



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS  
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY  
THE DIRECTOR OF PLANNING, TRANSPORTATION AND STRATEGIC  
ENVIRONMENT**

**CIRCULATED SCHEDULE NO. 26/09**

**Date to Members: 03/07/09**

**Member's Deadline: 09/07/09(5pm)**

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by the Planning and Transportation Committee on 21 November 1996. The procedure is designed to increase the effectiveness and efficiency of the Development Control Service. Under the arrangement reports are circulated on a weekly basis.

The reports assess the application, consider representations which have been received, and make a recommendation regarding the proposal. The procedure is designed to ensure that Members are aware of any concern expressed by interested parties in their ward and indicate a recommendation.

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **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.**

## **NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS**

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Area Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (eg, if the schedule is published on a Friday, comments have to be submitted by the end of Thursday) (see cover page for the date). A proforma is attached for your use and should be forwarded by fax to the appropriate Development Control Support Team, or by sending an email with the appropriate details to [PlanningApplications@southglos.gov.uk](mailto:PlanningApplications@southglos.gov.uk)

Members will be aware that the Director of Planning, Transportation and Strategic Environment has a range of delegated powers designed to improve the efficiency and effectiveness of the Development Control service. The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Area 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
- g) Applications for the following major development:
  - (a) Residential development the number of dwellings provided is 10 or more, or the development is to be carried out on a site having an area of 0.5 ha or more and the number of dwellings is not known.
  - (b) Other development(s) involving the provision of a building or buildings where the floor space to be created is 1000 sq. m or more or where the site has an area of 1 ha or more.

## **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 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 Team Leader 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. Do not leave it to the last minute
- Always make your referral request in writing, either by letter, e-mail or fax, preferably using the proforma provided. Make sure the request is sent to the Development Control Support Team (East or West as appropriate), not the case officer who may not be around to act on the request, or email [PlanningApplications@southglos.gov.uk](mailto:PlanningApplications@southglos.gov.uk). Please do not phone your requests, as messages can be lost or misquoted.
- 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

## CIRCULATED SCHEDULE

**DATE: 03/07/09**

**SCHEDULE NO. 26/09**

If you wish any of the applications to be considered by the appropriate Area Committee you should return the attached pro forma not later than 5 working days from the date of the appropriate schedule (by 5pm), to the appropriate Development Control Support Team. For the Kingswood area, extension 3544 (fax no. 3545), or the Development Control Support Team at the Thornbury office, on extension 3419 (fax no. 3440), or email [PlanningApplications@southglos.gov.uk](mailto:PlanningApplications@southglos.gov.uk)

The Circulated Schedule is designed to improve the effectiveness and efficiency of the Development Control service. To minimise referrals to the Area Committees, Members are requested to discuss the case with the case officer or team leader to see if any issues can be resolved without using Committee procedures for determining the application.

---

### COUNCILLOR REQUEST TO REFER A REPORT FROM THE CIRCULATED SCHEDULE TO THE APPROPRIATE COMMITTEE

NO. OF SCH	APP. NO.	SITE LOCATION	REASON FOR REFERRAL
<b>Have you discussed the application(s) with the case officer and/or area team leader?</b>			
<b>Have you discussed the application with the ward members(s) if the site is outside your ward?</b>			

**Please note: - Reason for Referral**

The reason for requesting Members to indicate why they wish the application to be referred, is to enable the Committee to understand the reason for referral in the determination of the application, or to allow officers to seek to negotiate with the applicant to overcome the Member's concerns and thereby perhaps removing the need for a Committee determination.

**SIGNATURE .....**

**DATE .....**

# Circulated Schedule 03 July 2009

ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
1.	PK09/0767/F	Approve with conditions	The Stables, The Old Dairy House, Horton, South Gloucestershire, BS37 6QN		Cotswold Edge Horton Parish Council
2.	PK09/0845/F	Approve with conditions	Land at 70 Oakdale Close, Downend, South Gloucestershire, BS16 6EB	Downend	Downend and Bromley Heath
3.	PK09/0976/F	Approve with conditions	9 Heath Road, Hanham, South Gloucestershire, BS15 3JT	Hanham	Hanham Abbots Parish Council
4.	PK09/0981/O	Approve with conditions	2 Church Lane, Downend, South Gloucestershire, BS16 6TA	Emersons Green	Downend and Bromley Heath
5.	PK09/1016/F	Approve with conditions	107 Bath Road, Willsbridge, South Gloucestershire, BS30 6ED	Bitton	Oldland Parish Council
6.	PK09/1025/F	Approve with conditions	9 Fouracre Avenue, Downend, South Gloucestershire, BS16 6PD	Downend	Downend and Bromley Heath
7.	PT09/0663/R3F	Approve with conditions	Bowsland Green County Primary School, Ellicks Close, Bradley Stoke, South Gloucestershire, BS32 0ES	Bradley Stoke Central and Stoke Lodge	Bradley Stoke Town Council
8.	PT09/0734/F	Approve with conditions	Playing Fields, New Road, Stoke Gifford, Bristol, BS34 8SF	Frenchay and Stoke Park	Stoke Gifford Parish Council
9.	PT09/0751/O	Approve with conditions	Plot 6030, Govier Way, Western Approach Distribution Park Severnside South Gloucestershire.	Pilning and Severn Beach	Pilning and Severn Beach
10.	PT09/0821/F	Approve with conditions	Building 20U, Golf Course Lane, Filton, South Gloucestershire, BS34 7QW	Filton	Filton Town Council
11.	PT09/0937/F	Approve with conditions	Meridan Cottage, Gloucester Road, Whitfield, South Gloucestershire, GL12 8EA	Charfield	Falfield Parish Council
12.	PT09/0951/F	Approve with conditions	86 Kimberley, Gloucester Road, Rudgeway, South Gloucestershire, BS35 3RS	Thornbury South and Alveston	Alveston Parish Council
13.	PT09/0953/F	Approve with conditions	81 The Worthys, Bradley Stoke, South Gloucestershire, BS32 8DH	Bradley Stoke South	Bradley Stoke Town Council
14.	PT09/0959/CLE	Approve with conditions	47 Hortham Lane, Almondsbury, South Gloucestershire, BS32 4JJ	Almondsbury	Almondsbury Parish Council

**CIRCULATED SCHEDULE NO. 26/09 – 3 JULY 2009**

<b>App No.:</b>	PK09/0767/F	<b>Applicant:</b>	Mrs M Allen
<b>Site:</b>	The Stables, The Old Dairy House, Horton, South Gloucestershire, BS37 6QN	<b>Date Reg:</b>	27th April 2009
<b>Proposal:</b>	Conversion of existing stables to 1 no. detached dwelling and associated works.	<b>Parish:</b>	Horton Parish Council
<b>Map Ref:</b>	75934 84345	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th June 2009



© South Gloucestershire Council 2009. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2009.

**N.T.S**

**PK09/0767/F**

## **INTRODUCTION**

This application appears on the circulated schedule due to the receipt of one letter of objection from a local resident.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the conversion of an existing building to form a single detached dwelling. The building was constructed as a stable but more recently has been used for ancillary domestic accommodation in connection with The Old Dairy House. The building is detached standing adjacent to the high stone garden wall. The building sits within the large listed curtilage of Horton Hall.
- 1.2 The works include infilling the existing stable doors and open fronted porch, the addition of two new windows – one in either gable elevation and the insertion of conservation roof lights on the rear elevation. One parking space would be provided on hard standing to the front of the building and a large area of garden space would be provided.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Design
- L1 Landscape Protection and Enhancement
- L2 Cotswolds Area of Outstanding Natural Beauty
- H4 Development within residential curtilages
- T8 Parking Standards
- L13 Listed Buildings

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

- 3.1 P84/1072 Erection of Stable Block  
Approved March 1984

### **4. CONSULTATION RESPONSES**

- 4.1 Horton Parish Council  
Have no objection but request that local natural stone be used wherever possible.

#### **Other Representations**

- 4.2 Local Residents  
Three letters of objection have been received from local residents – two letters state they do not object but raise issues and one letter raises objections. A summary of the points raised in the three letters are as follows:

- It would be unfortunate if the conversion led to intensification of development e.g. for buildings to house vehicles/storage etc.
- The new stable property would have no outbuildings in convenient proximity to the house
- The Old Dairy Cottage would lose its extensive garden
- The plans do not show the range of existing outbuildings at the bottom of the garden
- The proposed development would result in loss of existing parking for The Old Dairy Cottage
- There is currently limited car parking as a result of the sub-division of the original house
- The garden for the Stable would not be private but would be a strip visible from the shared approach to all three properties
- Car parking may occur in the garden area which is outside of the settlement boundary detracting from the splendour of the approach to the fine historic listed buildings
- The proposed conversion represents an excessive level of development based around a recently built garden outbuilding
- The proposed new dwelling has no right of access across land not within their ownership
- The owner of the drive along which access to the property would need to be has stated that they would be reluctant to grant any further rights of access over their land

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Given that the building sits within the listed curtilage of Horton Hall, Policy H4 relating to development within existing residential curtilages is important. This policy allows for new dwellings within existing residential curtilages providing a series of criteria relating to design, residential amenity and highway safety are satisfied. The site also lies within the Cotswolds Area of Outstanding Natural Beauty so Policy L2 must be taken into account which seeks to ensure that the natural beauty of the landscape is protected or enhanced. Finally the building is within the curtilage of the listed dwelling so the requirements of Policy L13 are also relevant to this application.

### 5.2 Design/Visual Amenity

Horton Hall dates from the late nineteenth century, and is built in the Tudor Gothic style. The Dairy House is a detached collage adjacent to the hall, and originally served the Hall.

The application relates to a single storey stable block to the north east of the Dairy House, which is built up to (but detached from) the high stone boundary wall which forms the historic walled garden. This now forms the grounds to a new house. The stables are modern having been constructed in the mid 1980's, but use traditional materials including natural stone walls and clay tile roof. The north east wall is concrete block, although it is proposed to replace this with stone. It is not proposed to alter the height and footprint of the building, with the exception of the two loose box bays, which are currently open fronted, being in-filled.

It is considered that the scale and design of the building as proposed is in keeping with its historic context, and the proposed conversion will not have a detrimental affect on the setting of the listed building, subject to the attachment of relevant conditions. It would be unfortunate however if the new use led to an intensification of development, for example if a further building was built to house vehicles/storage etc, or if the grounds were further subdivided. The permitted development right of the property will therefore be removed to protect the setting of the listed building.

The Councils landscape officer has also assessed the proposals and the impact it would have on the Cotswold Area of Outstanding Natural Beauty. The existing stable is located against a tall wall which effectively screens the stable from views from Horton. The stable is screened from views from the open countryside to the east, south and west by Horton Hall and mature trees. The proposed conversion will not therefore have any detrimental impact upon the character of natural beauty of the Area of Outstanding Natural Beauty.

In light of all of the above, the proposed conversion is considered to comply with the requirements of Policies D1, L13, H4 and L2 of the South Gloucestershire Local Plan.

### 5.3 Residential Amenity

The proposed development will be entirely screened from The Garden House to the north by the existing tall garden wall and so the proposal will have no impact upon this property. Similarly it is not considered that the conversion will have any adverse effect upon the amenities of Horton Hall. Other than the transportation issues to be discussed in section 5.4, the conversion would result in no intervisibility or loss of privacy.

Ample garden space will remain to serve Dairy House and a very large garden will be provided to serve the converted stables. Whilst the garden will be visible from the shared driveway, the garden is sufficiently private from the public realm to be enjoyable and useable. The impact upon existing levels of residential amenity is therefore considered to be appropriate.

### 5.4 Transportation Effects

The plans show the provision of one parking space on hard standing immediately to the front of the converted building. One space is sufficient to meet the needs of a two bed roomed bungalow and is within the maximum standards contained in Policy T8 of the adopted local plan. Adequate space would be provided on the existing driveway to provide at least two off street parking spaces for the existing Dairy House. Whilst it is noted that a neighbour has written in with concerns regarding the parking arrangements, the provision is in accordance with the requirements of Policy T8 and there are no objections to the proposal because of this.

### 5.5 Other Issues

It does appear that the only means of vehicular access to the site is along the shared driveway currently serving Horton Hall and The Old Dairy. This access does not appear to be within the ownership of the applicant. Land ownership issues and rights of access are not for consideration as part of the planning process. It would be for the applicant to negotiate with other land owners to secure rights of access independent of the decision of this planning application.



5.6 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.7 Section 106 Requirements

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

**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.

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

**7. RECOMMENDATION**

7.1 That the application be approved subject to the following conditions;

**Background Papers**      **PK09/0767/F**

**Contact Officer:**    **Marie Bath**  
**Tel. No.**                **01454 864769**

**CONDITIONS**

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

Reason:

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

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, C, D, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity, to protect the setting of the listed building and to accord with Policies D1, H2, L2 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding previously submitted details, prior to the commencement of development, the detailed design including materials and finishes, of the following items shall be submitted too and approved in writing by the local planning authority:
  - a. all new doors including frames, architraves and door furniture & fittings
  - b. all new windows
  - c. all new panelling
  - d. all new vents or flues

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

Reason:

To ensure that the design of the details listed are appropriate to the development, which are located in close proximity to a listed building, thereby preserving the special architectural and historic interest of the building, and its setting, in accordance with Section 66(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at PPG15.

4. Any new stonework shall match that of the existing building.

Reason:

To ensure a satisfactory form of development, thereby preserving the special architectural and historic interest of the building, and its setting, in accordance with Section 66(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at PPG15.

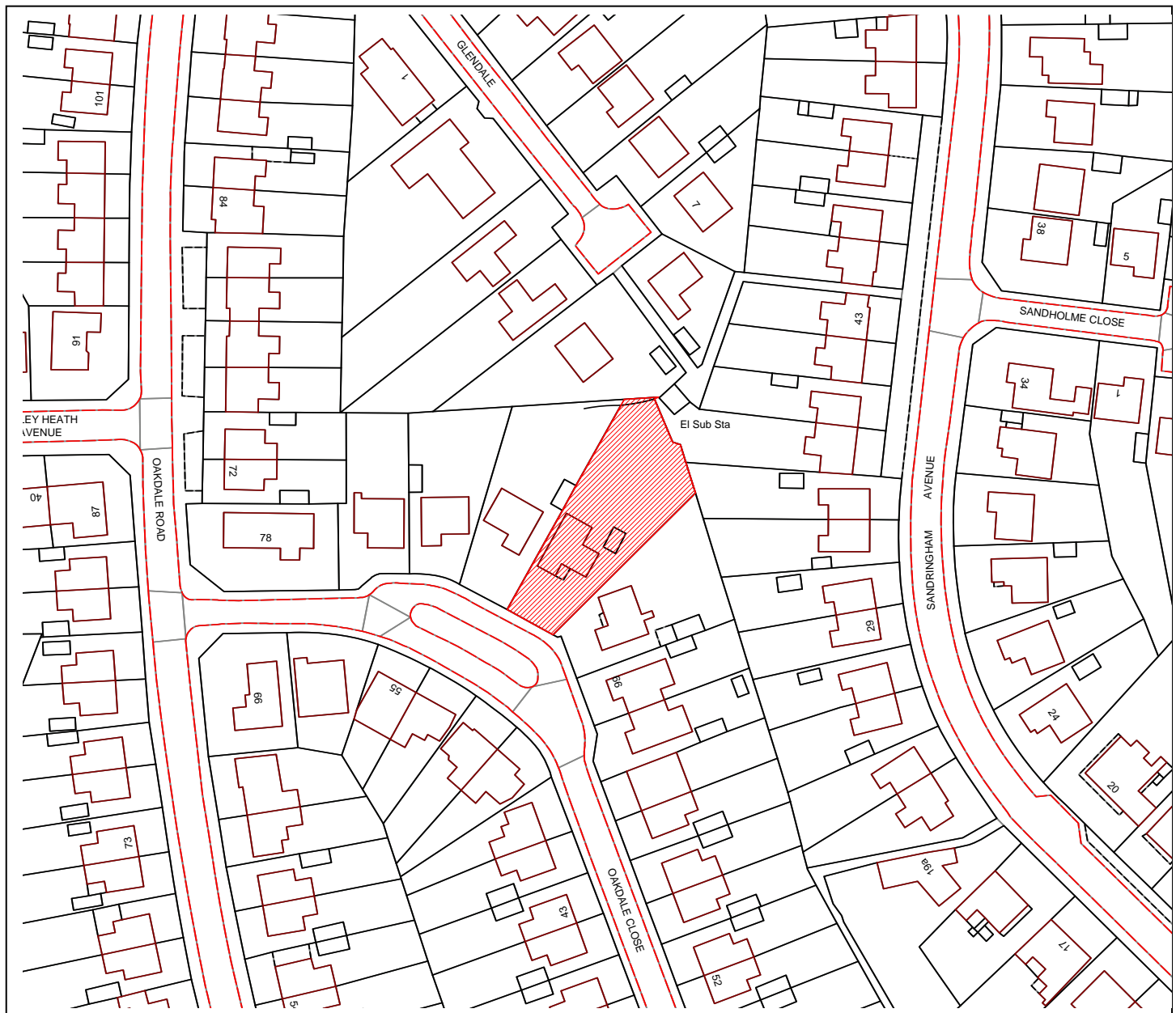
5. Prior to the commencement of development, a detailed landscaping scheme shall be submitted to the council and if acceptable, agreed in writing. The landscaping scheme shall include details of all hard and soft landscaping, a car parking space on the hard standing to the front of the building, and details of any boundary treatments. The development must be carried out exactly in accordance with the details so agreed.

Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity. To protect the setting of the listed building by preventing further subdivision of the plot or the introduction of areas of hardstanding. To accord with Policies D1, H2, L2 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 26/09 – 3 JULY 2009

<b>App No.:</b>	PK09/0845/F	<b>Applicant:</b>	Mr P Bewley
<b>Site:</b>	Land at 70 Oakdale Close, Downend, South Gloucestershire, BS16 6EB	<b>Date Reg:</b>	7th May 2009
<b>Proposal:</b>	Erection of 1no. detached bungalow with associated works.	<b>Parish:</b>	Downend and Bromley Heath
<b>Map Ref:</b>	65131 77718	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd July 2009



© South Gloucestershire Council 2009. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2009.

N.T.S

PK09/0845/F

## **INTRODUCTION**

This application appears on the circulated schedule due to the receipt of 19 letters of objection from local residents.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of one dwelling in the rear garden of No. 70 Oakdale Close. Access to the new dwelling would be along the side of the existing property known at 70 Oakdale Close and the existing detached garage serving No. 70 would need to be removed to make way for the new driveway. The proposed new dwelling would be single storey only and would have two bedrooms. A detached car port is also proposed to serve the new dwelling.
- 1.2 The application site is within the established urban area and is surrounded by residential land uses.
- 1.3 The design and access statement claims that the proposed new bungalow is required to meet the needs of the elderly resident who currently lives in No. 70 Oakdale close and is in poor health. A doctor's letter has been submitted to prove the health issues of the resident. However, it is very important to note that the personal circumstances and health of the owner will have no influence on the determination of this planning application. Should planning permission be granted there is no way of ensuring it is occupied by a disabled or elderly resident so this is not being taken into account by the planning officer. This application will focus solely on the suitability of the site for the construction of a bungalow that could potentially be sold on the open market. No special allowances will be made because of the health of the current owner of No. 70. Whilst many local residents have questioned the health of the resident and the length of time the property has been in her ownership, these are not material planning considerations and will be given no consideration in the determination of this application.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

#### **2.2 Development Plans**

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

D1	Design
H2	Residential Development
H4	Development within Residential Curtilages
T7	Cycle Parking Standards
T8	Car Parking Standards
T12	Transportation Development Control

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

3.1 None Relevant

### **4. CONSULTATION RESPONSES**

#### **(a) Statutory Consultees**

##### **4.1 Downend and Bromley Heath Parish Council**

The parish council object to the application for the following reasons:

1. The proposed development would constitute backland development.
2. The proposed development is out of keeping with the neighbouring properties in Oakdale Close which mainly have substantial rear gardens.
3. The narrow access which is very close to the main bedroom of the neighbouring property 68 Oakdale Close.
4. It is unclear from the plans where the northeast facing wall of the proposed bungalow will be in relation to the present breeze-block wall. If the breeze-block wall is demolished and the bungalow erected that far back on the plot, it is likely to have implications on the stability of the drystone wall that forms the rear boundary of the houses in Sandringham Avenue.

#### **(b) Other Representations**

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

19 letters of objection have been received from local residents. A summary of the points of concern raised are as follows:

- Extra traffic will only exacerbate the problems that already existing on Oakdale close
- Will overlook and result in loss of privacy for the houses in Sandringham Avenue
- Ongoing noise if the proposed new build is completed
- Drainage concerns
- Will set a precedent
- Concerns over structural safety of the dry stone wall at the bottom of the garden
- The existing dwelling does not retain sufficient amenity space
- Access to the bungalow is far too narrow
- Devaluation of properties in the close
- The new dwelling appears to be purely for financial gain
- Demolition of the buttressed breeze block wall may cause stability issues
- Reducing family housing stock
- Impact upon the neighbours bedroom window
- Does not contribute towards affordable housing
- A new bungalow would not benefit anyone other than the owners of No. 70
- If the garden is too large for the occupant they shouldn't have purchased the property in the first place.
- The occupant of No. 70 only moved in recently
- Gravel is noisy and would spill out onto the highway
- Loss of wildlife habitat

- Represents over development
- There is an ancient right of way along the rear of the site

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) allows for development within existing residential curtilages, including new dwellings, subject to there being no adverse impact on the existing visual and residential amenities within the immediate area. Therefore subject to these constraints, the proposal is considered acceptable in principle.

5.2 The site is located within the existing built up area, as defined on the Local Plan Proposals Maps. In accordance with Policy H2, new residential development will normally be permitted subject to compliance with several criteria. It is considered that Policy H4 of the South Gloucestershire Local Plan (Adopted) encompasses all the relevant issues of the above policies, for Policy H4 allows for the erection of new dwellings within existing residential curtilages providing that that following criteria are complied with;

### 5.3 **(a) Development would respect the massing, scale, proportions, materials and overall design and existing property and the character of the street scene and surrounding area;**

It is accepted that the proposed new bungalow represents backland or tandem development that has traditionally been resisted by the Council where it would result in demonstrable harm. In this instance however, it is considered that the principle of erecting a new dwelling in this location is acceptable as by doing so there would be no significant or detrimental impact on the character of the area or street scene. Key to this assessment are the bungalows on Glendale immediately to the north west of the application site. Whilst these bungalows face onto a highway and are certainly not backland development, the proposed new bungalow will site almost next to No. 5 Glendale. Given that the proposed new bungalow would therefore not be isolated, but instead would follow the line of bungalows along Glendale, it is not considered that it would be out of keeping with the character of the area.

5.4 The built form in the locality is quite varied. The existing property No. 70 Oakdale Close is a modest detached bungalow, but the surrounding properties are predominantly two storey semi-detached dwellings. The proposed new dwelling subject of this application would be single storey only – similar to the existing bungalows on Oakdale Close Close. The application states that the bungalow will be finished with render to match the existing bungalow on site.

5.5 Generally it is considered that the proposed new bungalow will integrate successfully with the existing street scene both in terms of its design and also the materials to be used.

### 5.6 **(b) Would not prejudice the amenities of nearby occupiers;**

It is accepted that a number of neighbouring residents are concerned about the impact on the new dwelling upon their existing levels of residential amenity.

5.7 In order to protect the amenities of neighbouring dwellings, all habitable room windows in the proposed bungalow will be in excess of 21 metres from any

habitable room windows in all of the neighbouring buildings. It is not therefore considered that there are any issues of intervisibility.

- 5.8 It is noted that the gardens of the properties to the rear of the application site along Sandringham Avenue are much lower than the application site. In places, the difference in ground level is as much as two metres. Some of the residents of the properties along Sandringham Avenue are concerned about the impact on the bungalow on their properties particularly because of this change in level. The proposed new dwelling is not to be constructed immediately on top of the retaining wall but instead is to be set in 1 metre away from the edge of the site. A 1.8 metre high close boarded fence is then to be constructed between the proposed new bungalow and the bottom of the garden. Whilst the bungalow will undoubtedly be clearly visible from the properties along Sandringham Avenue, given that the eaves height is only 2.5 metres, it is not considered it will have any overbearing effect upon these gardens.
- 5.9 Three small windows are proposed in the rear elevation of the bungalow facing towards Sandringham Avenue. These windows serve bathrooms and a utility room only. Whilst a section of the three windows will be obscured by the proposed boundary fence, a condition will be installed to ensure that each of these windows is fitted with obscure glazing and that they have top hung openings only. This will prevent any issues of loss of privacy or overlooking from occurring.
- 5.10 In addition to this, it is not considered that the proposed new dwelling would have any detrimental impact upon the amenities of the existing dwellings along Oakdale Close. As all windows are at ground floor level, there is no potential for overlooking or loss of privacy as the existing and proposed boundary treatments will ensure the retention of adequate levels of privacy for the neighbouring dwellings. There are no windows in the side elevation of the neighbouring bungalow No. 68 Oakdale Close that could be adversely affected by the new dwelling or driveway to the dwelling. There are two small roof lights proposed on the rear roof slope of the new bungalow. These will give light to the hallway and are not to facilitate a loft conversion. Because of the limited height in the roof space, it would not be possible to convert the roof space. Nonetheless, a condition will be attached to ensure that no new windows, roof lights or other openings are added on the rear elevation of the bungalow.
- 5.11 **c) Would not prejudice highway safety or the retention of an acceptable level of parking provision, and an acceptable level of parking provision is provided for any new separately occupied dwelling;**  
The site is located on Oakdale Close, an unclassified residential road. There is an existing vehicular access to the site. Currently a single garage and a long driveway with enough parking for approximately three vehicles is provided off of this access.
- 5.12 As part of the application, it is proposed to widen the existing access to provide accesses for both the existing and new dwelling. An area of block paving will be created to the front of the existing dwelling to allow for the parking of two cars and a car port and driveway will be provided for the proposed dwelling to provide parking for one vehicle. The plans show that the driveway between the

two properties will be divided with a bamboo screen. To give better turning and access facilities for both dwellings it is requested that the whole of the front of the site is a shared surface with no boundary treatment or demarcation between the sites. A condition will be attached to any consent granted to ensure this.

5.13 It is accepted that during the construction period there may indeed be some limited obstruction of the highway as deliveries are made. Upon completion however, the additional vehicle movements from one bungalow will be minimal and will not impact upon the highway safety of Oakdale Close. The level of parking to be provided is within the maximum standards set out in Policy T8 of the South Gloucestershire Local Plan and subject to the attachment of conditions conditions, there is no basis for a transportation objection to this proposal.

5.14 **(d) Would not prejudice the retention of adequate private amenity space, and adequate private amenity space is provided for any new separately occupied dwelling;**

Each of the existing and proposed dwellings will have two bedrooms. Adequate private and useable garden space is shown to be provided for the proposed new bungalow to allow for the outdoors drying of clothes, limited children's play equipment, sitting out etc.

Similarly, the plans also show the provision of adequate private and useable garden space to serve the existing dwelling. The amount of garden space retained will be the same as that currently afforded to the neighbouring property No 6 Glendale. The plans show the provision of boundary treatments to divide the two curtilages and a condition will be attached to ensure that the fences are erected as shown on the plan.

5.15 Other Issues

It is noted that a primary concern of some of the local residents is the stability of the land. It is accepted that the bungalow will be erected at a higher level than the dwellings along Sandringham Avenue and a degree of ground levelling is required to facilitate the construction of the new bungalow. Your officer fully understands why neighbours are concerned about stability but this is not an issue to be discussed at planning stage. At building regulations stage, the applicant would be required to demonstrate how the building can be successfully built with appropriate foundations and drainage to ensure there is no risk of subsidence of the surrounding land. The devaluation of neighbouring dwellings is not a material planning consideration.

5.16 Section 106 Requirements

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



## 5.17 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document as the statement demonstrates how the development is suitable for the 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.

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

## 7. RECOMMENDATION

- 7.1 That the application be approved subject to the following conditions;

**Background Papers**      **PK09/0845/F**

**Contact Officer:**    **Marie Bath**  
**Tel. No.**                **01454 864769**

### CONDITIONS

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

Reason:

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

2. The hours of working on site during the period of construction shall be restricted to 08:00 to 18:00 Monday to Friday; 08:00 to 13:00 on Saturday nor at any time on Sunday or Bank Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason:

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

3. No windows, rooflights or any other means of opening other than those shown on the plans hereby approved shall be inserted at any time in the rear (north western) elevation of the property.

Reason:

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

4. The three windows on the rear (north western) elevation of the dwelling shall at all times be fitted with obscured glass to a level 3 standard or above. The windows may have top hung openings only.

Reason:

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

5. The off-street parking facilities for both the existing and proposed dwellings shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason:

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

6. Prior to the first occupation of the dwelling hereby approved, the driveway shall be widened in accordance with the approved plan. Notwithstanding the approved plan, there shall be no boundary or any form of demarcation on the widened driveway to indicate ownership by either property. The widened driveway must remain as a shared surface available for manoeuvring by the occupants of both dwellings and there must be no barriers to impinge on this free movement.

Reason:

In the interests of highway safety, to ensure that vehicles associated with both existing and proposed dwellings are easily able to manoeuvre onto the site and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. All boundary fences as shown on the approved plans must be installed prior to the first occupation of the dwelling hereby permitted.

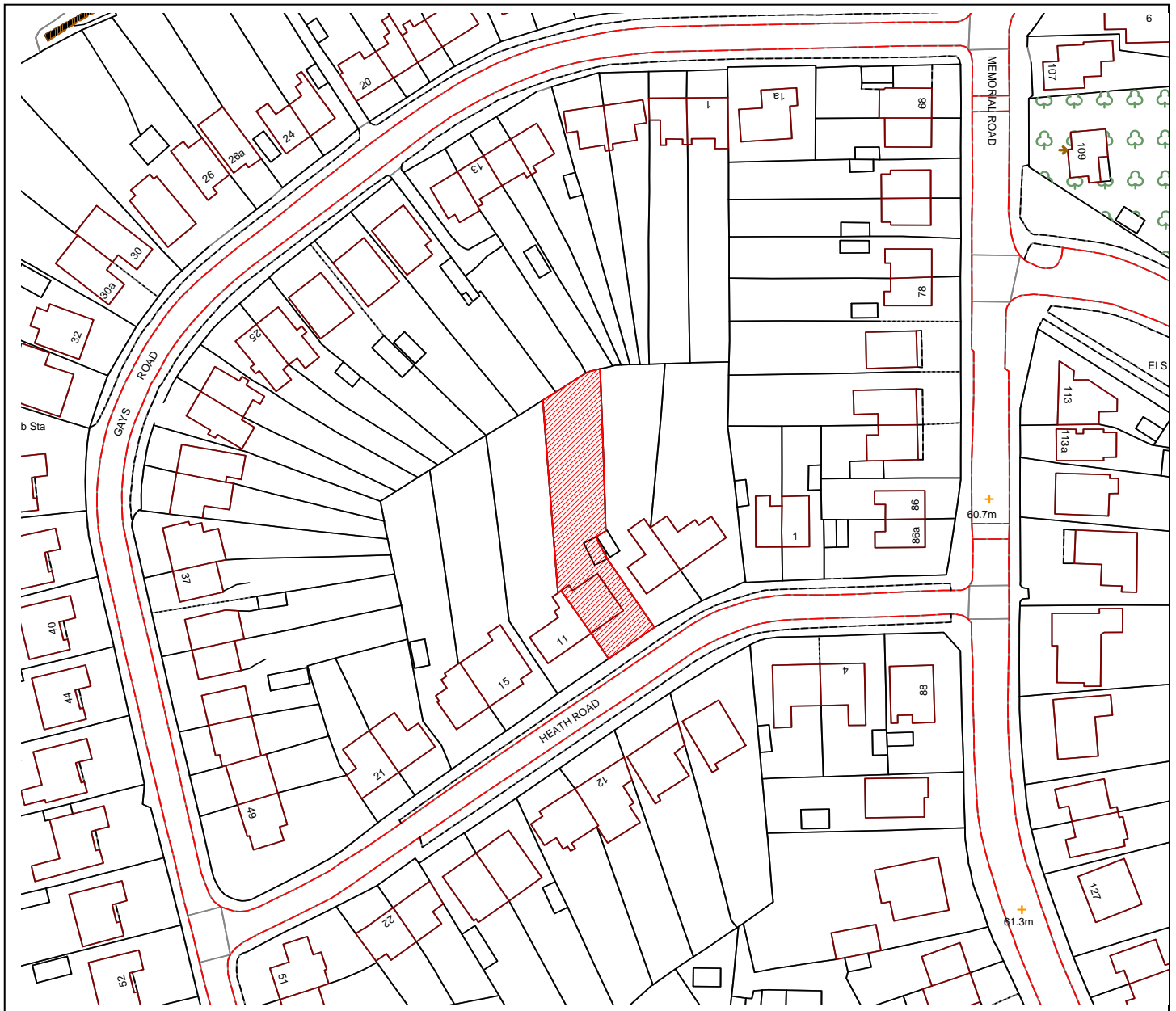
Reason:

To protect the residential amenity of the neighbouring occupiers, to ensure an adequate amount of private garden space is provided for both the existing and proposed dwellings and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 26/09 – 3 JULY 2009**

**App No.:** PK09/0976/F  
**Site:** 9 Heath Road, Hanham, South Gloucestershire, BS15 3JT  
**Proposal:** Erection of single storey side and rear extension to include loft conversion to provide additional living accommodation (Re-Submission of PK09/0426/F)  
**Map Ref:** 63754 71673  
**Application Category:** Householder

**Applicant:** Mr C Gould  
**Date Reg:** 27th May 2009  
**Parish:** Hanham Abbots Parish Council  
**Ward:** Hanham  
**Target Date:** 21st July 2009



© South Gloucestershire Council 2009. All rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2009.

## **INTRODUCTION**

This application appears on the Circulated Schedule as representations have been received contrary to the officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 Planning Permission is sought for the erection of a single storey side and rear extension, and first floor extension to facilitate loft conversion, including the installation of 4no. rooflights. The side and rear extension will extend the existing rear extension to a total depth of 4.25 metres from the original rear wall of the dwelling and a width of 2.0 metres from the side wall. The roof will be enlarged to incorporate the existing pitched roof over the existing rear extension. Amended plans have been received on 1 July 2009, reducing the proposed number of rooflights from eight to four.
- 1.2 The application property consists of a semi- detached bungalow. It is situated in a residential road of similar dwellings in the established residential area of Hanham. The property has a detached garage, which will be demolished to allow for the erection of the proposed extensions.
- 1.3 This application is a resubmission of a previous application which was refused for the following reason.
- The proposed extensions, by reason of their scale and design, if allowed, would not integrate with the existing bungalow. This would result in a development out of proportion with the scale of the existing dwelling. The extensions would also impact on the character of the existing bungalow. The proposals are therefore contrary to Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 1.4 The current application has removed the proposed single storey workshop, and has altered the box dormer to form a dual pitched roof with a 1 metre flat roof section.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

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

- 3.1 PK09/0426/F Erection of single storey side and rear extension to provide additional living accommodation. Erection of side extension to form workshop. Installation of rear dormer to facilitate loft conversion.  
Refused 29<sup>th</sup> April 2009.

## 4. CONSULTATION RESPONSES

### 4.1 Hanham Abbots Parish Council

Objection. Whilst the extension presents no problems to both neighbours, the garden of the bungalow on the left will be directly overlooked due to the position of the proposed dormer windows, as the rear gardens of these houses are angled to the right. Other similar extensions in the area have the dormer windows positioned at the front of the properties.

### Other Representations

### 4.2 Local Residents

None received.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety. The principle of development is therefore acceptable subject to the following detailed assessment.

### 5.2 Design/Visual Amenity

The proposed single storey side and rear extension will extend the existing rear extension to a total depth of 4.25 metres from the original rear wall of the dwelling and a width of 2.0 metres from the side wall. The roof will be enlarged to incorporate the existing pitched roof over the existing rear extension, to form a larger pitched roof with a gable to the rear elevation. The proposed pitched roof will have a small (1 metre in width) flat roof. There would be a hipped roof that would extend over the proposed side extension. The bricks used in the walls of the extension will match the host dwelling.

5.3 The property has already been extended in terms of a single storey rear extension. This application proposes to extend the existing single storey rear extension, enlarge the pitched roof to facilitate a loft conversion and install 4 no. rooflights in the enlarged roof, with one small first floor window in the new gable. The resubmitted plans remove the large flat roofed rear dormer and the side workshop. The redesigned roof reduces the bulk associated with the large flat roofed dormer and creates a more integrated roof structure. The resulting roof structure and removal of the side workshop reduces the scale of the extensions and leads to a design that better integrates with the existing bungalow.

5.4 An objection was received to the original (refused) application on grounds of aesthetics of the proposed rear dormer. This application has a much smaller flat roof with a pitched roof. No objections on these grounds have been received for this application.

5.5 The submitted plans proposed eight rooflights: four on the east and four on the west roof plane of the rear pitched roof. There was concern that this would create a visually dominant element out of keeping with the character of the existing dwelling. Revised plans were received reducing this to four rooflights:

two on each roof plane. This will be secured by condition. It is therefore considered that the revised design would integrate satisfactorily with the host dwelling and it is considered that the design of the proposed extensions are acceptable.

## 5.6 Residential Amenity

### Overbearing Analysis

The redesigned roof reduces the bulk associated with the large flat roofed dormer and removes one of the windows at first floor level. The proposed extensions, even though large in total volume, are in themselves not likely to create an overbearing effect on the occupiers of the adjoining properties.

## 5.7 Privacy Analysis

The side boundary to the west is made up of a 1.8 metre fence. The semi-detached property sits in a north-east/south-west direction but the rear garden extends in a northerly direction, resulting in each dwelling on the north side of the road overlook the garden belonging to the adjacent property to the west. However, although an objection has been received over the loss of privacy due to the siting of the gardens, it is considered that due to the proposed use of the dormer being residential (it is a proposed bedroom), and there only being one small window at first floor level, that any possible overlooking of the neighbouring garden is minimal. It is therefore considered that the first floor extension will not result in a loss of privacy.

5.8 An objection was received to the original (refused) application on grounds of overlooking to the properties to the rear. This application has a smaller rear window at first floor level. No objections on these grounds have been received for this application.

## 5.9 Improvements achieved to the scheme

Improvements have been achieved from the original application and with this application. The original proposed flat roofed dormer has been revised to a very small flat roof with pitched roof. The original application contained proposals for a side workshop; this has been removed. Also, the proposed eight rooflights have been reduced to four.

## 5.10 Amenity Space

Whilst the extension does project into the rear garden, sufficient garden space will remain to serve the occupiers of the property.

## 5.11 Highway Safety Analysis

Although the development will result in the loss of a garage and the side driveway, enough space will remain on the front driveway for parking for one car. Consequently the development will not impact upon highway safety.

## 5.12 Section 106 Requirements

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

preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary..

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That planning permission be **GRANTED** subject to the following conditions.

**Background Papers**      **PK09/0976/F**

**Contact Officer:**    **Elizabeth Dowse**  
**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 and Country Planning Act 1990 (as amended).

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

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

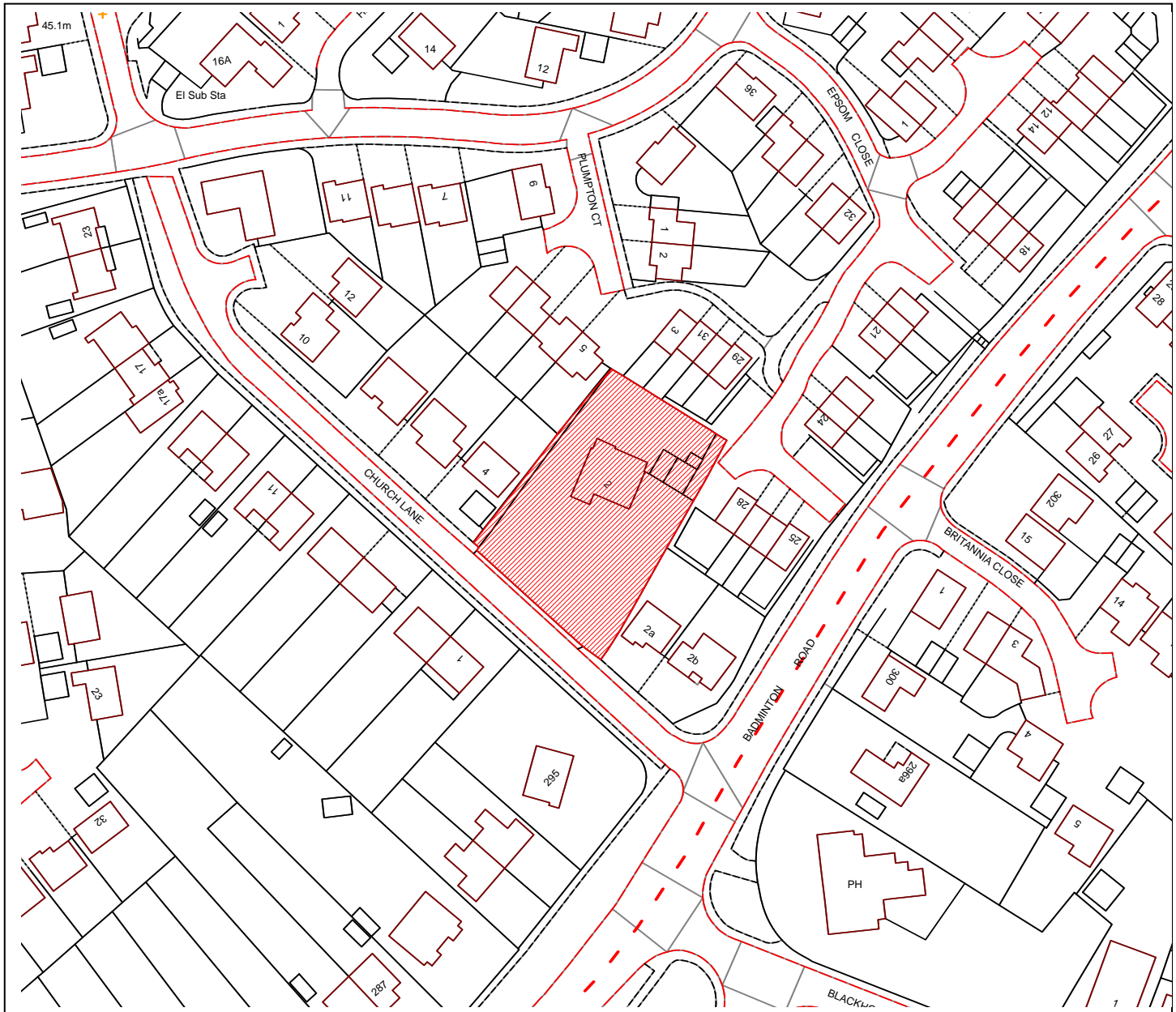
3. No rooflights other than those shown on the plans hereby approved shall be inserted at any time in the extension hereby approved.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 26/09 – 3 JULY 2009**

<b>App No.:</b>	PK09/0981/O	<b>Applicant:</b>	Mr GM Milton
<b>Site:</b>	2 Church Lane, Downend, South Gloucestershire, BS16 6TA	<b>Date Reg:</b>	28th May 2009
<b>Proposal:</b>	Erection of 2no. dwellings (Outline) with layout and access to be determined. All other matters to be reserved.	<b>Parish:</b>	Downend and Bromley Heath
<b>Map Ref:</b>	65888 78133	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Minor: Dwellings	<b>Target Date:</b>	22nd July 2009



© South Gloucestershire Council 2009. All rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2009.

N.T.S

PK09/0981/O



## **INTRODUCTION**

This application has been referred to the Circulated Schedule because objections have been received from local residents, which are contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The existing property comprises a detached bungalow and associated outbuildings, lying within a 0.1ha plot close to the junction of Church Lane and Badminton Road, Downend. The location is residential in character, with the majority of the housing comprising two-storey detached or semi-detached dwellings of varying 1960's and 1970's style, interspersed with some older individual properties. In this respect, no.2 being a bungalow is somewhat anomalous in its appearance within the street scene.
- 1.2 Until recently the site was very well screened and enclosed by high walls/fences and belts of high vegetation. The trees to the south east of the site include a mature Cedar Tree that is protected by Tree Preservation Order (TPO). Whilst the trees on the eastern boundary have been retained, all of the vegetation on the northern (rear), western and southern (front) boundaries has been chopped down, leaving just the boundary wall to the south and a wooden fence to the west. Vehicular access is currently via a single driveway off Church Lane on the south-eastern part of the site, beneath the overhanging bows of the Cedar Tree, onto areas of hard-standing located to the east and south-west of the bungalow. It is proposed to further clear the site by demolishing the existing bungalow and outbuildings.
- 1.3 The application seeks outline consent only for the erection of 2no. detached dwellings, with details of access and layout to be determined at the outline stage. All other matters of scale, design/appearance and landscaping, would be the subject of a separate reserved matters application, should outline consent be granted. The design and access statement indicates that the proposed dwellings would be 2-storey, four bed properties. Plot 1 would be located to the front half of the site and served by the existing access. Plot 2 would be located on the rear half of the site and served by a new access from Church Lane, with the driveway running adjacent to the western boundary of the site.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPG13 - Transport

#### **2.2 Development Plans**

##### **Joint Replacement Structure Plan**

- Policy 1 - Principles
- Policy 2 - Location of Development
- Policy 17 - Landscape
- Policy 33 - Housing Provision and Distribution

## Policy 54 - Car Parking Provision

### South Gloucestershire Local Plan (Adopted) 6th January 2006

L1	-	Landscape protection and enhancement
EP1	-	Environmental Pollution
EP2	-	Flood Risk and Development
L17 & L18	-	The Water Environment
H2	-	Residential development
H4	-	Development in Residential Curtilages
D1	-	Design
T8	-	Parking standards
T12	-	Transportation development control

### Supplementary Planning Guidance

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

Trees on Development Sites (Adopted) Nov 2005

## 3. **RELEVANT PLANNING HISTORY**

- 3.1 PK02/2710/O - Erection of 5no. dwellings on 0.15 hectares of land (outline).  
Refused 26<sup>th</sup> March 2003 for the following reasons:
- Overdevelopment resulting in detrimental impact on residential and visual amenity.
  - Loss of Cedar Tree
- 3.2 PK03/3656/O - Erection of 4no. dwellings on 0.15 hectares of land (outline) with siting and means of access details. Resubmission of planning application PK02/2710/O.  
Refused 13<sup>th</sup> April 2004 for the following reasons:
- Overdevelopment resulting in detrimental impact on residential and visual amenity.
  - Damage to Cedar Tree
- 3.3 PK04/2278 - Erection of 1no. detached bungalow with integral single garage and modification to car parking area.  
Refused 11<sup>th</sup> Oct 2004 for the following reasons:
- Overdevelopment resulting in detrimental impact on residential and visual amenity.
  - Damage to TPO Cedar Tree and loss of hedgerow to front of site.

*NB In this scheme it was proposed to retain the existing bungalow.*

## 4. **CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
No objection.
- 4.2 Other Consultees  
None

## **Other Representations**

### 4.3 Local Residents

11no. letters/e.mails of objection were received from local residents. The concerns raised are summarised as follows:

- Increased traffic within the site and onto Church Lane
- Increased fumes and noise
- Loss of character
- Loss of amenity due to proximity of cars to boundary with no.4. Church Lane
- No pavement to the front of the site
- Loss of vegetation on site
- Overbearing impact on No.2 Plumpton Court, which is at a lower level
- Design not in keeping
- Loss of wall adjacent to garden and parking of 27 Epsom Close?
- Wall to the rear of 29 Epsom Close is collapsing.
- Development would be forward of the building line on Church Lane
- Loss of privacy for occupiers of no.295 Badminton Road and 3 Church Lane
- Impact on electricity supplies

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The site is within the established residential area as defined in the South Gloucestershire Local Plan (Adopted) 6th January 2006. Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes.

5.2 Having regard to the adopted Joint Replacement Structure Plan, Policy 2, the locational strategy, aims to concentrate development for jobs, housing and facilities within the main urban areas, in order to maintain and develop their vitality and quality as regional and sub regional centres.

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

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

- D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.
- 5.4 Policy H4 permits development within existing residential curtilages subject to criteria similar to H2. Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to secure good quality designs.
- 5.5 The site is not subject to unacceptable levels of noise, disturbance, air pollution, smell, dust or contamination. There is adequate provision in the locality for Education, Leisure, Recreation and other Community Facilities to meet the needs arising from the proposal.
- 5.6 Density  
Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure, the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account. The proposal equates to roughly 20 no. dwellings per hectare.
- 5.7 PPS3 (para.50) states that *“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”* Officers are satisfied that having regard to the site’s constraints relating to its proximity to neighbouring dwellings, presence of a large TPO’d tree on the site, access requirements, impact on residential amenity, planning history and scale of the properties proposed, it is unlikely that a larger scheme containing more than 2no. dwellings could be accommodated on the site and in this respect the proposal represents the most efficient use of the land in what is a sustainable location, fairly close to the centre of Downend. The proposal therefore accords with government guidelines and in terms of its density, the development is not considered to be an overdevelopment of the site.
- 5.8 Scale and Design  
The scale, design/appearance and landscaping of the scheme are not to be determined at this outline stage of the application but would be the subject of a subsequent reserved matters application, should outline consent be granted. The layout and access is for determination at this outline stage and as such a site plan has been submitted showing the proposed foot-prints of the dwellings. The two dwellings would be ‘L’ shaped with a maximum length of 16m and depth of 12 m. The Design and Access Statement also indicates that the houses would be 2-storey and that the intention is that the buildings would be no higher i.e. 7.0m than neighbouring nos. 2a and 4 Church Lane.
- 5.9 Taking into consideration the constraints on the development of the site and the character of the development along Church Lane, officers are satisfied that the proposed layout of the site would be more in keeping with the established grain

of development, both along the Church Lane street frontage and also to the rear. The proposed dwellings would be large family houses but this would be very similar to a number of houses along Church Lane. Given the need to provide the additional access drive and sufficient private amenity space for future occupants, the proposed layout is considered to be acceptable. It should be noted however that all other references, within the submission, to the design and landscaping of the site, are at this stage, indicative only.

#### 5.10 Landscape

All matters of landscaping would be the subject of a subsequent reserved matters application. Due to the presence of a mature Cedar Tree that is protected by TPO, along with other trees on the eastern side of the site, the application is supported by a Tree Survey and Arboricultural Method Statement. The Council's Tree Officer is satisfied that the documents clearly show how the trees on the site would be protected. No objection has been raised to the loss of the vegetation that has already been removed, as none of it would have qualified for TPO and none was protected. Officers are also satisfied that the site does not appear to meet the criteria to be considered under Policy L5 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which relates to the protection of open space. There is sufficient space to provide additional planting in order to overcome the visual implications of the proposal.

#### 5.11 Transportation

The existing dwelling currently has an existing access and extensive hard-standing areas as well as a detached garage. The proposed parking provision i.e. two spaces plus an integral garage for each of the proposed dwellings, is considered to be adequate and conforms to the Council's maximum parking standards, listed under Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006. Turning areas would allow vehicles to enter and exit the site in forward gear. A second access would be introduced to serve plot 2, located at the rear half of the site. The new access would be similar to the existing access on the eastern side of the plot, which would serve plot 1 on the front half of the site.

5.12 There is a footway on the Church Lane frontage to either side of the application site, but due to the former presence of a hedgerow (now removed), there is none along the site frontage itself. Officers have requested that for highway safety reasons, the missing strip of footway be provided and this has been accepted in principle by the applicant. The footway would need to be 2m wide and constructed to adoptable standards. Subject to conditions to secure the footway and parking/turning areas, there are no highway objections to the proposal.

#### 5.13 Impact upon Residential Amenity

Adequate private amenity space would be available to serve both of the proposed dwellings; the proposal is not therefore an overdevelopment of the site in this sense. It is intended that the respective gardens of the proposed dwellings would be well enclosed by existing and proposed high fences and walls as well as belts of high vegetation, the details of which would be determined at the reserved matters stage. There are only small non-habitable room windows or obscurely glazed secondary windows in the side elevations of nos.4 and 2A Church Lane. Given the distances to the main elevations of the

- properties to the front and rear of the site, i.e. 21m and 17m respectively, there would be no significant loss of privacy due to overlooking of neighbouring property in these directions; issues of inter-visibility could to some extent be designed out at the reserved matters stage and also mitigated for with an appropriate scheme of planting and boundary treatment.
- 5.14 The proposed buildings, being limited to 7m in height and set back a reasonable distance from the neighbouring properties, would not have an overbearing impact for neighbouring property. Officers consider that in a suburban area such as this, it is only to be expected that dwelling houses would be in reasonably close proximity to each other with some degree of overlooking of adjoining plots. Given the government objective to make the most efficient use of land in the Urban Area, officers consider that the number and proximity of the dwellings to neighbouring property is acceptable.
- 5.15 Concerns have been raised about the proximity of the proposed new driveway to the boundary of neighbouring no.4 Church Lane and no.5 Plumpton Court. Whilst it is acknowledged that cars can currently access the hard-standing areas to the front of the existing dwelling, close to the western boundary, the proposed new driveway would introduce traffic deeper into the site where none currently occurs. The amount of traffic associated with one dwelling would not however be great. Nevertheless, in order to overcome the increased level of disturbance for neighbouring occupiers, officers consider that an appropriate acoustic barrier should be erected along the full length of the western boundary. Since traffic already uses the eastern access, a similar barrier on the eastern boundary is not justified.
- 5.16 Subject to the above, the impact on residential amenity would therefore be acceptable.
- 5.17 Environmental and Drainage Issues
- Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this can be adequately mitigated for by imposing a condition to limit the hours of construction. There are therefore no objections on environmental grounds. In terms of drainage the Council's Drainage Engineer has raised no objection to the proposal; conditions would however be required to secure the submission of a full drainage scheme to include SUDS and to be approved prior to the commencement of any development on the site.
- 5.18 Community Services Department
- The proposal is for 2no. dwellings only and since this falls below the 10 unit threshold for contributions to Community Services, no contributions are requested in this case.
- 5.19 Education Service
- Due to the small size of the development, including only 2no. dwellings, it is considered that no contributions to education provision can be justified for this development.

5.20 Affordable Housing

The site area is below 0.5 hectares in area and the proposed number of units (2) is below local and national policy guidance on the threshold for requiring affordable housing (15). There is therefore no requirement for the provision of affordable housing in this case.

5.21 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.22 Use of Energy and Sustainability

To be addressed at the reserved matters stage. Conditions would secure a SUDS Drainage scheme and a Waste Management Audit.

5.23 Improvements achieved to the scheme

Conditions would ensure the provision of a 2m wide footway to the front of the site and an acoustic barrier on the western boundary.

5.24 Other Concerns raised

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

- It is intended to repair and retain the existing boundary walls on the northern and eastern boundaries of the site.
- It would be for the developer to agree appropriate levels of provision and connection with respective utility providers. This would to some extent be addressed under Building Regulations.

5.25 Section 106 Requirements

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

## 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 outline 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 outline planning permission be GRANTED subject to the following conditions:

**Background Papers**      **PK09/0981/O**

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

### **CONDITIONS**

7      Approval of the details of the scale and appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

8      Plans and particulars of the reserved matters referred to in the condition above, relating to the scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

9      Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason:

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

10     The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

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

11     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 H2/D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006

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

Reason:

To protect the character and appearance of the area to accord with Policies H2/D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006

- 13 Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

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

Reason:

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

- 15 The off-street car parking and access facilities shown on the Proposed Site Plan No. 587/120B hereby approved shall be provided before the buildings are first occupied, and thereafter retained as such and used only in conjunction with the occupation of the buildings' purpose.

Reason:

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

- 16 Prior to the occupation of either of the new dwellings hereby approved, a 2 metre wide footway shall be provided along the development site frontage, to link into the existing footway network on either side. The footway works shall be constructed to the Council's full adoptable standards and the land over which the footway would be built on shall be dedicated as highway.

Reason:

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.

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

Reason:

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

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

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies EP1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 19 The buildings hereby approved shall be 2 storey only and shall not exceed 7.0m in height height (as measured from the existing ground level front elevation).

Reason:

To ensure a satisfactory standard of external appearance and to ensure that the development would, in terms of scale and massing, respect the character and visual amenity of the location in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 20 Prior to the commencement of the development hereby approved, details of an acoustic barrier, to be erected along the entire length of the western boundary of the site, shall be submitted to and approved in writing by the Local Planning Authority; thereafter the acoustic barrier shall be erected in full accordance with the details so approved and before the occupation of the dwelling labelled Plot 2 on the approved Proposed Site Plan nos. 587/120B.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies EP1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 26/09 – 03 July 2009**

<b>App No.:</b>	PK09/1016/F	<b>Applicant:</b>	Mr P Arnold
<b>Site:</b>	107 Bath Road, Willsbridge, South Gloucestershire, BS30 6ED	<b>Date Reg:</b>	3rd June 2009
<b>Proposal:</b>	Erection of detached garage with first floor games room above. (Resubmission of PK09/0818/F).	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	66864 70340	<b>Ward:</b>	Bitton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	22nd July 2009



© South Gloucestershire Council 2009. All rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2009.

N.T.S

PK09/1016/F

## **INTRODUCTION**

This application is reported on the Circulated Schedule as an objection has been received contrary to the officer recommendation.

### **1. THE PROPOSAL**

1.1 This application seeks planning permission for the erection of a detached garage with a games room over it to the rear of a semi-detached rendered bungalow. The site rises up to the north away from Bath Road, which it fronts. Excavations have already taken place on the site of the proposed garage to bring the level down to that at the front of the site. The garage/ games room would be sited right at the rear of the garden, where it backs onto Corfe Close.

1.2 The dwellings adjoining the site are the other semi-detached bungalow to the east and the house at the end of the terrace to the west. Amended plans show that five windows are proposed in the building. The main pair would face south, essentially forming the gable end with a view down the driveway to Bath Road itself. The other three windows would be east-facing rooflights. This application follows a previous scheme earlier this year, which the applicant withdrew.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development

2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H4 Development within residential curtilages

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

3.1	PK09/0486/F	Single storey rear extension (retrospective)	Approved
3.2	PK09/0818/F	Garage with games room over	Withdrawn

### **4. CONSULTATION RESPONSES**

4.1 Oldland Parish Council  
No reply received

4.2 Other Consultees  
None

#### **Other Representations**

4.3 Local Residents

One letter of objection was received, commenting on the original plans prior to the amendments, stating the following concerns:

- The second storey gable windows will overlook currently private amenity space.
- Concern over size of the proposed building
- Potential negative impact on the setting and garden of the adjacent property
- Loss of sunlight
- Noise levels could increase

The letter adds:

This property is already undergoing a substantial conversion and we have already lost most of our privacy. We would however, have no objection to a single storey garage, provided it had no side facing roof windows.

NB The revised plan has removed the side facing velux windows which faced in this direction.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The relevant policies are H4, which includes the effect of the proposal on residential amenity, as well as D1, which governs design. Those are therefore the two issues covered below. It is acknowledged that this building would be very long for a double garage and that the room proposed above it would increase the height and bulk above what is normal for a double garage. Attention below is paid to the impact and relationship to the dwelling on site, as well as on the neighbouring property.

### 5.2 Design/ Visual Amenity

The proposed building would be 6 metres wide and 9.8 metres deep, with a height to eaves of 3.4 metres and to apex 5.2 metres above ground level. The garage door would be 5 metres wide and a separate pedestrian access is proposed in the side elevation, with stairs running inside the building leading to the top floor. It would be rendered and have a tiled roof. These materials, with the tiled roof specified as matching the existing house are considered to be appropriate and acceptable. In comparison to the proposed building, the host dwelling has a floor area of something in the region of 70 square metres. It is considered that, given the height and now reduced bulk of the proposed garage, shown on the amended plans, it would have a secondary relationship to the host dwelling (a bungalow) achieving what is considered to be an acceptable hierarchy of scale. Excavations have taken place already in the rear garden which would place the proposed building on a level similar to the bungalow and it is considered that this would keep its impact, in comparison with the dwelling on site, down to an acceptable level, where the two buildings would not compete for dominance. The design otherwise is considered acceptable, the amended plans have narrowed the building by 0.5 metres, the glass in the gable end is considered to reduce the impact of the first floor and the garage door has been widened to provide a symmetrical balanced appearance to the most visible elevation.

A landscaping condition has been added in regard to the rear boundary of the site, where trees were removed prior to the submission of the previous application, to ensure that suitable species of trees provide a screen to the rear of the site and complete the landscaping along the side of the rear access road.

### 5.3 Residential Amenity

The siting of the proposed building at the back of the site is considered to remove it adequately from proximity to other dwellings in the vicinity. The issue therefore is considered to be the effect of overlooking resulting from the proposed windows (two in the gable end, three rooflights, facing east). In this regard, it is considered that the gable end windows will simply look straight down the drive. There is a tall hedge behind a fence bordering the site's

western boundary and the excavations would take the overall height of the proposed building to below the height of the top of the hedge. For this reason also, it is not considered that any overbearing impact would be caused by the proposal, nor would the setting of the adjoining house be affected, as the garage would be screened at eye level. The rooflights facing east are not considered to have any impact upon residential amenity as to achieve a view out of them, you would have to stand right next to them. Even then the immediate view would be across the back garden of the site. It is considered that the proposal would not harm residential amenity, therefore, and accords with policy H4 in this respect.

5.4 Use of Energy and Sustainability

Does not apply directly to this proposal, other than in building materials. The main windows, facing south, could benefit from solar gain, reducing the requirement to heat the building.

5.5 Improvements achieved to the scheme

Due to the excessive size of what is essentially a double garage, reductions in the mass of the building were negotiated. The depth of the building is determined by the need of the applicant to house a boat in the building. The height, width and elements of the design have been reduced or changed as appropriate, following negotiation.

5.6 Section 106 Requirements

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

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.

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

7. RECOMMENDATION

7.1 That planning permission is approved, subject to the conditions shown.

**Background Papers** PK09/1016/F

**Contact Officer:** Chris Gosling

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

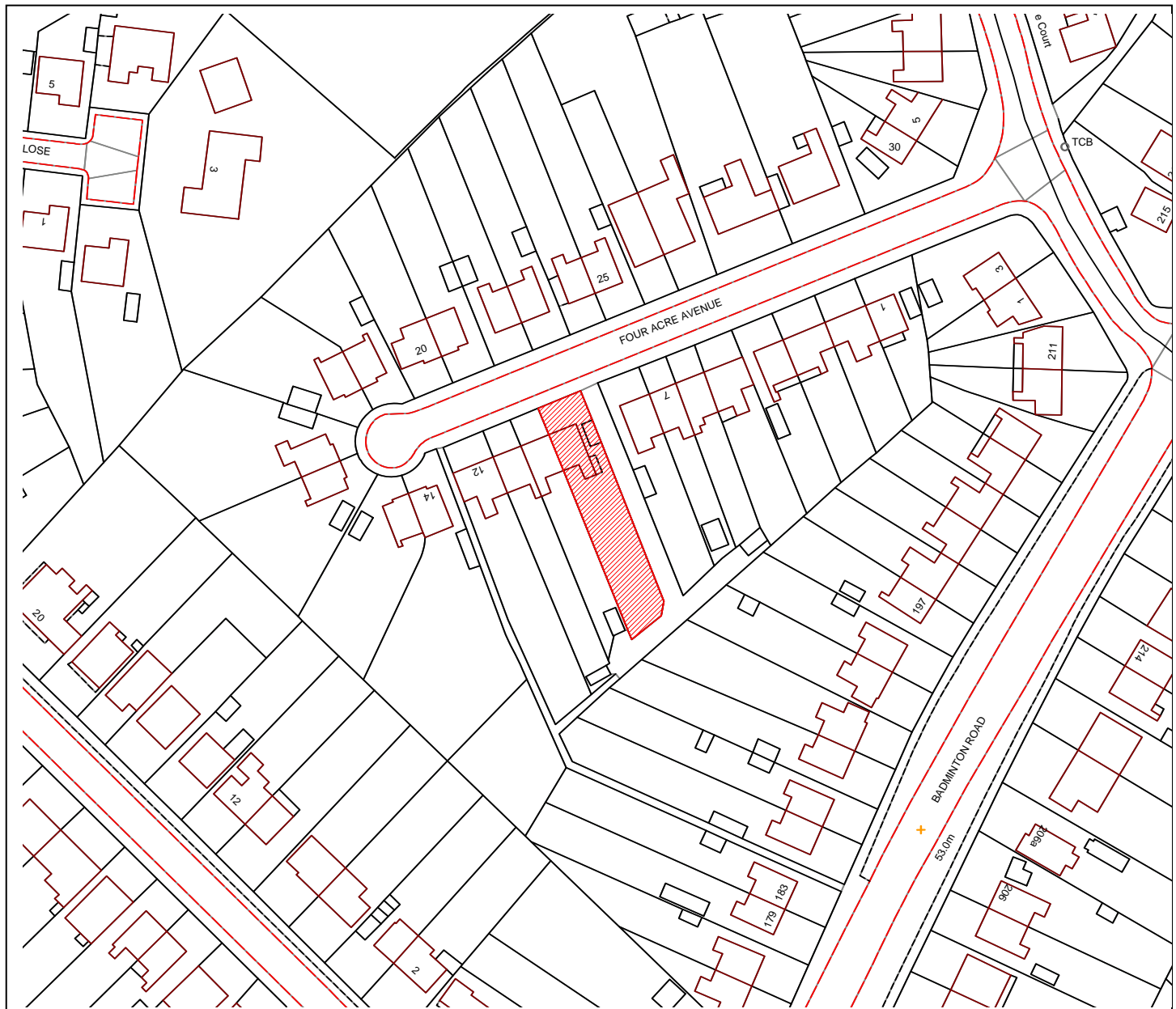
2. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (spacing and times of planting); 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, with the planting undertaken in the first planting season after the development is first used. Any plants or trees which become diseased or die shall be replaced with specimens of a size and species to be approved in writing by the Council in the subsequent planting season.

Reason:

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

## CIRCULATED SCHEDULE NO. 26/09 – 3 JULY 2009

<b>App No.:</b>	PK09/1025/F	<b>Applicant:</b>	Mr S Krajnik
<b>Site:</b>	9 Fouracre Avenue, Downend, South Gloucestershire, BS16 6PD	<b>Date Reg:</b>	4th June 2009
<b>Proposal:</b>	Erection of detached double garage.	<b>Parish:</b>	Downend and Bromley Heath
<b>Map Ref:</b>	65352 77681	<b>Ward:</b>	Downend
<b>Application Category:</b>	Householder	<b>Target Date:</b>	27th July 2009



© South Gloucestershire Council 2009. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2009.

N.T.S

PK09/1025/F



## **INTRODUCTION**

This application has been referred to the Circulated Schedule due to the receipt of local residents' objections.

### **1. THE PROPOSAL**

1.1 This application seeks planning permission to erect a detached double garage with a bike store at the rear of No. 9 Fouracre Avenue, Downend. The building would measure 8 metres (max) by 6 metres and 3.6 metres high to its ridge.

1.2 The property is within a residential area of Downend.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

2.3 Supplementary Planning Guidance  
Advice Note 2: House Extension

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

3.1 P95/4115 Erection of single storey side and rear extension.  
Approved 20.04.95

### **4. CONSULTATION RESPONSES**

4.1 Downend & Bromley Parish Council  
No objection

#### **Other Representations**

4.2 Local Residents  
Two letters of objection have been received and the local residents raised the following concerns:

- The applicant does not have the right of access
- The construction works have been carried out and the foundation is beyond the applicant's boundary
- The proposed garage would remove the natural look of the lane and would be out of keeping with the area
- The reduction of the lane would cause difficulty in manoeuvring vehicles
- It is concerned about the intended use of the building and impact may cause to the current users of the lane.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extensions to existing dwellings subject to criteria relating to scale and design, highways, and impact upon visual and residential amenity.

### 5.2 Design / Visual Amenity

Whilst the proposed garage is not small in scale, it is of an appropriate simple design according with the characteristics of the main dwelling house and surrounding properties.

In addition, the garage would be located at the rear boundary of the site, and would be mostly screened by the surrounding properties. Furthermore, there is already a large garage within the vicinity. It is therefore considered that the proposal would not cause significant adverse impact upon the character and appearance of the area to warrant a refusal of this application.

Nevertheless, officers consider that the materials to be used on the building should be carefully considered, and therefore a planning condition is imposed to ensure that the materials would be in keeping with the character of the area. In this context, therefore, the garage is considered visually acceptable.

### 5.3 Residential Amenity

It is considered that this proposal would not have significant impacts upon the amenities of any of the adjoining properties, for its scale and design ensure that the proposal would not have an overbearing impact on the surrounding properties nor result in an impact upon their existing privacy levels.

It is therefore considered that the proposal is in line with both local and national policy for development of this type in this location

### 5.4 Highway Issue

The proposal is for construction of a double garage with access to it from a private drive. There are no highway objections to this proposal.

### 5.5 Other issue

The local residents are concerned that the applicant does not have right of vehicular access to the private lane and the foundation of the garage may be outside the applicant's ownership boundary.

As the above issues related to private civil matters, it is the applicant's responsibility to resolve the issues with the owners of the lane and the land.

### 5.6 Design and Access Statement

This is a householder planning application, therefore the Design and Access Statement is not required.

### 5.7 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and

05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## **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.

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

## **7. RECOMMENDATION**

- 7.1 That planning permission be granted subject to the following conditions.

**Background Papers**      **PK09/1025/F**

**Contact Officer:**    **Olivia Tresise**

**Tel. No.**                **01454 863761**

## **CONDITIONS**

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

Reason:

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

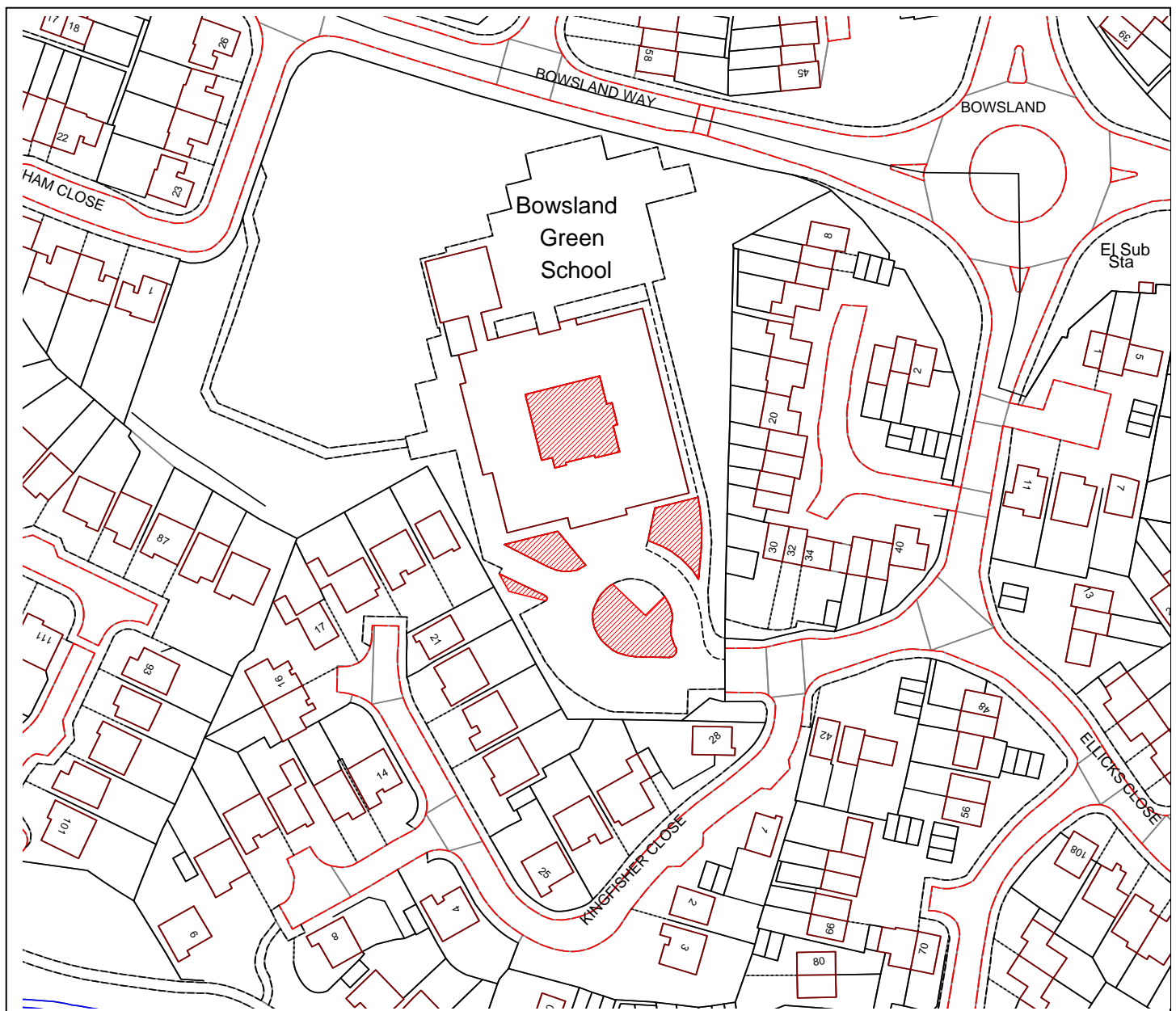
2. Notwithstanding the submitted details and prior to the commencement of development samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved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

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 26/09 – 03 JULY 2009

<b>App No.:</b>	PT09/0663/R3F	<b>Applicant:</b>	Mr D Beale South Gloucestershire Council
<b>Site:</b>	Bowland Green County Primary School, Ellicks Close, Bradley Stoke, South Gloucestershire, BS32 0ES	<b>Date Reg:</b>	9th April 2009
<b>Proposal:</b>	Single storey central infill extension over existing courtyard.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	62060 82603	<b>Ward:</b>	Bradley Stoke Central and Stoke Lodge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd June 2009



© South Gloucestershire Council 2009. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410 2009  
DC090 MW

## **INTRODUCTION**

This application appears on the Circulated Schedule because the application has been made by South Gloucestershire Council.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the single storey central infill extension over an existing enclosed courtyard.
- 1.2 The application site relates to a primary school which is within a well established residential area of Bradley Stoke.
- 1.3 During the application amended plans were received to reduce the number of planning space in line with the recommendations of the Councils highways engineer.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design in New Development  
T8: Parking Standards  
T12: Transportation Development Control Policy for New Development  
LC4: Proposals for Educational and Community Facilities
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) 2007

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

- 3.1 Various planning application no specifically relevant to the determination of this planning application.

### **4. CONSULTATION RESPONSES**

- 4.1 Bradley Stoke Town Council  
No objection.
- 4.2 Sustainable Transportation  
No objection.
- 4.3 Local Residents  
None received.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy LC4 of the adopted South Gloucestershire Local Plan allows the development, expansion or improvement of education and community facilities within existing urban areas, provided that: -

- a) proposals are located on sites which are, or will be, highly accessible on foot and by bicycle; and
- b) development would not unacceptably prejudice residential amenities; and
- c) development would not have unacceptable environmental or transportation effects;
- d) development would not give rise to unacceptable levels of on street parking to the detriment of the amenities of surrounding area and highway safety.

### 5.2 Residential Amenity

The proposed works would be completely enclosed within the centre of the existing building. As such, the development would not materially harm residential amenity.

### 5.3 Transportation

All proposals for parking are assessed against the maximum standards outlined under policy T8 of the Local Plan. For schools the parking standards permit a maximum 1 space per 2 staff. In the case of Bowsland Green Country Primary School there are 15 parking spaces currently available which serve the 30 members of staff. It could be argued that there is currently a slight over provision given that 12 of 30 staff are part time.

- 5.4 The applicant initially proposed an additional 12 parking space, which would have exceeded the standards set out under Policy T8. Maximum parking standards are intended to promote sustainable travel and tackle congestion. Therefore this level of parking was considered to be unacceptable. In view of this, the applicant has omitted 11 parking spaces from the scheme. One additional parking space is justified by the fact the proposed development would facilitate the creation of a new 'Sure Start' service which involves additional member of staff being on site.

### 5.5 Visual Amenity/Environmental Impact

The proposed development would be completed enclosed within the existing, with the only external alteration comprising of the additional of a new flat roof. This would not be visible from the street scene. On this basis it is considered that the proposed development would have no adverse impact on the character and appearance of the existing building and the surrounding area.

### 5.6 Use of Energy and Sustainability

The reduction of car parking spaces would encourage more sustainable forms of transport.

5.7 Improvements achieved to the scheme

Removal of parking spaces in order to achieve the Council's parking standards set under Policy T8 of the adopted Local Plan.

5.8 Section 106 Requirements

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

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

7. RECOMMENDATION

7.1 Planning permission to be **GRANTED** subject to the following condition(s): -

Background Papers      **PT09/0663/F**

**Contact Officer: Peter Rowe**  
**Tel. No.            01454 863131**

CONDITIONS

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

Reason(s):

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

## CIRCULATED SCHEDULE NO. 26/09 – 3 JULY 2009

<b>App No.:</b>	PT09/0734/F	<b>Applicant:</b>	Redrow Homes (South West) Limited
<b>Site:</b>	Playing Fields, New Road, Stoke Gifford, Bristol, BS34 8SF	<b>Date Reg:</b>	22nd April 2009
<b>Proposal:</b>	Erection of 49no. dwellings with construction of new access and associated works. Amendment to planning permission PT07/0493/F - removal of 18 no. garages to plots- 36,37,38,40,45,46,47,48,49,50,51,57,6 1,66,67,68,69 and 70.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	61498 79117	<b>Ward:</b>	Frenchay and Stoke Park
<b>Application Category:</b>	Major	<b>Target Date:</b>	20th July 2009



© South Gloucestershire Council 2009. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2009.



The application is referred to the circulated schedule as it is major one and as such falls to be considered under the circulated schedule procedure.

## **1. THE PROPOSAL**

- 1.1 The proposal is an amendment to previous application PT07/0493/F for erection of 49no. dwellings with construction of new access and associated works. The amended application seeks full planning permission for the removal of 18 garaages from the following plots: 36,37,38,40,45,46,47,48,49,50,51,57,61,66,67,68,69 and 70.
- 1.2 The site consists of a partially constructed housing scheme accessed off New Road, with the playing fields to the east of the site and further new residential development to the west. To the rear of the site lies playing fields. The site lies within the urban area of Stoke Gifford. The site was originally identified within a Policy H1 site in the adopted Local Plan.
- 1.3 The proposal involves removal of garages and replacement with parking spaces.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

T8 Parking Standards

T13 Transportation Development Control Policy

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT07/0493/F Erection of 49 no. dwellings with construction of new access and associated works. Approved Dec 2007

## **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Town Council  
No comment

- 4.2 Filton Town Council  
Not enough information sent to make a judgement on what effect the removal of the garages will have on local roads.

- 4.3 Other Consultees  
The Highway Agency made no comment on the application.

## **Other Representations**

- 4.4 Local Residents  
No response

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application is for an amendment to a previously approved application, and, as such, only the amendment itself can be assessed as part of this application.

- 5.2 The proposal involves the removal of garages and replacement with parking spaces. There is no overall loss of parking across the application site- the number of parking spaces remains the same as the approved application. This is considered acceptable in transportation terms, and the Highway Officer raises no objection to the scheme. The scheme will not result in any alteration to landscaping planting scheme approved on a condition on previously approved scheme, apart from the addition of one tree.

- 5.3 With regard to S106 contributions, these were covered by a S106 signed before the issue of the previously approved scheme. The Housing Enabling Team and the Community Services Dept have made no comment on the application, the Children's and Young People Department requested a further contribution. However, the application is merely an amendment to a previously approved scheme, where contributions to education services were included in the signed S106 agreement, and given the scale of the amendment- removal of garages only, it is not considered that further contributions to education services could be warranted for the current application under consideration.

- 5.4 The proposed amendments are therefore acceptable.

### 5.5 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

### 5.6 Use of Energy and Sustainability

The proposal still results in parking spaces within maximum parking standards as set out in Policy T8.

### 5.7 Improvements achieved to the scheme

Since the proposal is for the removal of garages only, and replacement with parking spaces, there were no improvements required.

### 5.8 Section 106 Requirements

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

a Section 106 Agreement is unnecessary, as planning obligations were included in the signed S106 agreement for the previously approved scheme PT07/0493/F, which has been implemented.

## **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.

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

## **7. RECOMMENDATION**

- 7.1 That planning permission be GRANTED subject to the following conditions:

**Background Papers**      **PT09/0734/F**

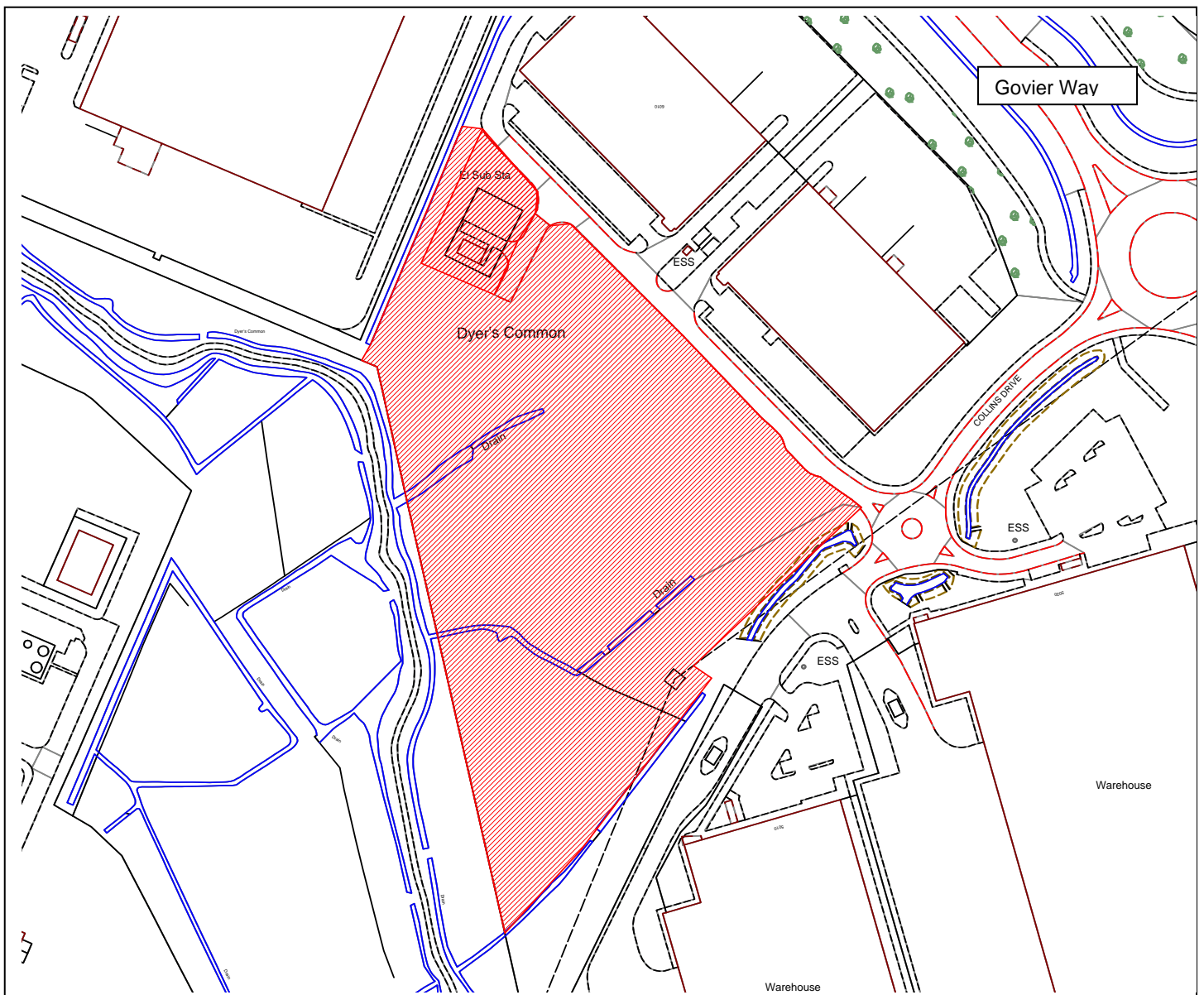
**Contact Officer:**    **Sarah Tucker**  
**Tel. No.**                **01454 863780**

## **CONDITIONS**

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

Reason

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

**CIRCULATED SCHEDULE NO. 26/09 – 3 JULY 2009****App No.:** PT09/0751/O**Applicant:** Mr G Stubbings  
Gazeley UK Ltd**Site:** Plot 6030, Govier Way, Western  
Approach Distribution Park,  
Sevenside, South Gloucestershire.**Date Reg:** 23rd April 2009**Proposal:** Erection of building for B8 and/or B2  
uses (as defined in the Town and  
Country Planning (Uses Classes) Order  
1987 as amended) with ancillary  
offices, parking and landscaping.  
Outline application.**Parish:** Pilning and Severn  
Beach**Map Ref:** 55061 83390**Ward:** Pilning and Severn  
Beach**Application  
Category:** Major**Target  
Date:** 23rd July 2009

© South Gloucestershire Council 2009. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2009.

## 1. THE PROPOSAL

- 1.1 Outline planning permission is sought for the erection of a building for B8 – storage and distribution – and/or B2 uses – general industrial uses. All matters are reserved for future consideration.

This application site comprises part of the Western Approach Distribution Park that is not yet developed. The site lies between the existing extensive commercial development of Avonmouth to the south, the M49 Motorway to the east and the residential settlement of Severn Beach to the north.

The site lies within the area allocated under Policy E2: Severnside, in the adopted Local Plan. Plot 6030 is some 2.64 hectares in area and is broadly triangular in shape. It is located on the southern side of Govier Way to the rear of UK Mail (plot 6020) The Royal Mail building lies to the north west of the site and to the south east lies the recent constructed blue buildings on plot 5000.

The proposed building would have a footprint of 108 x 81 metres and a height of 15.7 metres. The gross floorspace would be 9,228 sq m.

## 2. POLICY CONTEXT

### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG4	Industrial and Commercial Development and Small Firms
PPS7	Sustainable Development in Rural Areas
PPG13	Transport
PPS25	Development and Flood Risk

### 2.2 Joint Replacement Structure Plan ( Saved Policies)

Policy 1	Sustainable Development Objectives
Policy 2	Location of Development
Policy 14	Employment at Avonmouth/Severnside
Policy 17	landscape areas
Policy 21	Forest of Avon
Policy 22	Coastal zone protection
Policy 23	Water conservation
Policy 30	Safeguarding employment sites

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

D1	Design
L1	Landscape Protection and enhancement
L4	Coastal Zone
L5	Forest of Avon
L6-L9	Nature Conservation
L11	Archaeology
L17&L18	Water environment
EP1	Environmental Pollution
EP2	Flood Risk and Development
EP9	Safety hazards
T7&T8	Cycle and car parking
T12	Transportation

E1	Employment development
E2	Severnside
E3	Safeguarded Employment Areas

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

3.1 The surrounding area and the site has a long history of employment designation associated with the ICI Agreement of the early 1950's.

SG4244: Mixed use development, predominately industrial, in excess of 1000 hectare. Outline permission granted 1957. This permission remains extant.

3.2 P94/400/8 Outline permission for the development of 87.9 hectares of land for the layout and construction of a distribution park (Class B8).

3.3 P98/1845 Application to vary condition 01 of planning permission P94/400/8 dated 8 June 1994 to extend the period for the submission of reserved matters from three years to 6 years from the date of the outline permission. Consent granted 5 August 1998.

3.4 PT01/0293/RVC Variation of conditions 1b and 1c attached to P94/0400/8 as amended by condition 1 attached to P98/1845 to extend the time limits for submission of reserved matters for a further 4 years. Consent granted 16<sup>th</sup> August 2001.

3.5 PT05/1073/RVC Variation of condition 2 attached to PT01/1073/RVC to extend the time limit for submission of reserved matters. Approved 8<sup>th</sup> August 2005

3.6 PT05/3568/RVC Variation of conditions 4(a) attached to planning permission PT01/0293/RVC to permit the gross floorspace to exceed 2,350,000 square feet ( limited to 2,413,338 Sq ft). Permission granted 24.2.96. ( Expired 24.2.09 )

#### **Applications relating to current application site only:**

PT01/2873/F Erection of 3 no. B1,B2, B8 units. Permission granted 2001

PT02/3562/F Erection of 2 no. buildings for B1(c), B2 and B8 use. Permission granted 3.3.03. ( Expired 3.3.09)

### 4. **CONSULTATION RESPONSES**

#### 4.1 Pilning and Severn Beach parish Council

Object to more warehouses being built. The traffic juggernaut continues to swamp the parish. It is essential that any development is fully screened, that footpaths and drainage ditches are retained and enhanced and that any lighting avoids light pollution.

Further occupiers should quickly get together and fund access onto the M49 in order to ease the burden on local roads.

#### 4.2 Other Consultees

##### Environment Agency

No objections subject to the inclusion of conditions relating to the submitted flood risk assessment.

##### Highways Agency

Originally objected to the proposal. Further information was however submitted by the applicant to address the issue. The HA have subsequently confirmed that the proposed development will not have significant adverse impact on the Strategic Road Network and have withdrawn their objection.

##### SGC Drainage Engineer

No objection.

##### Wessex Water

WW agreed a drainage strategy with the original developer to allow initial phases to utilise the spare capacity in the local sewer catchment. Any further development connecting to this system will exceed agreed flows. It is now necessary to drain southwards to Avonmouth STW where capacity is available. A condition is required therefore to require drainage details to be submitted and approved in order to prevent sewer flooding.

##### Lower Severn Internal Drainage Board

The applicant has already consulted LSDB and there are no adverse comments.

##### English Nature

Given the absence of bird sightings on Plot 6030 and its close proximity to existing warehouses, it appears reasonable for SGC to grant outline consent for this element of the 57/58 consented area. I am further reassured that the Council is committed to reviewing the remainder of the consented area under Regulation 50 of the Habitat Regulations, based on the winter bird survey, which identified use by a range of estuarine birds.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Outline and full permissions have previously been granted for plot 6030. Full planning permission was granted on 26<sup>th</sup> February 2002 for 3 No. buildings that included one on the current application site. There has been no material change in either central government or local policy and the principle of the development remains established. The proposal is supported by local and structure plan policy. The site falls within a safeguarded employment area as defined by Policy E3 of the South Gloucestershire Local Plan (Revised Deposit Draft).

### 5.2 It is necessary to consider whether the current proposal complies with the approved master Plan for Western Approach ( under planning application

PT05/1073/RVC), which remains a material consideration for the consideration of the remaining plots at Western Approach.

5.3 Design/Visual Impact

The application proposes the erection of a single industrial/distribution unit. The unit would measure 108 metres length by 81 metres in width and attain a maximum height of just under 16 metres. The B2/B8 element is single storey and there would be a two storey ancillary office element in the western corner of the building. The scale and design of the units proposed is consistent with existing development at Western Approach.

5.4 The materials proposed comprise profiled cladding in varying shades of blue, becoming lighter towards the top of the elevation. This would match the recently constructed units at Plot 5000 to the south east of the site, and is considered acceptable.

5.5 Transportation Implications

Access to the site is proposed via a roundabout from the main spine road, which leads to individual access points to each of the units via a new estate road. No objection has been raised by The Highways Agency. Having regard to the existing planning permission, the level of traffic generation from the proposed development is acceptable.

5.6 Officers have considered the total floorspace limit imposed by PT05/3568/RVC, which amounts to 224,199 sqm. One of the reasons for the limit was transportation issues. Officers can confirm that there is 14,023 sq m capacity for plot 6030 ( taking into account the current application at plot 8000). Hence the proposed floorspace of 9,228 sq metres falls well within this limit.

5.7 The Council's Transport Engineer has confirmed that the submitted Transportation Assessment has demonstrated (through junction analysis) that the immediate highway network will not be adversely affected.

5.8 All matters have been reserved for future consideration, therefore parking provision has been shown indicatively. A condition will be required to ensure that any reserved matters applications provide for parking that does not exceed the SGLP maximum standards. To complement the proposed cycle parking a condition is also suggested to ensure the submission of a Travel Plan to encourage alternative modes of transport to the site.

5.9 Landscape

The site consists of a relatively flat area of ground. The site is bounded to the south-west by a 5m wide bridleway and landscape buffer zone to the Astra Zeneca site. The site lies within the Severn Estuary floodplain and consequently the surrounding area is flat, which has accentuated the need for landscape mitigation to the park generally. The original Western Approach Masterplan provides a generous landscaped infrastructure, incorporating attenuation ponds and swales linking to the existing rhine system.



- 5.10 The site layout shows indicative areas of landscape, there are no detailed landscape plans included with the submission as all matters are reserved for future consideration.
- 5.11 The site contains small areas of regenerated scrub and overgrown hedgerows along parts of the southern and western boundaries. There is also an existing rhine to part of the south-eastern boundary. The site constraints include an electricity pylon and connecting overhead cables which result in a restrictive zone to development running along the south-eastern site boundary. The corner at the site entrance is visually prominent and as stated in the Landscape & Visual Analysis, will require a well considered design.
- 5.12 The DAS also lists the existing levels as a constraint, stating that 'existing levels across the site will need to be considered to ensure that the proposal is successfully integrated into the surrounding landscape'. The proposed FFL is 7.60m (due to the Environment Agency requirements), which is as much as 1.6m higher than the existing ground level. This will increase the visual impact of the building within the wider landscape and in turn require substantial areas of planting to provide adequate mitigation.
- 5.13 The Landscape Design Concept outlined in the DAS, includes a surface water storage pond, buffer planting around the site perimeter to help maximise the effect of screening views from neighbouring sites and tree and shrub planting within the car park area. Screening will be of particular importance along the permissive footpath and bridleway. A plant palette is described, but is not included with the documents. The species choice needs to be consistent with the native species prevalent in earlier development phases and as listed in the approved masterplan.
- 5.14 A key component of the development of Western Approach is to ensure the planting of a robust landscape scheme in line with the landscape strategy included within the master plan. This matter will be looked at in detail at the reserved matters stage, however the proposed outline submission is acceptable in principle.
- 5.15 Drainage and Flood Risk Issues  
The site lies within Flood Zone 3a, as defined in the Strategic Flood Risk Assessment. PPS25 states that 'less vulnerable' uses such as industrial, and storage and distribution are appropriate in zone 3a.
- 5.16 To support the scheme, the applicants have submitted flood risk assessment. This has been considered by the Environment Agency, who have confirmed that it is acceptable and have recommended conditions to ensure its proper implementation. This includes ensuring that ground levels are no lower than 7.1 m AOD, and finished floor levels no lower than 7.6 m AOD. As noted in the consultation section, the internal Drainage Board do not object to the proposal.
- 5.17 As noted by Wessex Water in the consultation section, there is a requirement to condition the submission of a foul drainage scheme to ensure that the development drains to the south.

- 5.18 The proposal is therefore considered acceptable in drainage and flood risk terms, subject to conditions.
- 5.19 Archaeology  
The application site may be of archaeological significance given its proximity to the estuary, and as such an archaeological investigation of the land is necessary. An archaeological evaluation has been carried out but the council's archaeologist considers that some issues remain outstanding. A condition requiring further archaeological work is therefore recommended.
- 5.20 Ecology  
The site has previously been cleared of vegetation, although scrub is beginning to regenerate across it. Amphibian-proof fencing has been erected around the site to prevent access by great crested newts previously associated with an adjoining Plot.
- 5.21 Given this, and the fact that the site lies within the flood-plain of the Severn Estuary, the sole ecological issue relates to potential impacts on the Severn Estuary Natura 2000 (N2K) site.
- 5.22 *Severn Estuary SPA/cSAC/SSSI/Ramsar*  
The site lies within the coastal floodplain of the Severn Estuary. In recognition of its nationally and internationally important wildlife, the Severn Estuary is subject to a series of statutory nature conservation designations.
- 5.23 It has been notified as a Site of Special Scientific Interest (SSSI) and is protected under the Wildlife & Countryside Act 1981 (as amended) and the Countryside & Rights of Way Act 2000.
- 5.24 It is also designated as a Special Protection Area (SPA) under EC Directive 79/409 on the Conservation of Wild Birds ('the Birds Directive') and a Ramsar site under the Ramsar Convention on the Conservation of Wetlands of Importance.
- 5.25 The Severn Estuary is also a candidate Special Area of Conservation (pSAC) under European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('the Habitats Directive 1992'), implemented in Britain by the Conservation (Natural Habitats & c.) Regulations 1994 ('the Habitat Regulations').
- 5.26 While the application site lies outside the SSSI/SPA/Ramsar site boundaries, the same legislative protection applies to habitat supporting SPA/Ramsar wildfowl but lying outside the boundary of the SPA or Ramsar sites.
- 5.27 Regulation 48 of the Habitats Regulations states that a '*plan or project*' - e.g. a planning application - likely to have a significant effect on the European features of interest of a SPA (or Ramsar) should be subject to an '*appropriate assessment*'. This is, effectively, to assess the likely impact of development on the features of interest for which the site has been designated - for example, wildfowl in regard to the SPA.

- 5.28 The application was presented roughly at the same time as Plot 8020 (currently the subject of undetermined application PT09/0461/RM) to the north-west. Whereas the Council's 2008/09 winter bird survey showed definitively that Plot 8020 was used regularly by estuarine wildfowl, including curlew, *no* birds were found associated with 6030 throughout the survey months. It is, moreover, immediately adjacent to several existing warehouses, including the Royal Mail building, which in themselves are likely to dissuade birds from using the plot.
- 5.29 The site forms part of planning permission SG4244 – the '1957 consent'. Under Regulation 50 of the Habitats Regulations the Council has the power to modify or revoke consents previously granted. The Council will be carrying out a 'review of consents' in the near future, based on the 2008/09 wintering bird baseline survey already carried out by the Council, and making a full assessment of all of the cumulative planned development in the Severnside area. However, in the view of the Council's Ecologist and Natural England, it is considered acceptable to grant planning permission for Plot 6030 ahead of the 'review of consents'. There would be more reservation about its development if it was a plot on its own amid open wet fields, even in the absence of bird records.
- 5.30 It is important to note however that Plot 8020 is a different case altogether and needs to be subject to the appropriate assessment mechanism under the Habitat Regulations.
- 5.31 There is therefore no ecology objection to the grant of outline planning permission for Plot 6030, the subject of the current application.
- 5.32 Other matters  
The utility and amenity of the adjacent bridleway will not be adversely affected. In respect of issues raised by the Parish Council, the transport implications of the proposal are addressed above.
- 5.33 Design and Access Statement  
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.
- 5.34 Use of Energy and Sustainability  
As outlined on DAS to be secured through reserved matters.
- 5.35 Improvements achieved to the scheme  
Further information requested and submitted in relation to:
- Highway Agency objection
  - Ecology issues
  - Total floorspace calculations for Western Approach
  - DAS to take account of original master plan

### 5.36 Section 106 Requirements

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

## 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.

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

## 7. RECOMMENDATION

- 7.1 That outline planning permission be granted, subject to the following conditions.

### Background Papers      **PT09/0751/O**

**Contact Officer:**    **Helen Ainsley**  
**Tel. No.**                **01454 863788**

### CONDITIONS

1. Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

#### Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

#### Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

5. The finished floor level(s) of the building hereby permitted shall be set at a minimum of 7.6 above ordnance datum. Further, the ground levels shall be set no lower than 7.1m AOD.

Reason

To minimise the effect of any flooding which may occur and to comply with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

7. A flood emergency management plan shall be developed and applied, in accordance with the approved Flood Risk Assessment ( FRA ref:SS017114 dated 26th March 2009, by Capita Symonds) and submitted to the Local Planning Authority for written approval prior to the commencement of development.

Reason

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

8. A satisfactory surface water management plan shall be installed, including overflow pond ( s.7.7-7.11 of the approved Flood Risk Assessment noted in Condition 7 above). The system shall not exceed the run-off from the undeveloped site and not increase the risk of flooding off site.

Reason

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

9. Prior to the commencement of development a commuter plan shall be submitted to the Local Planning Authority for approval. The agreed scheme shall be implemented as approved before the development hereby permitted is brought into use; or otherwise as agreed in the commuter plan.

Reason

To encourage means of transportation other than the private car, to accord with Policy T10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. The reserved matters submitted in respect of Conditions 1 and 3 above shall include car parking not exceeding the maximum standards as set out in the adopted South Gloucestershire Local Plan.

Reason

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

11. The hours of working on site during the period of construction shall be restricted to 8.00 am to 6.00 pm Mondays to Fridays, 8.00 am to 1.00 pm 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 of nearby buildings and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

In the interests of visual amenity Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

14. All surface water run-off from outside storage, parking or vehicle washdown areas shall pass through a properly constructed oil/ petrol interceptor or such other alternative system as may be agreed with the Local Planning Authority, before discharge to the public sewer, or other drainage system.

Reason

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

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

Reason

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. The unit hereby approved shall at no time incorporate any element of retailing.

Reason

In the interests of highway safety and in line with Policy T12 of the South Gloucestershire Local Plan.

17. Any ancillary office accommodation shall be ancillary to the main use of the unit hereby approved.

Reason

In the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

18. The premises shall be used for the uses hereby approved and for no other purpose.

Reason

To prevent separate uses arising which may be inappropriate or over intensive, and to accord with policy E3 of the adopted South Gloucestershire Local Plan.

## CIRCULATED SCHEDULE NO. 26/09 – 3 JULY 2009

**App No.:** PT09/0821/F**Applicant:** Mr B Mugridge  
MBDA UK Ltd**Site:** Building 20U, Golf Course Lane, Filton,  
South Gloucestershire, BS34 7QW**Date Reg:** 5th May 2009**Proposal:** Erection of two storey extension to  
create additional office space and  
installation of mezzanine floor to  
existing office area with external  
alterations**Parish:** Filton Town Council**Map Ref:** 59552 79361**Ward:** Filton**Application Category:** Major**Target Date:** 30th July 2009

© South Gloucestershire Council 2009. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2009.

N.T.S

PT09/0821/F



## **INTRODUCTION**

This application appears on the Circulated Schedule in view of the concerns which have been expressed by the Town Council.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a two-storey extension to an existing industrial building and would also allow the introduction of a mezzanine floor to part of these existing premises.
- 1.2 The application relates to Building 20U accessed via Golf Course Lane and located towards the end of this road close to the Filton Golf Club. The site is located within the built up area and is also within a Safeguarded Employment Area.
- 1.3 Permission for the existing building was granted as part of PT05/0970/RM; in this regard the description of development detailed the erection of a new industrial unit for Class B1 purposes with the report describing the build as a facility for research and development, testing and storage with a planning condition restricting the building to this use class.
- 1.4 In view of the above, the agent has confirmed that use of the building is still compliant with this permission despite the Design and Access Statement incorrectly detailing its use for storage purposes. The Design and Access Statement has now been amended accordingly.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development  
PPG4: Industrial and Commercial Development  
PPG13: Transport
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design in New Development  
E3: Criteria for Assessing Proposals for Employment Development  
E4: Safeguarded Employment Areas  
T7: Cycle Parking  
T8: Parking Standards  
T12: Transportation Development Control Policy for New Development  
L1: Landscape Protection and Enhancement  
L18: The Water Environment
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

### **3. RECENT PLANNING HISTORY**

- 3.1 PT04/2564/O: Demolition of two existing buildings to facilitate erection of new light industrial unit (Class B1) on 0.90Ha. Permitted: 11 January 2005
- 3.2 PT04/4061/F: Siting of six portacabins to provide temporary office accommodation. Permitted: 11 January 2005
- 3.3 PT05/0970/RM: Demolition of two existing buildings to facilitate erection of new light industrial unit (Class B1). Permitted: 20 January 2005
- 3.4 PT06/1277/F: Erection of 5.6m and 2.4m high security fences. Permitted: 2 June 2006

### **4. CONSULTATION RESPONSES**

- 4.1 Filton Town Council  
No objection in principle but concerns over loss of parking and would suggest a landscaping scheme.
- 4.2 Other Consultees  
Wessex Water: statutory comments  
PROW Officer: appears unlikely to affect the nearest PROW  
Highways Agency: no objection  
Technical Services (Drainage): no objection in principle  
Landscape Officer: no comment  
Ecological Officer: no objection  
Highways DC: no objection
- 4.3 Local Residents  
No comments received

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

- 5.1 Principle of Development  
Planning policy E4 advises that within the Safeguarded Employment Areas, planning permission will be granted for employment generating uses subject to the satisfaction of the assessment criteria as detailed for policy E3. This policy allows for employment uses subject to the satisfaction of the following:
  - Development would not have an unacceptable environmental effect;
  - It would not give rise to unacceptable levels of vehicular traffic;
  - Development would not prejudice residential amenity;
  - The character of the area is not adversely affected;
  - The maximum density compatible with the sites location is achieved;
  - The location is well served by public transport.
- 5.2 Policy T12 allows for the principle of new development (in highway safety terms) provided that (here considered relevant) it provides adequate, safe, convenient, attractive and secure access and is capable of accommodating traffic that would be generated by the proposal. Further, it should not create or unacceptably exacerbate traffic congestion or have an unacceptable impact on road, pedestrian or cyclist safety. The proposal should also not generate traffic

- that would be detrimental to residential amenity or other environmentally sensitive areas in terms noise, vibration or air quality.
- 5.3 Design/ Visual Amenity  
The application relates to building 20U that is accessed via Golf Course Lane, Filton. The existing building comprises a modern two-storey industrial unit that nestles to the rear of an adjacent three-storey office building and forms part of the wider MBDA complex albeit with separate vehicular access.
- 5.4 This current application seeks planning permission for a two-storey extension to the front of the building and would also allow the introduction of a mezzanine floor to part of the existing building.
- 5.5 Concerning the two-storey front extension proposed, this would project 17.5m forward of building and measure 23.6m in depth. It would occupy the south western corner of the car park and would be encompassed by a mono-pitched roof which would continue the roof profile of the existing structure. The build would contain a new foyer/ reception with this fronting the car park and also provide toilets, showers, a kitchenette, meeting room and presentation suite on the ground floor. First floor accommodation would provide a large open plan office area with additional toilet facilities.
- 5.6 In response, it is considered that this extension would occupy a relatively discreet position in view of the aforementioned office building to the south, the tree screening behind (bordering the Golf Club) and in view of the site topography with the site at a lower level to the passing Golf Course Lane. Further, with the design of the proposal to match that of the existing building and with the build utilising the same palette of materials, there is no objection to the proposal on this basis. In view of the concerns raised by the Town Council, it is however considered that a landscaping condition might be attached to any permission to help enhance the level of landscaping currently provided.
- 5.7 Further floor space would also be created by virtue of a new mezzanine floor that would extend the depth of the existing building aligning with the extension currently proposed (thereby covering slightly less than half of the existing floor area); in this regard it is noted that the existing building is devoid of first floor accommodation. These works would necessitate the introduction of first floor windows to the south western elevation (facing the adjoining Golf Course) with a new external fire escape and wider access door on the north west side of the building.
- 5.8 In response, these alterations are also considered acceptable with the external alterations also not focused on the more visible elevations of the building (when approaching from Golf Course Lane). On this basis, there is also no objection to this element of the proposal.
- 5.9 Residential Amenity  
The application site forms part of the wider MBDA/ British Aerospace site and is located within a safeguarded employment area. Accordingly, there are no residential properties within close proximity of the application site and thus it is not considered that any significant adverse impact in residential amenity would be caused.

5.10 The proposal would however be sited within relative proximity of building 20Z; a three-storey office building that is also understood to be occupied by the applicant. The north elevation of this building provides for a large number of on looking windows that face towards the application site although given the 'L' shaped footprint of this building, this wall is set back with a landscaping area proving a degree of spacing to the application site. On this basis, and given the nature of this adjoining building, this proposed relationship is considered to be acceptable with no objection raised on this basis.

5.11 Highway Safety

The proposal would not be anticipated to generate any significant increase in traffic levels along Golf Course Lane and thus it is considered that any impact on the surrounding highway network would be minimal. Further, despite the reduction in size of the car park, this would still be consistent with the Councils car parking standards (which are based upon maximum levels). Further, the reduction in spaces might encourage staff to utilise more sustainable modes of transport.

5.12 In view of the above, there is no objection to the current proposal on highway safety grounds.

5.13 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.14 Section 106 Requirements

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

## 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.

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

## 7. **RECOMMENDATION**

7.1 Planning Permission is **GRANTED** subject to the following conditions:

**Background Papers**      **PT09/0821/F**

**Contact Officer:**    **Peter Burridge**

**Tel. No.**                **01454 865262**

### **CONDITIONS**

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

Reason(s):

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

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

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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(s):

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

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

Reason(s):

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

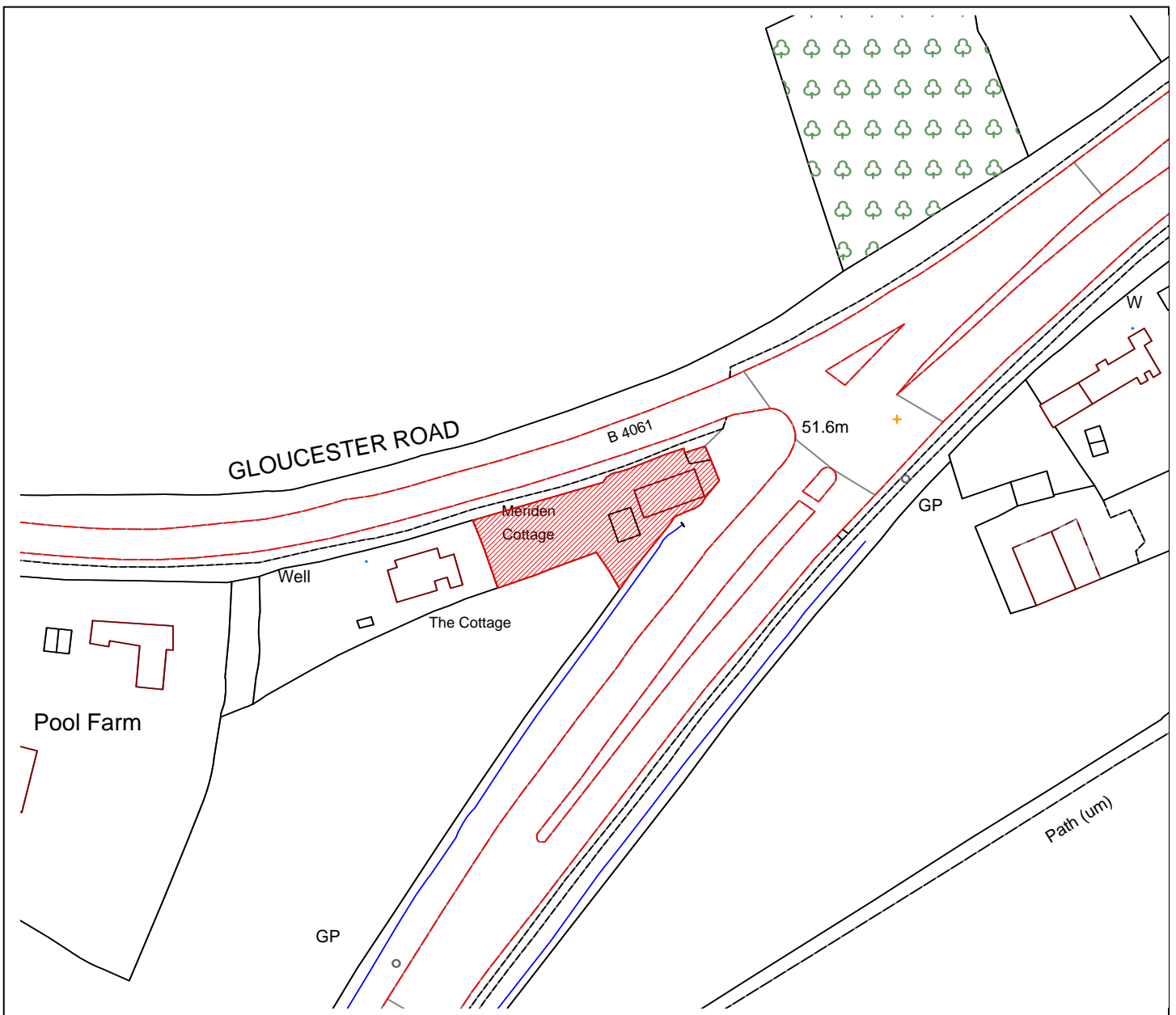
5. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning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

Reason(s):

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

**CIRCULATED SCHEDULE NO. 26/09 – 3 JULY 2009**

<b>App No.:</b>	PT09/0937/F	<b>Applicant:</b>	Mr & Mrs D Atherton
<b>Site:</b>	Meridan Cottage, Gloucester Road, Whitfield, South Gloucestershire, GL12 8EA	<b>Date Reg:</b>	21st May 2009
<b>Proposal:</b>	Erection of first floor side and rear extension to form additional living accommodation.	<b>Parish:</b>	Falfield Parish Council
<b>Map Ref:</b>	67143 91327	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Householder	<b>Target Date:</b>	14th July 2009



© South Gloucestershire Council 2009. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410 2009  
DC0901MW

N.T.S

PT09/0937/F

The application appears on the Circulated Schedule in view of the concerns that have been expressed by the Parish Council.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a first floor side/ rear extension that would provide two ensuite bedrooms.
- 1.2 The application relates to a detached two-storey dwelling on the south side of Gloucester Road, Whitfield. The A38 adjoins the eastern flank boundary of the application site. The property is located within the open countryside beyond any settlement boundary.
- 1.3 Amended plans have been received reducing the ridge height of the proposal and omitting the juliet balconies originally proposed.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design in New Development  
H4: Development within Residential Curtilages  
  
Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P85/1400: Partial reconstruction and extension of existing house; erection of kitchen extension; erection of double garage. Permitted: 24 April 1985
- 3.2 P93/1402: Erection of single-storey side extension to provide utility. Permitted: 25 April 1993
- 3.3 PT01/1452/F: Erection of single-storey side and rear extension. Permitted: 17 August 2001

## **4. CONSULTATION RESPONSES**

- 4.1 Falfield Parish Council  
'There is a history of drainage problems in the area. Falfield Parish Council consider(s) it essential that you obtain from the applicant a foul and surface water drainage solution which negates the risk of flooding and pollution.'
- 4.2 Other Consultees  
Technical Services (Drainage): no objection



## **Other Representations**

- 4.3 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Policy H4 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety.
- 5.2 Design/ Visual Amenity  
The application relates to a two-storey detached dwelling sited on the corner of Gloucester Road and the A38 fronting the former. The application would allow the erection of first floor side/ rear addition that would build above an existing single-storey side/ rear addition which provides the kitchen, WC and utility. The proposal would provide two ensuite bedrooms to this west side of the dwelling.
- 5.3 The extension would measure 3.4m in width and build directly above the aforementioned lean-to. Amended plans have however been received lowering the ridge height thus helping retain the balanced appearance of the existing dwelling. It had also been suggested that the front wall be set back but this remains flush with the existing ground floor below. The proposal would also project 2.5m beyond the rear building line of the main dwelling with the rear extension encompassed by a pitched roof of further reduced height and with a rear gable. Two juliet balconies that were originally proposed to the new west elevation have been replaced by standard window types.
- 5.4 In considering the above, the applicant has addressed the concerns originally raised by Officers given that the initial proposal would have imbalanced the appearance of this host dwelling whilst the juliet balconies were considered an inappropriate modern feature to the prominent west elevation of this cottage style dwelling. As such, the proposal is now considered to be acceptable with no objection raised on this basis.
- 5.5 Residential Amenity  
The host dwelling sits in relative isolation bounded by Gloucester Road to the front and the A38 to the east which runs close the rear of the dwelling. As such, neighbouring dwellings are limited to 'The Cottage' which sits to the west of the application site and Pool Farm beyond.
- 5.6 Views from the new windows on the east side of the dwelling would primarily overlook the garden area associated with the application site with 'The Cottage' positioned some 40m away. On this basis, it is considered that any objection to the new windows on residential amenity grounds would be unreasonable with these openings having also been reduced in size. As such, it is not considered that any significant adverse impact would be caused.
- 5.7 All other neighbouring dwellings are positioned at an appreciable distance from the site of the proposal. On this basis, it is not considered that any significant adverse impact in residential amenity would be caused.

## 5.8 Outstanding Issues

The Parish Council has raised concerns related to drainage problems in the area and requested that a foul and surface water drainage solution be agreed. In response, the Councils drainage engineer has raised no objection to the proposal advising that there would be no increase in surface water discharge given that this is a first floor extension. Furthermore, whilst there would be an increase in foul water discharge, the applicant would need to be satisfied that their existing septic tank has adequate capacity to deal with this: it is not considered that planning permission could be reasonably withheld on this basis. This planning application cannot be required to address a pre-existing issue unless the development proposed would exacerbate the problem further. This is not considered to be the case here.

## 5.9 Design and Access Statement

A Design and Access Statement is not required as part of this application.

## 5.10 Section 106 Requirements

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

## 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.

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

## 7. RECOMMENDATION

- 7.1 Planning Permission is **GRANTED** subject to the following conditions:

**Background Papers**      **PT09/0937/F**

**Contact Officer:**      **Peter Burridge**  
**Tel. No.**                      **01454 865262**

## **CONDITIONS**

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

Reason(s):

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

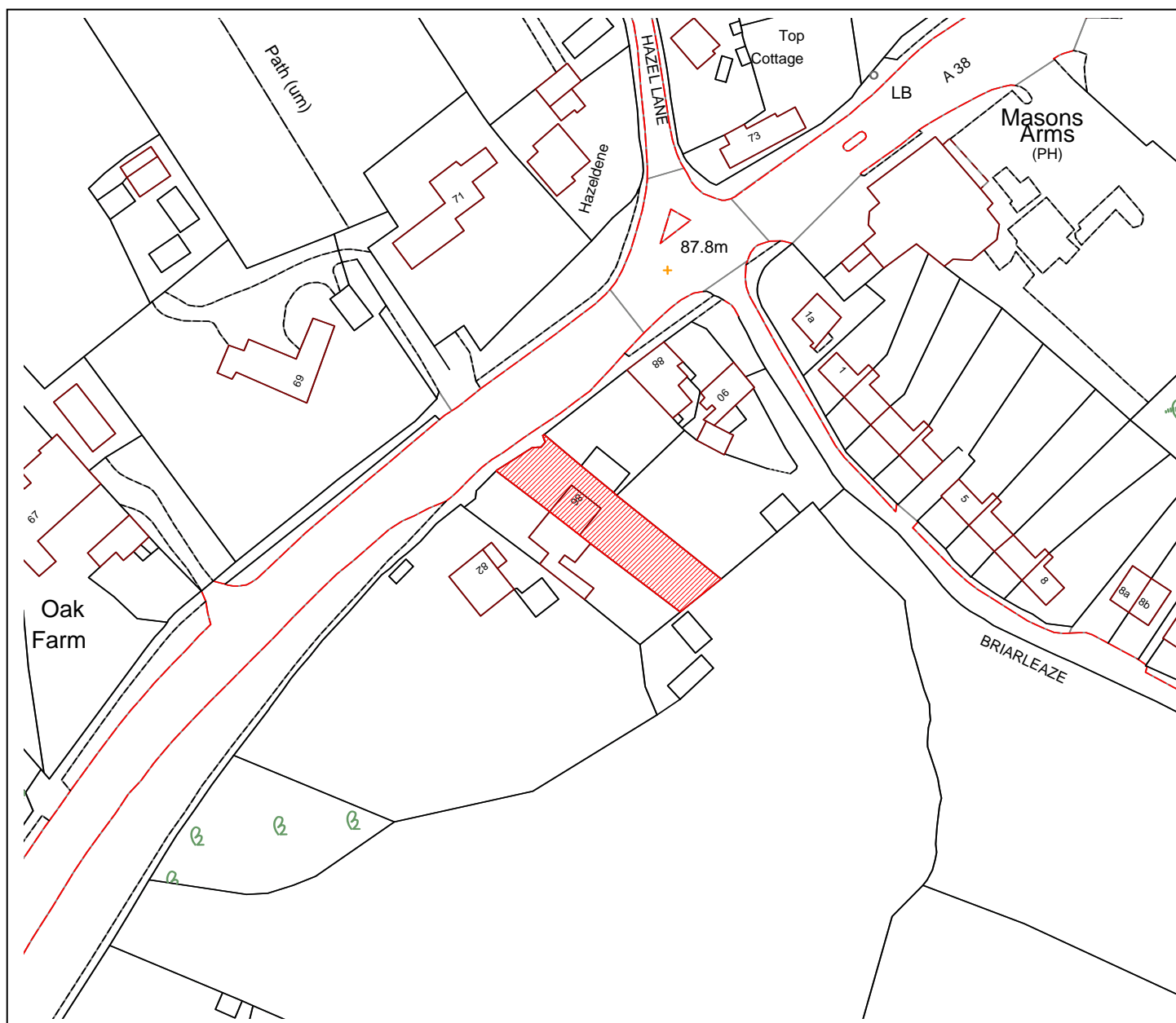
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 26/09 – 3 JULY 2009

<b>App No.:</b>	PT09/0951/F	<b>Applicant:</b>	Mr J Bell
<b>Site:</b>	86 Kimberley, Gloucester Road, Rudgeway, South Gloucestershire, BS35 3RS	<b>Date Reg:</b>	22nd May 2009
<b>Proposal:</b>	Erection of two storey side extension to provide additional living accommodation.	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	62834 86898	<b>Ward:</b>	Thornbury South and Alveston
<b>Application Category:</b>	Householder	<b>Target Date:</b>	17th July 2009



© South Gloucestershire Council 2009. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2009.

N.T.S

PT09/0951/F

## **INTRODUCTION**

This application appears on the Circulated Schedule following the receipt of representations from a local resident which are contrary to the case officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of a two storey side extension. The proposal would be approximately 3.5m in width, 8.8m in depth and 7.2m in height.
- 1.2 The application site relates to a semi-detached dwelling which is situated within an established residential area within Rudgeway. The site is outside of the settlement boundary and is in the green belt.
- 1.3 Amended plans have been received from the applicant. These removed the two storey and single storey rear extensions.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1: Delivering Sustainable Development  
PPG2: Green Belts

#### 2.2 Development Plans

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

D1: Achieving Good Quality Design in New Development  
H4: Development within Existing Residential Curtilage  
GB1: Development within the Green Belt

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (adopted) 2007  
South Gloucestershire Development with the Green Belt SPD (adopted) 2007

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

- 3.1 None

### **4. CONSULTATION RESPONSES**

#### 4.1 Alveston Parish Council

No objection.

#### 4.2 Local Residents

One letter has been received from a local resident. The main points are summarised below: -

*It is requested that 2 minor stipulations be imposed. These are that the high level windows on the B side of the plan be firstly fixed windows and secondly that the glass be frosted. The reason for this request is that the present*

windows are below the roofline of the garage located in the property at 88 Gloucester Road thereby having no effect on the privacy of those at this address. The proposed high level windows will afford a view not only into the garden of 88 Gloucester Road but also into the 2 front bedroom windows.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

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

5.2 Policy D1 of the Local Plan applies to all types of development. It considers general design principles to ensure new development respects, conserves and enhances the character and quality of the surrounding local environment.

5.3 Policy GB1 of the Local Plan allows for limited extensions to dwellings within the Green Belt providing that they do not result in disproportionate additions over and above the size of the original building. The South Gloucestershire Development within the Green Belt SPD states that an addition resulting in a volume increase of 50% or more of the original dwelling would be considered in excess of any reasonable definition of 'limited extension'.

5.4 Whether an addition is considered disproportionate or not, depends on the individual circumstances on the site, and what type of addition is proposed. To facilitate this assessment the *South Gloucestershire Development in the Green Belt SPD* outlines a "Disproportionate Test". This test states that an additions which result in volume increases of 50% or more of the original dwelling (The volume of the dwelling at construction or it volume on July 1<sup>st</sup> 1948) would most likely be considered in excess of any reasonable definition of 'limited extension'. Such a proposal would normally therefore be viewed as a disproportionate addition.

### 5.5 Impact on the Green Belt

The initial plans submitted by the applicant showed an extension which would have resulted in a disproportionate extension. This was because it cumulative volume would have exceeded 70% over and above the original dwelling. To overcome this, the applicant has omitted the originally proposed two storey rear extension, a single storey extension, and a front porch from the application.

5.6 The original dwelling has a volume of approximately 333m<sup>2</sup>. The proposed extension and the existing conservatory would have cumulative volume of approximately 192m<sup>2</sup> in volume, which would equate to a volume increase of 58% over and above the volume of the original dwelling. However, the applicant has proposed to remove the original garage and car port to the rear of the dwelling. This structure has a volume of approximately 51m<sup>2</sup>. Therefore when the removal of this building is included in the cumulative volume calculation, the net volume increase in 43% over and above the volume of the

- original dwelling. To secure the remove of this building a condition shall be attached to the consent.
- 5.7 Notwithstanding this reduction, the impact of this 43% increase has been carefully considered in terms of the impact on the openness of the green belt. The proposed extension would appear visually proportionate and would not prejudice the openness of the Green Belt in this location. Therefore, with regard to the adopted Development within the Green Belt SPD, it is considered that the proposed extension would not harm the Green Belt and would constitute appropriate development.
- 5.8 Residential Amenity  
The proposed extension would be situated on the dwellings north-east elevation. The nearest immediate dwelling to the proposal would be No. 88 Gloucester Road. According to the location plan, this dwelling is separated by approximately 19 metres. It is considered that this distance would adequate to prevent any overbearing effect.
- 5.9 Representations have been received from the occupiers of No. 88 which requested that the high level window on the north-east elevation is fixed shut and glazed with obscured glass. Notwithstanding this request, it considered that this would not be reasonable to request. This is because the window is already positioned at a high level above eye level, and the window would be approximately 19 metres away from this adjacent dwelling. Therefore for these reasons it is considered that this window would not result in direct inter-visibility that would necessitate such a condition.
- 5.10 Visual Amenity  
It is considered that the proposed extension would have an appropriate scale and massing, which would appear proportionate to the existing dwelling. Furthermore, the extension would be finished in materials to match the existing dwelling. As such it is considered that the proposed dwelling would not harm character and appearance of existing dwelling and the surrounding area.
- 5.11 Use of Energy and Sustainability  
None.
- 5.12 Improvements achieved to the scheme  
The volume of the extension has been reduced to address the green belt policy.
- 5.13 Section 106 Requirements  
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

- 7.1 Planning permission to be **GRANTED** subject to following condition(s): -

### Background Papers      **PT09/0951/F**

**Contact Officer:**    **Peter Rowe**  
**Tel. No.**                **01454 863131**

## CONDITIONS

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

Reason(s):

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

2. Prior to the first use of the extensions hereby permitted, the existing garage structures on Drg. 252-E1 'Existing Ground Floor Plan' (dated 21st May 2009) shall be removed in their entirety.

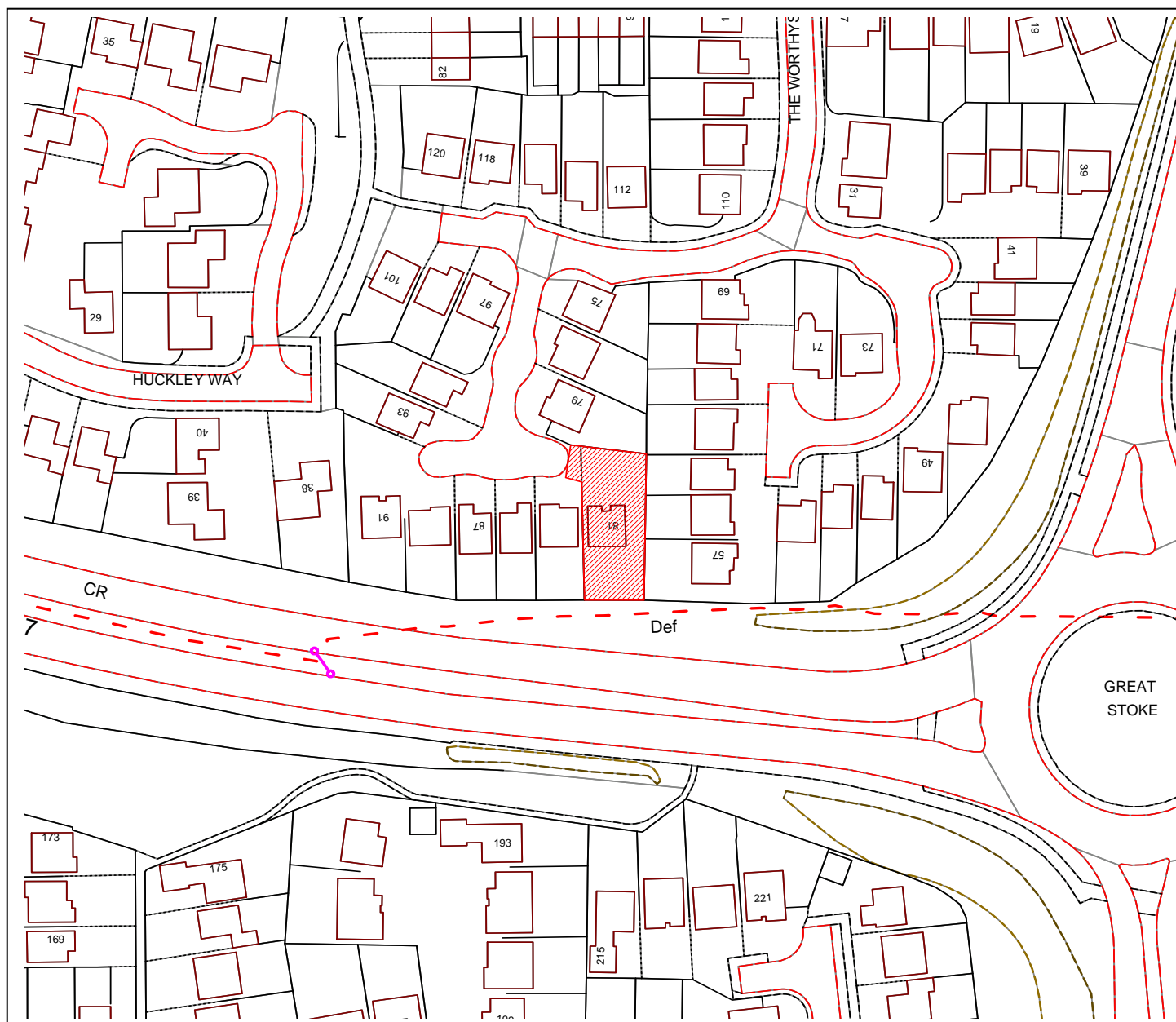
Reason(s):

To ensure the openness of the Green Belt and to accord with Policy GB1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.



## CIRCULATED SCHEDULE NO. 26/09 – 03 JULY 2009

<b>App No.:</b>	PT09/0953/F	<b>Applicant:</b>	Mrs G Fitzgerald
<b>Site:</b>	81 The Worthys, Bradley Stoke, South Gloucestershire, BS32 8DH	<b>Date Reg:</b>	26th May 2009
<b>Proposal:</b>	Erection of single storey side and rear extension to provide additional living accommodation. Erection of detached garage.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	63136 80454	<b>Ward:</b>	Bradley Stoke South
<b>Application Category:</b>	Householder	<b>Target Date:</b>	16th July 2009



© South Gloucestershire Council 2009. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2009.

## **INTRODUCTION**

This application appears on the Circulated Schedule List because of concerns raised by a neighbouring occupier.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a single storey side and rear extension to provide additional living accommodation. Planning permission is also sought for the erection a detached garage. An existing rear conservatory would be removed to facilitate the proposal.
- 1.2 The application site comprises a modern 2-storey detached property located within the established residential area of Bradley Stoke. The host property is located at the southern end of the cul-de-sac The Worthys.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Residential Development within Existing Residential Curtilages  
L17 The Water Environment  
L18 The Water Environment  
EP1 Environmental Pollution  
EP2 Flood Risk and Development
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist (adopted)

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

- 3.1 PT06/3369/F, Erection of detached double garage, 18/12/06, Approval.

### **4. CONSULTATION RESPONSES**

- 4.1 Bradley Stoke Town Council  
No objection
- 4.2 Drainage  
No objection subject to condition
- 4.3 Local Residents  
One comment received from a neighbouring occupier stating the following:

As one of the adjacent properties to this development we would like certain assurances that:

- a) If any damage to our property occurred, it would be made good, to our satisfaction;

- b) That during the work plans have been made to minimise disruption in parking as the cul de sac is already jammed with cars;
- c) The removal of the large fir tree does not damage any other trees/shrubs.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Planning Policy D1 applies to all types of development and ensures that a good standard of design is achieved. Planning Policy H4 allows for residential extensions subject to design, residential amenity and transportation considerations.

### 5.2 Design/Visual Amenity

This application seeks planning permission for the erection of a single storey side and rear extension and the erection of a detached garage. The application site comprises a modern detached 2-storey property, which occupies a corner plot to the south of the cul-de-sac The Worthys. The proposed side and rear extension would wrap around the southern and eastern elevations of the host property. The side extension would be set back somewhat behind the existing front elevation of the property, measure 2.9 metres in width and 10.65 metres in length. The proposed rear extension would adjoin the side extension at right angles and would measure approximately 6.6 metres in width and 2.9 metres in length. The side extension would be encompassed by a pitched roof with an apex of 4.3 metres, whilst the rear extension would be encompassed by a lean to roof with an apex of 3.35 metres. The eaves on the rear elevation would fall to approximately 2.5 metres, whilst the eaves on the front elevation have been amended to approximately 2.2 metres in height. This amendment was requested by the Officer to match the eaves of the existing lean-to canopy on the front elevation.

- 5.3 The garage would be located in the front garden of the property. The area is currently occupied by a large driveway and turning area associated with the dwelling. The design of the garage is similar to other garages found nearby and is consistent with the character of the area. The proposed garage and extension would comprise the materials roof tiles, facing brickwork and brown UPVC detailing to match the existing dwellinghouse. It is considered that the extension and garage in terms of form, scale, materials, design and proportions would not have a negative impact on the character of the host property or the surrounding area.

### 5.4 Residential Amenity

The host property occupies a corner location within The Worthys and the eastern flank boundary of the site adjoins the rear garden boundaries of neighbouring properties to the east. The application site is well screened by 1.8 metre closed wooden fencing on the western flank boundary, 2 metre wooden fencing on the eastern flank boundary and dense foliage to the rear. The only side windows proposed would be obscure glazed and fixed shut. On this basis, it is considered that the proposal would not have a significant adverse impact on the privacy of the neighbouring occupiers. On the basis that the side extension would be approximately 9.5 metres from the neighbouring properties to the east, it is considered that this gap would be sufficient to ensure that there would be no significant adverse overbearing or shadowing impact. The rear

extension would be approximately 2.8 metres from property to the west. As such, and given the lower lean-to roof proposed, it is considered that the rear extension would not be adversely overbearing or create a significant shadow to the detriment of the neighbouring occupier's residential amenity.

It is considered that the proposed garage, which would be located close to the boundaries of no. 79, 61, 63 The Worthys, would not bring about any significant adverse residential amenity issues. No windows are proposed in the build, which would ensure that the privacy of the neighbouring occupiers would be retained and the garage would be situated at a sufficient distance from neighbouring occupiers for it to not have a significant adverse overbearing impact.

5.5 Transportation

The proposed garage would be located in the north eastern corner of the site on an area occupied by part of the driveway. The construction of the garage would however, allow a significant area of useable driveway to remain in use. There are no transportation objections to the proposed development.

5.6 Further Matters

Damage caused to a neighbouring property and parking issues during construction are not planning issues. They are civil matters between the respective neighbouring occupants. Since there are no trees or shrubs near the development which are protected, it is not reasonable to ensure their retention in this instance.

The suggested drainage condition is not considered necessary related to this proposal and would be likely to comprise part of the permitted development rights in any event.

5.7 Improvements achieved to the scheme

A reduction of the eaves on the front elevation to match existing.

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.

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

7. **RECOMMENDATION**

7.1 Planning Permission is GRANTED subject to the following conditions.

**Background Papers**      **PT09/0953/F**  
**Contact Officer:**      **Jonathan Ryan**  
**Tel. No.**                      **01454 863538**

## **CONDITIONS**

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

Reason(s):

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

**CIRCULATED SCHEDULE NO. 26/09 – 3 JULY 2009**

<b>App No.:</b>	PT09/0959/CLE	<b>Applicant:</b>	Mr P Hayward
<b>Site:</b>	47 Hortham Lane, Almondsbury, South Gloucestershire, BS32 4JJ	<b>Date Reg:</b>	26th May 2009
<b>Proposal:</b>	Application for Certificate of Lawfulness for existing use of stationing of mobile home.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	62188 84531	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Other	<b>Target Date:</b>	21st July 2009



© South Gloucestershire Council 2009. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2009.

**N.T.S**

**PT09/0959/CLE**

This application appears on the Circulated Schedule because it comprises a Certificate of Lawfulness application in respect of an existing use and in view of the concerns which have been raised by the Parish Council.

## **1. THE PROPOSAL**

- 1.1 The application submitted comprises a Certificate of Lawfulness in respect of the existing use of land for the siting of a mobile home.
- 1.2 The application relates to land at Hortham Lane Nurseries. The application site is positioned on the north side of Hortham Lane within the open Green Belt.

## **2. POLICY CONTEXT**

- 2.1 Because the application is a Certificate of Lawfulness the policy context is not directly relevant and therefore the planning merits are not under consideration. The applicant need only prove that on the balance of probabilities the use has taken place for a continuous period of 10 years up to the date of this application.

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P85/2039: Residential development on approximately 2.8Ha. Refused: 19 September 1985

## **4. CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council  
'The Parish Council objects t(o) this application as it lies within the green belt'.
- 4.2 Other Consultees  
No comments received

### **Other Representations**

- 4.3 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
The application seeks a Certificate of Lawfulness in respect of the use of land for the siting of a mobile home. The application site is located on the north side of Hortham Lane and is located within the Hortham Nurseries site.
- 5.2 In this instance, the issue for consideration is whether the evidence submitted proves that on the balance of probability, this land has been utilised for the

siting of this mobile home for a continuous period of 10 years immediately prior to the date of this application. The application is purely an evidential test that is irrespective of planning merit. Accordingly green belt policy is not relevant to this decision.

5.3 Evidence in Support of Application

The application is accompanied by a sworn statement on behalf of the existing occupant of the mobile home. This states that she has lived at the premises for 34 years and was the partner of Mr Vowles who for the 40 years up to his death in December 2008 operated the nursery from these premises producing potting plants, compost, fertiliser and other associated products. The writer cites that she has not been involved in running the business but has assisted in the day to day activities, i.e. potting and watering.

5.4 It is detailed that Mr Vowles and the applicant have lived together in the mobile home with this being their sole residence during this time. The occupiers have paid Council tax over the last 18 years (details provided). The original delivery note in respect of the current mobile home is also provided (dated 12<sup>th</sup> February 1980).

5.5 Conflicting Evidence

The evidence submitted is accepted as true unless any contrary evidence is received. In this instance, no further details have been received.

6. RECOMMENDATION

6.1 A Certificate of existing Lawful use is **GRANTED**.

Background Papers      **PT09/0959/CLE**

**Contact Officer: Peter Burridge**  
**Tel. No.            01454 865262**

REASON

The applicant has demonstrated that on the balance of probability that the land edged in red on the site plan submitted has been used for the siting of one single-storey mobile home.