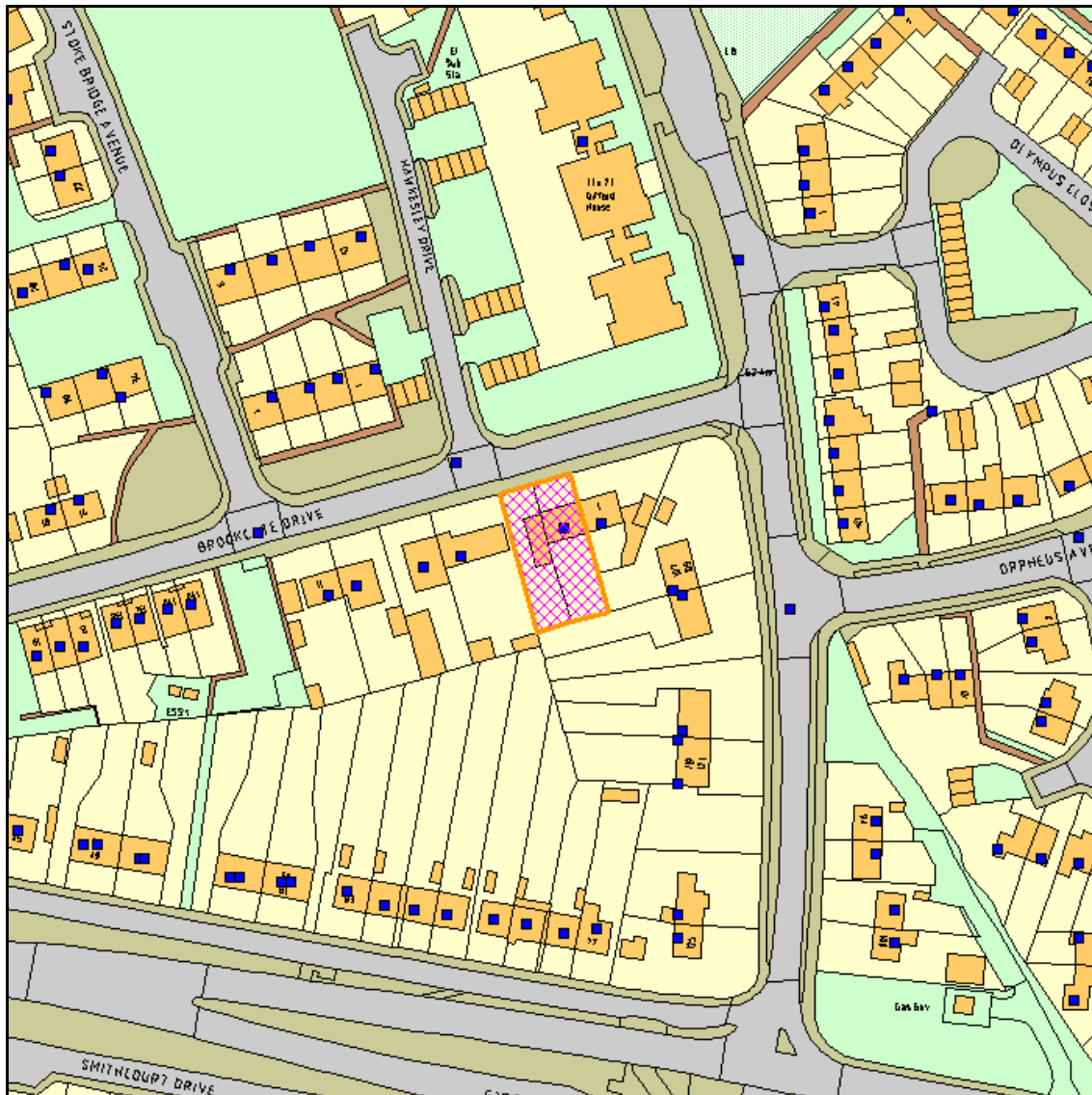
**Ward:** Stoke Gifford

<b>Application</b>	Minor
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**Target** 4th May 2016

**Category:**

Date: \_\_\_\_\_



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PT16/0113/F

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

The application appears on the Circulated Schedule as Stoke Gifford Parish Council have objected to the proposed development, whilst the officer recommendation approval.

### **1. THE PROPOSAL**

- 1.1 The site consists of an existing mid-terrace dwelling (three dwelling in total). The host dwelling was formerly a semi-detached house, however planning permission PT12/0980/F has been partially implemented such that the building has been extended to add a further dwelling on its Southwest elevation
- 1.2 Extant planning permission PT12/0980/F approved development to provide three dwellings through the conversion the original dwelling to provide two dwelling-flats (each two bed) with an extension to provide a two bed dwelling-house. Planning permission PT12/0980/F has now been implemented such that the two bed dwelling house has been provided. This application effectively seeks to amend the extant planning permission such that the two dwelling-flats are replaced with two dwelling-houses. The proposal shows one off street parking space per dwelling proposed.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012

#### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS8 Improving Accessibility

CS17 Housing Diversity

CS25 Communities of the North Fringe of Bristol Urban Area.

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

H4 Development within Existing Residential Curtilages Including Extensions and New Dwellings

T12 Transportation Development Control Policy for New Development.

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

Waste Collection; Guidance for New Developments SPD (adopted January 2015)

Residential Parking Standards SPD (adopted December 2013).

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

- 3.1 PT12/0288/F Conversion of existing dwelling and erection of two storey side/rear extension and single storey rear extension to form 2no. self contained flats and 1no. attached dwelling with associated works.

*This application was withdrawn on 19<sup>th</sup> March 2012 and therefore carries no weight in the assessment of this planning application.*

- 3.2 PT12/0980/F Conversion of existing dwelling and erection of two storey side/rear extension and single storey rear extension to form 2no. self contained flats and 1no. attached dwelling with associated works.

Approved 18<sup>th</sup> May 2013

### **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
On Objection. However, concerns are raised about insufficient parking on the development
- 4.2 Sustainable Transport  
No Objection. Sufficient off street parking can be provided in line with the previous planning permission.

#### **Other Representations**

- 4.3 Local Residents  
No comments have been received.

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

- 5.1 The site is located within the Bristol North Fringe Urban Area within an established residential area. The proposed development consists of the subdivision of an existing dwelling to form two dwellings.
- 5.2 Principle of Development  
Planning Permission PT12/0980/F has been implemented and is a material consideration in the assessment of this planning application. The implemented permission allows for the subdivision of the subject dwelling into two houses, and also allows for the provision of a third dwelling by way of an extension. The extension containing the dwelling has been implemented.
- 5.3 Accordingly, it is considered that the principle of the subdivision of the existing dwelling to provide two dwellings has been established. Nonetheless, the proposal to alter the development such that two houses are provided as an alternative to two flats is a material change and one which would result in material change to the appearance of the development and its layout. These matters are addressed below.



5.4 Design and Visual Amenity

The proposed development would effectively divide the existing dwelling into two centrally on its front elevation. This would result in an additional front door and window at ground floor level and alteration to the left hand window at first floor level.

- 5.5 Although this would conflict with the general pattern of the dwellings surrounding the site, its visual impact would be limited. Essentially, although the development would increase the concentration of openings on the front elevation of the dwelling, the scope of the development is such that the overall scale of the building would not change.

- 5.6 In this regard, officers consider that the proposed development is acceptable in visual amenity terms.

5.7 Residential Amenity

The proposed development would provide two dwellings in a different format to that of the extant planning permission. It is considered that there would be no material impact in respect of the general amenity of the locality over and above the consented scheme. In this instance, the development would provide two houses, each with its own curtilage. This would be preferable to the relationship that would be apparent with an arrangement of two flats as it would reduce the amount of over-looking potential from the first floor flat.

- 5.8 Similarly, the development would provide 50 square metres of private garden area for each dwelling. This is considered to be an acceptable level of space for a two bed dwelling.

5.9 Highway Safety and Parking Provision

Access to the development and the proposed individual houses would be from Brookcote Drive. This is the same arrangement as the extant planning permission. Accordingly there is no objection in highway safety terms.

- 5.10 It is noted that Stoke Gifford Parish Council have raised concerns regarding the level of off street parking for the proposed development. The proposed development would provide the same level of parking for the development approved under PT12/0980/F (1 space per dwelling). This level is consistent with the minimum parking standards set out in the South Gloucestershire Residential Parking Standards SPD and as such is acceptable.

5.11 The Planning Balance

It is acknowledged that the principal elevation of the proposed dwelling is not consistent with the general character of the area. However, it is considered that this has a limited impact. Paragraph 14 of the National Planning Policy Framework makes a presumption in favour of sustainable development, and states that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. In this instance, it is considered that the impact of the design of the front elevation of the dwellings, does not represent significant and

demonstrable harm and is outweighed by the benefits of adding an additional dwelling to the housing land supply.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That Planning Permission is granted subject to the conditions set out in the report.

**Contact Officer: Simon Penketh**  
**Tel. No. 01454 863433**

## **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).

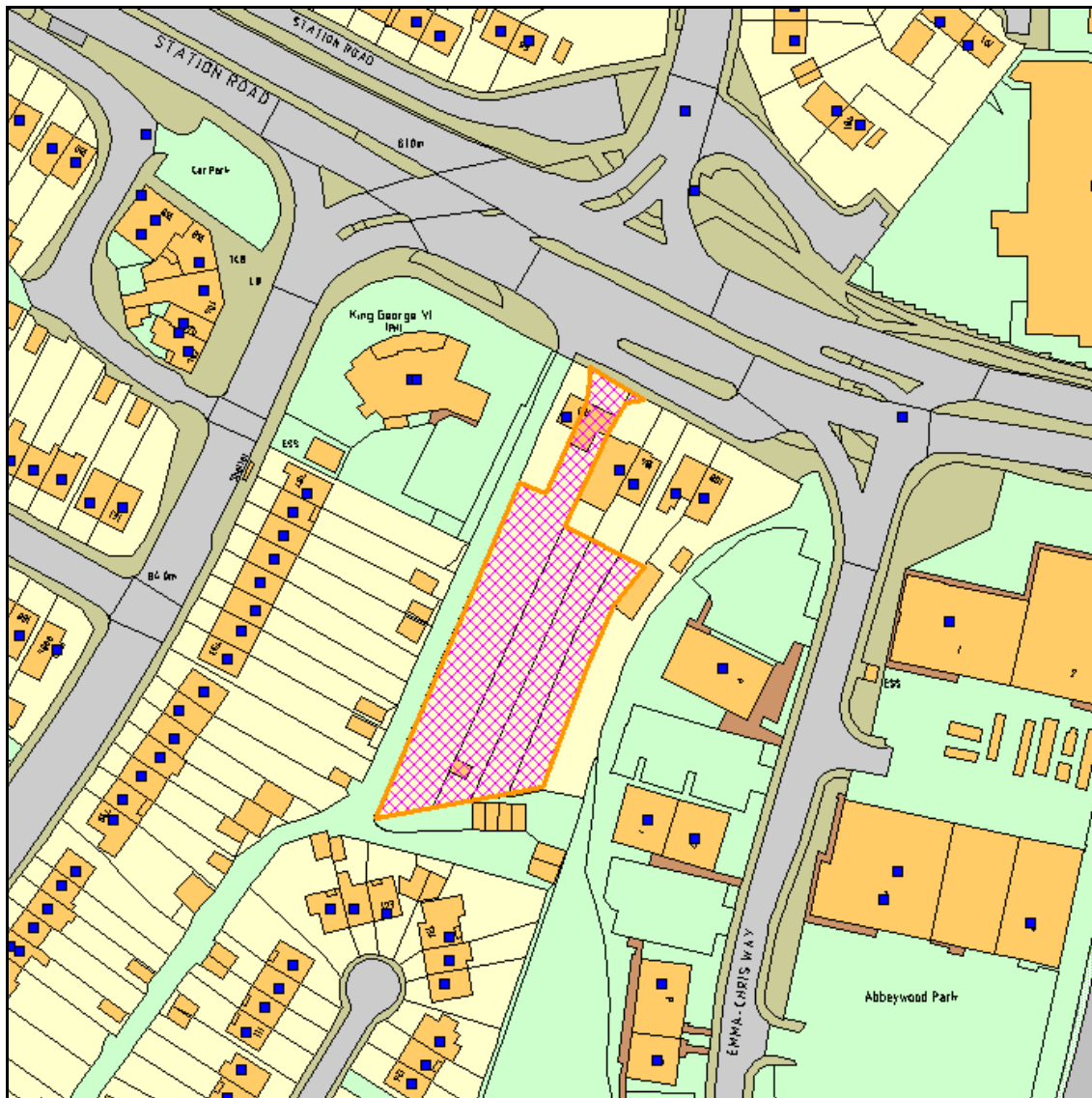
2. The residential dwellings hereby approved shall not be occupied until the off street parking facilities shown on the approved plan (drawing number BR Rev 4 Block Plan as received by the Council on 11th March 2016) have been provided. Thereafter the developmetn shall be retained as such.

### **Reason**

In order to provide sufficient off street parking for the development in the interests of highway safety and to accord with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013.

## CIRCULATED SCHEDULE NO. 15/16 – 15 APRIL 2016

<b>App No.:</b>	PT16/0166/F	<b>Applicant:</b>	Mr A Mealing
<b>Site:</b>	Land Rear Of 160-166 Station Road Filton Bristol South Gloucestershire BS34 7JW	<b>Date Reg:</b>	29th January 2016
<b>Proposal:</b>	New development of 9 new dwellings with new access and associated works	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360990 178895	<b>Ward:</b>	Filton
<b>Application</b>	Minor	<b>Target</b>	24th March 2016
<b>Category:</b>		<b>Date:</b>	



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**N.T.S.**

**PT16/0166/F**

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

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

### **1. THE PROPOSAL**

- 1.1 The application relates to a 0.21ha plot of land that was former garden land to the rear of nos. 160-166 Station Road, Filton. Apart from the former King George VI pub to the north-west, the site is generally enclosed by residential dwellings. A rough track to the west provides access to garages serving properties on Nutfield Road to the rear of the site.
- 1.2 It is proposed to demolish part of no.160 Station Road to provide vehicular access into the site and to erect 9no. dwellings as two blocks of 2 x 4 bed semis; two blocks of 2 x 3 bed semis and a separate 1.5 storey 2 bed coach house; all built around a cul-de-sac.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

The National Planning Policy Framework 27<sup>th</sup> March 2012.  
The National Planning Practice Guidance 2014

#### **2.2 Development Plans**

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

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

The Minerals and Waste Local Plan (Adopted) 2002

Policy 37 - Waste Management

West of England Joint Waste Core Strategy (Adopted) March 2011

Policy 1 - Waste Management

South Gloucestershire Local Plan (Adopted) January 2006

L1 - Landscape Protection and Enhancement  
L5 - Open Spaces  
L9 - Species Protection  
L11 - Archaeology

EP2 - Flood Risk and Development  
T7 - Cycle Parking  
T12 - Transportation Development Control Policy for New Development  
LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)  
LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.  
The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.  
Affordable Housing SPD Adopted Sept.2008.  
South Gloucestershire Council Residential Parking Standards (SPD) Adopted.

2.4 Emerging Plan

Proposed Submission: Policies, Sites & Places Development Plan March 2015

PSP1 - Local Distinctiveness  
PSP2 - Landscape  
PSP3 - Trees and Woodland  
PSP5 - Undesignated Open Spaces within Urban Areas and Settlements  
PSP6 - Onsite Renewable & Low Carbon Energy  
PSP8 - Settlement Boundaries  
PSP9 - Residential Amenity  
PSP12 - Development Related Transport Impact Management  
PSP17 - Parking Standards  
PSP20 - Wider Biodiversity  
PSP21 - Flood Risk, Surface Water and Watercourses  
PSP22 - Environmental Pollution and Impacts  
PSP44 - Private Amenity Space Standards

3. **RELEVANT PLANNING HISTORY**

3.1 P84/2327 - Erection of single-storey side and rear extension to form conservatory and enlarged lounge (in accordance with the amended plans received 24<sup>th</sup> Oct. 1984)  
Approved 7 Nov 1984

4. **CONSULTATION RESPONSES**

4.1 Filton Town Council  
No response

4.2 Other Consultees

Tree Officer  
No objection

Transportation D.C.  
No objection subject to clarification of parking for Plot 1 and refuse collection.

*This information was subsequently provided to officer satisfaction.*

Housing Enabling

Below threshold.

Highway Structures

No comment

Lead Local Flood Authority

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

Children and Young People

No response

**Other Representations**

4.3 Local Residents

2no. responses were received from local residents. The concerns raised are summarised as follows:

- Loss of gardens.
- Station Road is very busy with dual carriageway nearby.
- Increased noise and disturbance during construction and after.
- Overdevelopment.
- The road to the rear of 757 Filton Avenue is a private road.
- Security risk during construction and after.
- Adverse impact on house prices.
- Increased pollution.
- Increased pressure on local services.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

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

5.2 5-Year Land Supply

A recent appeal decision APP/P0119/A/14/2220291 – Land South of Wotton Road, Charfield, established (para. 146) that the Council can currently only demonstrate a 5-year housing land supply sufficient for 4.64 years.

As there is provision for windfall sites in the calculation, this weighs in favour of the proposal, which would make a positive contribution, to the housing supply within South Gloucestershire.

- 5.3 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only limited weight can currently be given to most of the policies therein.
- 5.4 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants' to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.
- 5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.6 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments.
- 5.7 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: *Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.*
- 5.8 Local Plan Policy H2 is not a saved policy; there is no longer a prescribed minimum density requirement for housing development. The NPPF however seeks to make efficient use of land in the Urban Area for housing. Given the site constraints and proximity of neighbouring dwellings, 9no. dwellings on this specific plot is considered to make the most efficient use of this site in the Urban Area, which is a requirement of the NPPF.
- 5.9 The site is located within a residential area in a sustainable location, close to Filton Avenue, within easy walking distance of shopping and community facilities and bus stops. In this respect the proposal accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.

5.10 Scale and Design

Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013 only permits new development where the highest standards of site planning and design are achieved. Criterion 1 of Policy CS1 requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

- 5.11 The location is not characterised by any established architectural vernacular, being predominantly an area of mixed development of varying styles and ages. Being located on a back-land site the proposed dwellings would not be prominent within the street scene. A mix of dwelling types and sizes are proposed being all characterised by gabled walls, dormer and feature windows. The materials to be used in construction, comprise predominantly brick with tiled roofs, the exact nature of which would be secured by condition. The proposed dwellings would not look out of place in this location and would not represent an incongruous element within the street scene. The proposed scale and design is therefore considered to be acceptable.

5.12 Landscape and Tree Issues

Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape.

- 5.13 The site was formerly made up of the very generous gardens to the rear of nos. 160-166. The gardens have been truncated by fences and the application site completely cleared. Given its back-land location officers do not consider that the site is an open space that contributes significantly to the quality, character, amenity and distinctiveness of the locality (Policy L5).
- 5.14 Whilst the NPPF para.53 resists inappropriate development of residential gardens this tends to be only where development would cause harm to the local area. In this case the gardens contribute little to the local character and any harm to result from their loss would be outweighed by the provision of housing.
- 5.15 There are no trees actually within the site but there are hedgerows to the west and south that bound the site. These hedgerows are shown retained on the plans along with some indicative landscaping of the site. A comprehensive scheme of landscaping would be secured by condition should planning permission be granted.

- 5.16 On balance therefore the proposal accords with Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.17 Transportation Issues

It is proposed to create a new vehicular access into the site from Station Road by demolishing part of no.160, there would therefore be no need for traffic to use the private track to the west. The new access will ultimately lead to additional traffic movements entering the highway network close to the busy



junction of Station Road (A4174) and Filton Avenue. However, as the trips generated by the proposal are likely to be relatively small in number and the site is accessed via an existing service road, rather than directly from the main carriageway, this access arrangement would be acceptable. Officers do not consider that it is necessary for this access to conform to the visibility standards associated with a road such as Station Road.

5.18 Two parking spaces would be provided on the site for each of the 3/4 bedroom dwellings. This level of parking provision satisfies the minimum standards outlined in the adopted South Gloucestershire Council Residential Parking Standards SPD.

5.19 In light of the above and subject to conditions to secure the access, parking facilities and turning areas, there are no highway objections and the scheme is considered to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS8 of The Core Strategy.

5.20 Impact Upon Residential Amenity

As regards overbearing impact and overshadowing; officers are satisfied that given the layout of the site, the height and scale of the proposed dwellings and the distance between the existing and proposed dwellings; that there would be no significant issues of overbearing impact or overshadowing. Officers consider that some overlooking of neighbouring property is only to be expected in urban locations and that in this case, the level of overlooking would not be so detrimental as to justify refusal of planning permission. Furthermore the existing and proposed boundary treatments would provide adequate screening at ground floor level.

5.21 Adequate amounts of private amenity space would be provided for the new dwellings and retained for the existing houses nos. 160-166.

5.22 Concerns have been raised about increased risk on security, adverse impact on house prices and increased disturbance. The affect on house prices is currently not a material consideration in the determination of planning applications. There is no reason to believe that future occupants would be particularly noisy but in any event, they would be subject to the normal environmental legislation regarding statutory noise nuisance. As regards security, officers noted during their site visit that fly-tipping was occurring in the private lane. If these houses are built, they are likely to increase passive surveillance of the lane and surrounding area. There is no reason to believe that security would be compromised; for the above reason it might even be increased.

5.23 The proposal is therefore considered to be acceptable in terms of impact on residential amenity.

5.24 Environmental and Drainage Issues

The proposal for 9no. houses only, would not generate such levels of pollution to justify a refusal reason. Subject to a condition to control the hours of working during the construction phase, there are no objections on environmental grounds.

In terms of drainage, the Council's Drainage Engineer has raised no objection to the proposal subject to a condition to secure a SUDS scheme of drainage. The site does not lie in a zone at high risk of flooding. Foul disposal would be to the existing mains sewer. The site does not lie within a Coal Referral Area. Appropriate informatives regarding construction sites, would be attached to any decision for approval. The proposal therefore accords with Policies EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policies CS5 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013.

5.25 Ecology

The site is not covered by any statutory or non-statutory nature conservation designations. The site was previously domestic gardens which have already been completely cleared. There are no objections on ecological grounds.

5.26 Affordable Housing

The proposal is for 9no. dwellings only, which is below the Council's threshold for affordable housing provision.

5.27 Community Services

The proposal is for 9no. dwellings only, which is below the Council's threshold (10) for contributions to Community Services.

5.28 CIL Matters

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

**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. In this case the paragraph 14 test in the NPPF applies – the presumption in favour of development. It is considered that there is no significant or demonstrable harm to result from the scheme and the proposal should be permitted.

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

**7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

**Reason**

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

2. The hours of working on site during the period of construction and demolition shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, 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 residential amenity of the neighbouring occupiers and to accord with the requirements of the NPPF.

3. Prior to the first occupation of the dwellings hereby approved, the vehicular access arrangement, turning areas and car parking provision (including garages) for the proposed dwellings shall be implemented in accordance with the approved Block Plan and Ground Floor Plans and retained thereafter for that purpose.

**Reason**

To ensure the satisfactory provision of access, turning and parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013 and The South Gloucestershire Residential Parking Standards (Adopted) 2013.

4. No development shall take place until a Waste Management Audit has been submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
  - (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
  - (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
  - (c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.

- (d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.
- (e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

Development shall be carried out in accordance with the agreed details.

Reason

In accordance with Policy 37 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) 2002, and Policy 1 of the West of England Joint Waste Core Strategy (Adopted) March 2011. This is a pre-commencement condition because the audit is necessary to establish prior to the demolition of the building.

- 5. Prior to the commencement of the relevant parts of the development hereby approved details/samples of the roofing and external facing materials proposed to be used for the respective dwellings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the 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.

- 6. 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, Policy L1 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the National Planning Policy Framework. These details are required pre-commencement to ensure that the details are secured at the earliest opportunity as part of the proposal.

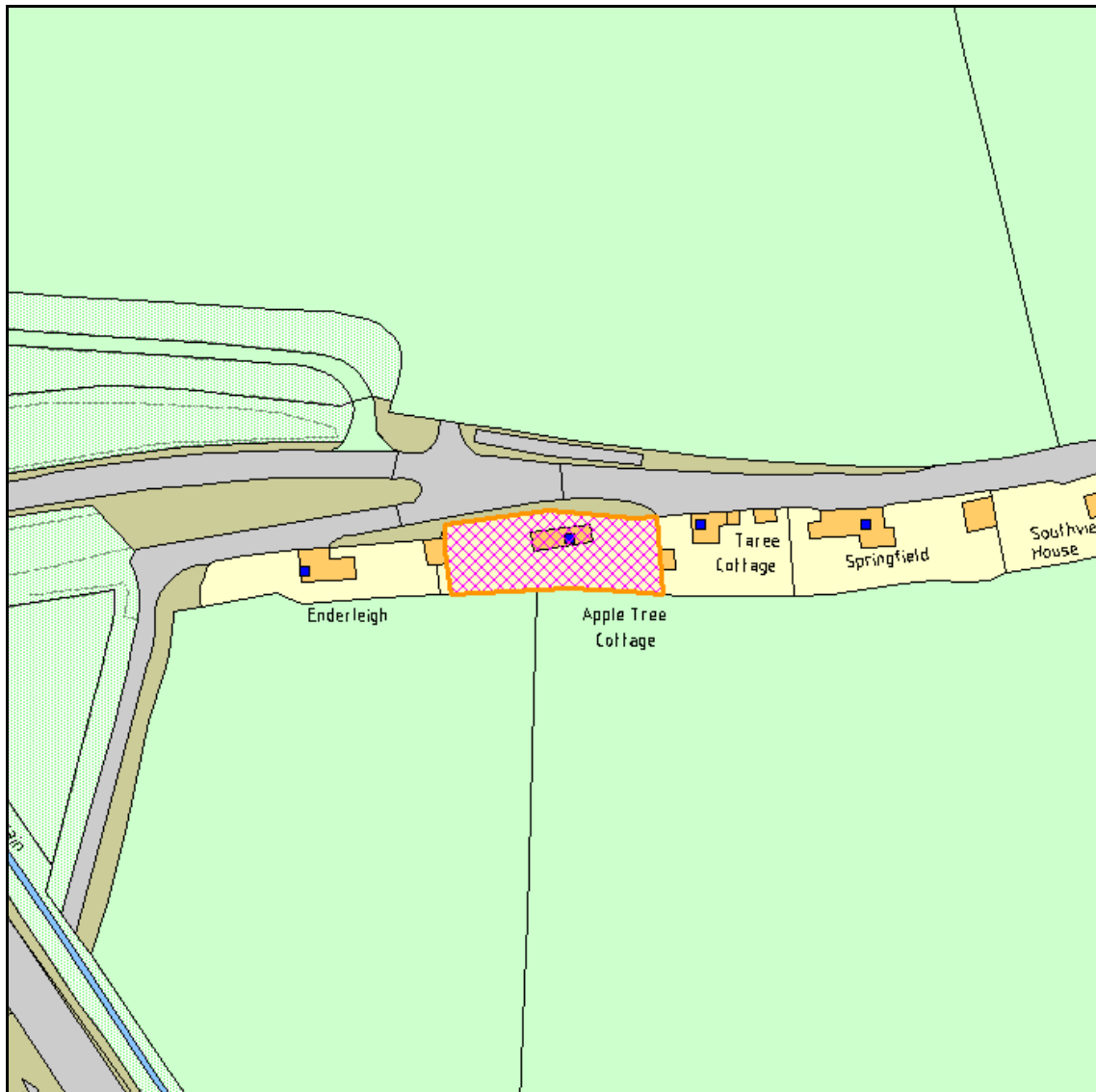
- 7. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection together with details of proposed method for foul waste disposal, have been submitted to and approved in writing by the Local Planning Authority.

#### Reason

To comply with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and The National Planning Policy Framework 2012. These details are required prior to commencement in view of the nature of drainage matters being implemented at the earliest phase of development.

## CIRCULATED SCHEDULE NO. 15/16 – 15 APRIL 2016

<b>App No.:</b>	PT16/0781/CLP	<b>Applicant:</b>	Mr Gavin Purchase
<b>Site:</b>	Apple Tree Cottage Catherine Hill Olveston Bristol South Gloucestershire BS35 4EN	<b>Date Reg:</b>	29th February 2016
<b>Proposal:</b>	Certificate of Lawfulness Proposed for front porch, single storey side extension, two storey rear extension and two incidental outbuildings.	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	359603 186550	<b>Ward:</b>	Severn
<b>Application</b>		<b>Target</b>	20th April 2016
<b>Category:</b>		<b>Date:</b>	



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PT16/0781/CLP

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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a front porch, single storey side extension, two storey rear extension and two incidental outbuildings would be lawful under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning Act 1990 (As Amended) 1990 section 192  
Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

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

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

- 3.1 **PT15/5079/F – Refusal – 18/02/2016** – Erection of two storey front extension and veranda to rear to provide additional living accommodation and installation of chimney – refused due to inappropriate development in the greenbelt and the design of the proposal resulting in a negative impact on the character of the dwelling.
- 3.2 **P90/2690 – Approval – 28/11/1990** – Erection of two storey side extension to form lounge with bedroom over.

### **4. CONSULTATION RESPONSES**

- 4.1 Olveston Parish Council  
No Comment

- 4.2 Other Consultees  
None Received

**Other Representations**

- 4.3 Local Residents  
No Comments Received

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

- 5.1 Application Form; Design and Access Statement (including existing and proposed elevations and site layout) Existing Elevations; Proposed Elevations and Block Plan; Site Location Plan

**6. ANALYSIS OF PROPOSAL**

- 6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully, without the need for planning permission. Accordingly there is not consideration of planning merit, the application is based on the facts presented. This submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

- 6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to the householders under Schedule 2, Part 1 Class A, D and E of the GPDO (2015).

- 6.3 The proposed development consists of the introduction of a rear box dormer and the associated rear roof windows to facilitate the loft conversion. This development would be within Schedule 2, Part 1 Class A, D and E of the GPDO (2015), which allows enlargement and alterations to a dwellinghouse, the erection of a porch and buildings incidental to the enjoyment of the dwellinghouse, provided it meets the criteria detailed below:

**A. The enlargement, improvement or other alteration of a dwellinghouse:**

**A.1 Development is not permitted by Class A if –**

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

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



- (b) As result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**

The total area of the ground covered by the buildings (other than the original dwellinghouse) would be less than 50% of the total area of the properties curtilage.

- (c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**

The height of the extension would not exceed the height of the existing dwellinghouse.

- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**

The height of the eaves of the rear extension would not exceed the height of the eaves to the existing dwellinghouse.

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which—**  
**(i) forms the principal elevation of the original dwellinghouse;**  
**or**  
**(ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

The extension does not project beyond a wall which forms the principal elevation nor does it form a side elevation of the original dwellinghouse which fronts a highway.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**  
**(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**  
**(ii) exceed 4 metres in height;**

The proposal has more than a single storey and projects beyond the rear elevation.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
- (ii) exceed 4 metres in height;

Not applicable.

- (h) **The enlarged part of the dwellinghouse would have more than a single storey and—**
  - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
  - (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;

The extension proposed has more than a single storey and will project from the rear elevation by 2.95 metres. There are no dwellings opposite the rear wall of the dwellinghouse.

- (i) **The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**

The extension would not be within 2 metres of the boundary

- (j) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—**
  - (i) exceed 4 metres in height,
  - (ii) have more than a single storey, or
  - (iii) have a width greater than half the width of the original dwellinghouse;

The side extension does not have more than a single storey; a width greater than half of the original dwellinghouse or a height over 4 metres.

- (k) **It would consist of or include—**
  - (i) the construction or provision of a verandah, balcony or raised platform,
  - (ii) the installation, alteration or replacement of a microwave antenna,
  - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
  - (iv) an alteration to any part of the roof of the dwellinghouse.

The proposal does not include any of the above.

**A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—**

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.**

The application site does not fall on article 2(3) land.

**A.3 Development is permitted by Class A subject to the following conditions—**

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

The proposal will be finished to match the existing dwelling. The proposed materials would therefore have a similar appearance to the materials in the host dwelling.

- (b) any upper-floor window located in 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; and**

Not applicable.

- (c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

The proposal has a roof pitch the same as the roof pitch of the original dwellinghouse.

**D. The erection or construction of a porch outside any external door of a dwellinghouse:**

**D.1 Development is not permitted by Class D if –**

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

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

- (b) the ground area (measured externally) would exceed 3 square metres;**

The floor area of the proposal (measure externally) would be 3 square metres.

- (c) any part of the structure would be more than 3 metres above ground level; or**

The porch would not be more than 3 metres above ground level

- (d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway**

The proposal would be more than 2 metres from the boundary with the highway.

**E. The provision within the curtilage of –**

- (a) Any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or**
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.**

**E.1 Development is not permitted by Class E if –**

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

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

- (b) the total area of the ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**

The ground area of the proposals would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

- (c) **any part of the building, enclosure, pool, or container would be situated on land forward of a wall forming a principal elevation of the original dwellinghouse;**

Neither of the proposals will be situated forward of the principal elevation.

- (d) **the building would have more than a single storey;**

The proposals will be of a single storey scale.

- (e) **the height of the building or enclosure would exceed –**  
(i) **4 metres in the case of a building with a dual pitched roof,**  
(ii) **2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or**  
(iii) **3 metres in any other case;**

The proposals will have a dual pitched roof, will be more than 2 metres from the boundary and will have a height of 3.95 metres.

- (f) **the height of the eaves of the building would exceed 2.5 metres;**

The eaves height of the proposals will be 2.45 metres.

- (g) **the building, enclosure, pool or container would be situated within the curtilage of a listed building;**

The host dwelling is not a listed building.

- (h) **it would include the construction or provision of a verandah, balcony or raised platform;**

It does not include any of the above.

- (i) **it relates to a dwelling or a microwave antenna; or**

The proposal are for incidental uses and do not include a microwave antenna.

- (j) **the capacity of the container would exceed 3,500 litres.**

The capacity of the containers would not exceed 3,500 litres.

## **7. RECOMMENDATION**

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

Evidence has been provided to demonstrate that the proposed alterations would fall within the permitted rights afforded to householders under Schedule

2; Part 1, Classes A, D and E of the Town and Country Planning General Permitted Development Order 2015.

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