



**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. 41/10**

**Date to Members: 22/10/10**

**Member's Deadline: 28/10/10 (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 **by email within five working days of the publication of the schedule (by 5pm)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee**

**PLEASE NOTE: THE CIRCULATED SCHEDULE PROCESS IS ONLY OPEN TO THE ELECTED MEMBERS OF SOUTH GLOUCESTERSHIRE COUNCIL.**

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

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Development Control Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (e.g, if the schedule is published on a Friday, comments have to be received by the end of Thursday) (see cover page for the date).

To refer an application(s) members are asked to email [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk) providing details of

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

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

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

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

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

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

- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk), where referrals can be picked up quickly by the Development Services Support Team. If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863518, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

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# CIRCULATED SCHEDULE - 22 OCTOBER 2010

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/0726/F	Approve with Conditions	Barn At Lower Shire Hill Farm North Wraxall South Gloucestershire SN14 7AS	Boyd Valley	Marshfield Parish Council
2	PK10/1909/F	Refusal	Barn Store At Lodge Farm Carsons Road Mangotsfield South Gloucestershire	Siston	Siston Parish Council
3	PK10/2254/CA	Approve with Conditions	31A High Street Wickwar Wotton Under Edge South Gloucestershire GL12 8NP	Ladden Brook	Wickwar Parish Council
4	PK10/2280/EXT	Approve with Conditions	Shakespeare House High Street Hawkesbury Upton Badminton South Gloucestershire GL9 1AU	Cotswold Edge	Hawkesbury Parish Council
5	PK10/2341/F	Refusal	Water Rag Farm Greenway Lane BA1 9DG	Boyd Valley	Cold Ashton Parish Council
6	PK10/2372/F	Approve with Conditions	5 Ullswater Close North Common South Gloucestershire BS30 5XR	Oldland	Bitton Parish Council
7	PK10/2444/CLP	Approve with Conditions	Ivy Cottage Dodington Lane Dodington South Gloucestershire BS37 6SD	Westerleigh	Dodington Parish Council
8	PT10/1433/PN1	No Objection	Highways Land Coldharbour Lane South Gloucestershire	Frenchay And Stoke Park	Stoke Gifford Parish Council
9	PT10/2279/F	Approve with Conditions	22 Elmdale Crescent Thornbury South Gloucestershire BS35 2JH	Thornbury North	Thornbury Town Council
10	PT10/2331/F	Approve with Conditions	2 Broncksea Road Filton South Gloucestershire BS7 0SE	Filton	Filton Town Council
11	PT10/2345/F	Split decision See D/N	Taj Brasserie 41 High Street Winterbourne South Gloucestershire BS36 1JG	Winterbourne	Winterbourne Parish Council
12	PT10/2377/F	Approve with Conditions	56 Harcombe Hill Winterbourne Down South Gloucestershire BS36 1EL	Winterbourne	Winterbourne Parish Council
13	PT10/2428/F	Approve with Conditions	32 St Saviour's Rise Frampton Cotterell South Gloucestershire BS36 2SW	Frampton Cotterell	Frampton Cotterell Parish Council
14	PT10/2436/F	Approve with Conditions	52 Church Road Winterbourne Down South Gloucestershire BS36 1BY	Winterbourne	Winterbourne Parish Council
15	PT10/2451/F	Approve with Conditions	17 Coalville Road Coalpit Heath South Gloucestershire BS36 2QS	Westerleigh	Westerleigh Parish Council
16	PT10/2462/F	Approve with Conditions	192 Juniper Way Bradley Stoke South Gloucestershire BS32 0DR	Bradley Stoke South	Bradley Stoke Town Council

**CIRCULATED SCHEDULE NO. 41/10 – 22 OCTOBER 2010**

<b>App No.:</b>	PK10/0726/F	<b>Applicant:</b>	Mr A Marmot
<b>Site:</b>	Barn At Lower Shire Hill Farm North Wraxall South Gloucestershire SN14 7AS	<b>Date Reg:</b>	8th April 2010
<b>Proposal:</b>	Conversion of barn to dwelling with ancillary works (Amendment to previously approved scheme P98/4599). (Resubmission of PK09/5695/F).	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	378747 176381	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	24th May 2010

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Please note that due to technical difficulties with our mapping system we are unable to attach the site plan to this report. However, the site plan produced by South Gloucestershire is available to view on our website.

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

This application has been forwarded to the Council's Circulated Schedule of applications as a representation has been received from the Parish Council raising concerns contrary to the Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application site is situated between Tormarton and Marshfield to the east of Shire Hill. The site forms part of a former farm unit (Lower Shire Hill Farm), which includes a Listed Mill and farmhouse and farm buildings. The proposal relates to a Grade II Listed former barn originally built in the early 19<sup>th</sup> Century and constructed from rubble limestone, with slate roof. The barn is characterised by two large central entrances with catslide roof features over.

The application site is situated outside the urban area or any defined settlement boundary in the adopted Local Plan. The site is also situated within the Cotswolds Area of Outstanding Natural Beauty (AONB).

- 1.2 The application proposes conversion of barn to dwelling with ancillary works (Amendment to previously approved scheme P98/4599). (Resubmission of PK09/5695/F).

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPS 5 Planning and the Historic Environment  
PPS7 Sustainable Development in Rural Areas  
PPS9 Biodiversity  
PPG13 Transport  
PPS25 Flood risk

#### **2.2 Development Plans**

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

D1 Design  
EP2 Flood Risk and Development  
H10 Conversion of Rural Buildings  
L2 Cotswolds AONB  
L9 Species Protection  
L13 Listed Buildings  
L17 The Water Environment  
T8 Parking Standards  
T12 Transportation for New Development

##### **South Gloucestershire Core Strategy Pre Submission Publication Draft – March 2010**

CS1 High Quality Design

2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist – August 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 P94/2363 & P94/2368/L Conversion of former mill cottage and agricultural barns to provide two dwellings (In accordance with amended plans received by the Council on 7 July 1995)  
Refused 09.08.1995
- 3.2 P98/4600/L & P98/4599 Conversion of barn to dwelling with ancillary studio/workshop.  
Consent 03.12.1998
- 3.3 PK01/2193/LB & PK01/2196/F Conversion of dairy building to dining room annexe and conversion of cow byre to recreation space ancillary to the farmhouse. Construction of car parking bays and an oil tank housing unit in card shed. Internal and external alterations. Demolition of dry stone walls. Construction of new vehicular access and erection of boundary fence/walls.  
Consent 22.04.2002
- 3.4 PK09/5697/LB Conversion of barn to dwelling with ancillary works (Amendment to previously approved scheme P98/4600/L)  
Approved 05.03.2010

4. **CONSULTATION RESPONSES**

- 4.1 Marshfield Parish Council  
Marshfield Parish Council have concerns regarding the disposal of waste water and the capability of the existing septic tank to cope together with the possible contamination of the brook as the area is subject to flooding. The council is also concerned about the possible future use of the building from a private to commercial studio. Access is only via a single track road.

The Parish Council is aware that this area is recognised as a national important site for Bird and Bat species.

- 4.2 Other Consultees  
Drainage Engineer – No objection subject to advisories  
Conservation Officer – No objection  
Sustainable Transport – No objection, subject to condition  
Ecological Officer – No objection

- 4.3 Local Residents  
None received.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application site is situated outside any settlement boundary as defined in the adopted Local Plan. Policy H10 can accept conversion of rural buildings for residential purposes provided all reasonable attempt have been made to secure a suitable business use, the building is structurally sound and capable of conversion, visual amenity and appropriate location. Therefore development can be accepted in principle provided it meets the requirements of the relevant policies of the adopted Local Plan. Policy D1 of the Local Plan requires all new development to be well-designed. Policy L13 seeks to protect the historic and architectural character of Listed Buildings. Policy L2 is also an important consideration and accepts development within the Cotswolds AONB where it would conserve or enhance the natural beauty of the landscape. Policy L17 seeks to prevent pollution of groundwater and provision of appropriate surface water disposal. Policy EP2 aims to protect development from flooding.

As indicated above policy H10 seeks to promote business uses for rural building conversions before any residential use can be accepted in principle. In this case planning permission was given under reference P98/4599 for conversion of the building and adjacent byre to dwelling with ancillary workshop/studio in 1998. Development was commenced in 1999 in relation to this consent and inspected by the Council's Building Control Officer who confirmed development to have commenced. As such the 1998 consent remains extant and the principle of residential use is established. The building is of solid construction and although some inevitable additional weathering has occurred since commencement of the 1998 consent remains in a good condition. Considering the existing structural integrity of the building and that the 1998 consent remains extant and as such can be implemented immediately, the building is considered to meet the requirements of policy H10 criteria B in terms of structural stability.

### 5.2 Visual and heritage impact

Lower Shire Hill farm barn is a Grade 2 listed building forming an attractive grouping of traditional rural buildings at Lower Shire Hill Farm. This is an attractive and substantial rubble stone barn with mainly slate roof dating from the early to mid 19th Century. The application seeks to vary aspects of the earlier scheme. In support of their application it is stated that this will result in a better more sensitive scheme. The main changes proposed include :-

- The removal of an existing corrugated iron roof and its replacement with natural clay tiles and set at a lower level in line with historic evidence. This will give it a more satisfactory form and reveal an original arrow slit in the side wall.
- A new window will be placed in the wall above the altered roof which will be deeply recessed. Although modern in form it is considered its position and set back will not make it duly visible and it is considered appropriate in this context.



- A window in the northeast gable at first floor is proposed to be altered by lowering the sill – this will match its original level and give it a much more satisfactory shape sympathetic with the historic character of the barn.
- Alter two arrow slit windows at first floor level in the main barn by reducing their sill level by 300mm – on balance this is considered satisfactory to improve practically of the internal use
- Alterations to the paddock – no objection but suggest pd rights are restricted to prevent erection of structures etc to ensure setting is maintained.

Large scale joinery / details have been provided as part of the application and these are satisfactory.

The originally withdrawn scheme PK09/5695/F has been amended to more accurately show the infilled opening at ground floor level on the south elevation.

The amendments to the previously approved scheme are not significant and would result in no significant removal or alteration to historic fabric. The proposed roof extension at the southern elevation would reinstate the line of the roof and there is clear evidence of this. Therefore the proposal is considered to preserve the historic and architectural character of the Listed Building, subject to conditions and the character and appearance of the locality in accordance with policies L13 and D1 of the adopted Local Plan.

The original issue of inclusion of an area of paddock within the red edge on the original withdrawn scheme PK09/5695/F has now been removed and the residential curtilage relates well to the building and reflects the approved curtilage under extant consent P98/4599.

### 5.3 Highway safety

The Parish Council raised concern that the means of access is via a single track road only. The proposal would provide access to the site via a single track connecting to the highway to the south. This means of access was approved under permission P98/4599, the extant consent. The Highways Officer raises no objection to the means of access. As the 1998 scheme can still be implemented for identical access arrangements it would be difficult to substantiate the access being harmful in relation to this scheme. Additionally, Officers consider the access to be acceptable. Ample provision has been made for parking of vehicles in relation to the proposed development in accordance with the Council's adopted parking standard and sufficient manoeuvring space would be provided. The development is therefore considered to be acceptable in highway safety terms.

### 5.4 AONB

The application site is situated within a valley in the Cotswolds Area of Outstanding Natural Beauty. The landscape character of the area is striking and a fantastic example of the undulating landscape characteristic of the Cotswolds. The proposal is for the conversion of an existing building with sympathetic modest additions and fenestration changes. Considering the minimal visual changes to the building and the visually inconspicuous location on the valley floor the proposal is considered to conserve the natural beauty of

the surrounding AONB landscape in accordance with policy L2 of the adopted Local Plan.

#### 5.5 Flooding and foul and surface water drainage

The application site contains a former agricultural barn, to which this application relates, forming part of a group of buildings related to Stepping Stone Mill. The Mill and associated buildings are situated on or adjacent to a watercourse, Broadmead Brook. The Brook is situated approximately 50m from the barn and the barn is situated in an elevated position in relation to the Brook. A drainage stream also runs along side the south east boundary of the site but this is not a recognised watercourse by the Environment Agency. Due to its distance from the Brook and elevated position, the application site is situated outside of the flood plain and as such is considered not to be flood sensitive. Notwithstanding the site being outside any flood sensitive area, the applicant has provided a Flood Risk Assessment (FRA) as part of the scheme, detailing how surface water will be disposed of and measures to slow discharge of surface water to soakaways. The Council's Drainage Engineer accepted the details of the FRA. The Environment Agency have raised not objection to the scheme in relation to flood risk. The proposal is therefore considered to be acceptable in flood risk terms and accords with policy EP2 of the adopted Local Plan.

The applicant has provided details of a septic tank as the proposed means of foul drainage disposal. The septic tank is located in the paddock to the north of the site with outflow to existing soakaways to the east. The use of an existing septic tank, subject to acceptable capacity for the additional usage meets the sequential test requirements of Planning Circular 3/99 (Non mains sewerage for new development). The Council's Drainage Engineer has accepted this as the proposed means of foul drainage subject to a condition requiring confirmation of capacity. As such a condition is recommended for this information to be provided and approved prior to occupation of the barn. The proposal is therefore considered to be acceptable, in relation to foul drainage and pollution control in accordance with policy L17 of the adopted Local Plan.

#### 5.6 Ecological issues

The application is an amendment to an earlier permission (P98/4599) and includes a bird and bat survey dated 27<sup>th</sup> July 2010 carried out by Oecologic ecological consultants.

The remains of a small number of yellow underwing moths were found in the main barn. Several piles of wing remains of the same insect prey and c.70 fresh and old bat droppings were found within the two storey extension. The findings suggest that the building has been used routinely over the years by a small number of bats of a variety of species – namely, pipistrelle; a *Myotis*; and brown long-eareds.

No signs of use by bats were found within the lean-tos.

As a European Protected Species (EPS), a licence under Regulation 44 of the 1994 Habitat Regulations is required for development to be lawful.

A recent judicial review (2009, Woolley v East Cheshire BC) directed that, to fully engage with the Directive/Regulations, planning authorities should apply the same 'tests' under Article 16/Regulation 44 to which European Protected Species licences are subjected. Satisfying these 'tests' necessitates providing the detail of a mitigation strategy prior to determining the application.

Notwithstanding the above, only the present application (i.e. not the earlier approved permission) can be tested here under the 1994 Regulations. The bat survey indicates that the lean-to subject to the amendment to planning permission contained no signs of use and roofing work should not therefore impact upon bats. Additionally, it is considered that the other elements of the application – specifically, a new window between the (lowered) roof of the (closed) lean-to and the eaves of the two-storey extension and the lowering of window sills - would not, in themselves impact upon bats and thus contravene the Regulations provided work follows the recommended timing and work methodology made in the mitigation strategy comprising 6.2 of the report.

Para 6.2.1 indicates that the owners do not wish to implement the original permission for conversion of the building. Whilst this may indeed be the case, it should be understood that, even though there is a valid permission, if implemented, development would still require a licence under Regulation 44 of the Habitat Regulations, although this is something to be arranged between the applicant, their consultant and Natural England. The proposal is considered to be acceptable in ecological terms subject to the scheme being implemented in strict accordance with the recommendations of the report by Oecologic ecological consultants. A condition to this effect is therefore recommended.

#### 5.7 Other issues

The Parish Council raised concern about the possible future use of the building from a private to commercial studio. The consent in this case would relate to use of the building as a single dwelling and ancillary uses to the residential use e.g. private workshop/studio. Any subsequent use for purposes other than this, e.g. commercial studio would require planning permission.

## 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. A summary of reasons for granting planning permission in accordance with article 22 of the town and country planning (general development procedure) order 1995 (as amended) is given below.
  - a) It has been assessed that the proposed extension/alteration and conversion has been designed to respect and maintain the massing scale, proportions, materials and overall design and character of the Cotswold vernacular and

tradition of the Grade II Listed barn and its surroundings. The proposal would preserve the historic and architectural character of the Listed Building. The development therefore accords to Policies D1, H10 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.

- b) It is considered that the proposal would represent a sustainable form of development which would not compromise the existing level of highway safety. The development therefore accords to Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- c) The barn is structurally sound and capable of conversion and has an extant consent for residential conversion. The development therefore accords to Policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006.
- d) The proposal would be situated on a valley floor and would result in no significant increase or external changes to the existing building. The proposal would therefore conserve the natural beauty of the Cotswolds AONB in accordance with Policy L2 of the South Gloucestershire Local Plan (Adopted) January 2006.
- e) The proposal would incorporate a strategy for protection of protected species in accordance with policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.
- f) The proposal is situated outside of the flood plain and would incorporate an appropriate scheme for foul drainage and surface water disposal. The development therefore accords to Policy L17 of the South Gloucestershire Local Plan (Adopted) January 2006

## **7. RECOMMENDATION**

- 7.1 Consent is GRANTED subject to the conditions and informatives as outlined in the attached decision notice:

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

## **CONDITIONS**

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

Reason

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

2. Sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the adopted South Gloucestershire Local Plan 2006, Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

3. Prior to the commencement of development [details/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 safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the adopted South Gloucestershire Local Plan 2006, Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

4. 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, 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 safeguard the special architectural and historic character and setting of the building, and to accord with Policy L13 of the adopted South Gloucestershire Local Plan 2006, Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

5. 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 D1, L1 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. 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 D1, L1 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved

landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason

To protect the character and appearance of the area to accord with Policies D1, L1 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of development detailed plans showing the provision of car parking facilities in accordance with the standards set out in Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; 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.

9. The development hereby permitted shall be carried out in strict accordance with the mitigation strategy and methodology detailed in section 6.2 of the applicant's ecological report by Oecologic dated 27th July 2010 unless otherwise first agreed in writing with the Local Planning Authority.

Reason:

To protect the wildlife and the ecological interests of the site, in accordance with Policy L10 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. The dwelling hereby permitted shall not be occupied until details of the proposed septic tank including calculations of the internal size and flow have been submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent environmental pollution, and to accord with Policies L17 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 41/10 – 22 OCTOBER 2010

<b>App No.:</b>	PK10/1909/F	<b>Applicant:</b>	Mr J Lawrence
<b>Site:</b>	Barn Store At Lodge Farm Carsons Road Mangotsfield Bristol South Gloucestershire	<b>Date Reg:</b>	10th August 2010
<b>Proposal:</b>	Demolition of part of barn store and conversion of remaining building to form 2no. dwellings with access and associated works.	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	367707 175257	<b>Ward:</b>	Siston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th October 2010

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Please note that due to technical difficulties with our mapping system we are unable to attach the site plan to this report. However, the site plan produced by South Gloucestershire is available to view on our website.

## **Reason for Referral to Circulated Schedule**

This application appears on the circulated schedule due to the receipt of two letters of support received contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of two new dwellings. The site is currently occupied by a large agricultural building. The applicant claims that the application is for conversion of the existing building rather than new build. This will be discussed in full in section 5.2 below.
- 1.2 The authorised use of the land is currently agricultural. This application must therefore also assess the proposed change of use of land from agricultural to residential.
- 1.3 The proposal is for two semi detached dwellings. Each of the proposed dwellings would have four bedrooms. The plans also show a single car port for each dwelling

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPG2	Development in the Green Belt
PPS3	Housing

#### **2.2 Development Plans**

##### South Gloucestershire Core Strategy – Pre-Submission Publication Draft

CS1	Design
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##### South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
GB1	Development in the Green Belt
L1	Landscape Protection and Enhancement
L13	Listed Buildings
T8	Parking Standards
T12	Transportation Development Control
H3	Residential Development in the Countryside
H5	Residential Conversions
L9	Protected Species
H10	Re-use of rural buildings for agricultural purposes

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

South Gloucestershire Design Checklist (Adopted)  
Development in the Green Belt SPD (Adopted)



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

There is extensive history to the site as whole but only relating specifically to the building subject of this application:

- 3.1 PK10/0948/F Demolition of part of barn to facilitate rebuilding and re-cladding of barn/store  
Approved June 2010

This application was approved but has not yet been implemented. It is important to note that the building subject of this current application is very similar in design to the building approved in this historic application. However, the use of the building in the previous application was for agricultural purposes – the building subject of this application is clearly for residential purposes. Given that this approval has not been implemented, this current application must be determined on the basis of the existing situation.

### **4. CONSULTATION RESPONSES**

- 4.1 Siston Parish Council  
The Parish Council objects to the application on the basis that this site has become over developed. It is no longer a farmhouse but now appears to be a small village within the green belt.
- 4.2 Environment Agency  
No objection subject to the attachment of a condition relating to ground contamination
- 4.3 Council Ecologist  
No objection subject to the attachment of an informative
- 4.4 Landscape Officer  
No Objection
- 4.5 Public Rights of Way Officer  
No objection subject to the attachment of an informative
- 4.6 Drainage Engineer  
No objection subject to the attachment of an informative
- 4.7 Local Residents  
Two letters of support have been received from local residents. A summary of the points raised is as follows:
- The existing building is out of keeping with the group of listed buildings
  - The proposals are suitable in terms of design, materials and use
  - The council should support the proposal to reduce the size of the existing building
  - Housing is the only acceptable land use
  - The existing building is an eyesore

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application lies in the Bristol/Bath Green belt and outside of any defined settlement boundary. Policy GB1 of the Local Plan reflects guidance contained within PPG2 and outlines the five types of development that may be considered acceptable in the Green Belt. In addition to the above, as the site lies in the open countryside, Policy H3 must also be taken into consideration. Finally, the site also lies within the listed curtilage of Lodge Farm and therefore Policy L13 is relevant. Policy L13 seeks to ensure that development does not adversely affect a listed building or its setting.

### 5.2 Explanation of Proposal

It is the applicants position that this application seek consent to convert the existing building for residential purposes. For this reason, the description of development on the decision notice is as per that written on the application form by the applicant – that is part demolition of existing barn and conversion of remaining building to form 2 dwellings.

5.3 Upon assessment of the scheme, it is the opinion of your officer that because of the total volume of demolition and rebuilding works proposed, the proposal would more accurately be described as demolition and re-building. Both East and West walls of the barn will be demolished and then re-built in a different location. The south and north walls will also need to be demolished and then rebuilt of different materials but in the same location. Finally, the existing roof will be removed and then replaced with a roof of different materials. Because of the extent of works proposed, there will be a time during construction that the existing building will be almost completely removed from site before the proposed new building is erected. When considering this application the officer will therefore assess the application as a new building in the green belt.

### 5.4 Green Belt

Policy GB1 of the South Gloucestershire Local Plan (Adopted) reflects guidance contained within PPG2. Both documents advise that there are five types of development that may be considered acceptable in the Green Belt and these are as follows:

The construction of new buildings for:

- Agriculture and forestry
- Essential facilities for outdoor recreation and sport
- Cemeteries
- Limited extensions to existing dwellings
- Limited infilling within settlement boundaries

The change of use of land or buildings where:

- It would not have materially greater impact on the openness of the Green Belt
- The buildings are of permanent construction and capable of conversion without major or complete reconstruction
- The form, bulk and general design of the buildings are in keeping with their surroundings, any proposal would not have an adverse impact on the visual amenity of the green belt

- 5.5 There are two aspects to this application when considering Green Belt policy – the erection of the new buildings to form dwellings and secondly the principle of the change of use of the land from agricultural to residential.
- 5.6 Change of use of Land  
The existing authorised use of the land is agricultural. When considering the previous application (PK10/0948/F) this issue was broached with the applicant who did not disagree with this fact. The application therefore seeks full planning permission for the change of use of land from agricultural to residential. As outlined above, the change of use of land is only acceptable where it will not have a materially greater impact on the openness of the Green Belt and where it would not have an adverse impact on the visual amenity of the green belt.
- 5.7 The existing building is to be demolished and rebuilt with a smaller structure. There is no dispute that the existing building is unattractive and large and that the smaller building would result in a visual improvement. Similarly there is no dispute that a smaller building would have less impact on the openness of the green belt than a larger building. This has already been shown through the granting of application PK10/0948/F. However, there is a fundamental and in principle objection to the erection of a new building for residential purposes.
- 5.8 The red line on the submitted plans is drawn only around the existing building. The proposed site plan however includes a substantial area of land in front of the proposed building - shown to be divided into two via post and rail fencing. There will be direct access from the proposed two dwellings to this land via field gates. It is entirely reasonable therefore to assume that the triangular piece of land will form the garden land associated with each of the proposed houses.
- 5.9 This land is currently open space that is devoid of built form. By means of comparison, the use of the land as garden space with the associated domestic paraphernalia and domestic planting and landscaping associated with it, would have a significant impact on the area. The enclosure of the land via planting or other more solid form would be necessary to afford each dwelling an appropriate degree of private and useable amenity space. However, the enclosure of the land would have a significant and detrimental impact on the openness of the green belt.
- 5.10 Principle of Erection a new building for residential purposes  
As explained in section 5.3, this proposal is tantamount to the erection of two new dwellings in the green belt. The erection of new dwellings is not one of the five limited categories of development that may be considered acceptable in the green belt. In addition to the principle green belt objection, the proposal is also contrary to the requirements of Policy H3 of the Adopted Local Plan.
- 5.11 Policy H3 advises that new residential development in the open countryside will not be supported with the exception of affordable housing on rural exceptions sites, agricultural workers dwellings or replacement dwellings. The proposed development fails to satisfy any of these three tests and the proposal is therefore also contrary to the requirements of Policy H3.

5.12 Very special circumstances

In accordance with PPG2 – *‘Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted.’* It is accepted that this case is quite unique in that planning permission has already been granted for a similarly sized building for agricultural purposes. Part of the applicants argument for very special circumstances is the existence of this permission and the fact that the proposed building is smaller than the existing. It is important to re-iterate that the use of the building for agricultural purposes does not have any associated residential curtilage associated with it.

5.13 No very special circumstances have been put forward by the applicant to outweigh the policy presumption against such development. There are many large unattractive agricultural buildings that exist in the green belt. As is the case with this building, the Council would be happy to see the removal of several of these buildings – purely in the interests of the openness of the green belt. However, this is not a ‘very special’ situation but is in fact quite common. The removal of an existing unattractive building should not be used as justification for the erection of new dwellings in the Green Belt.

5.14 Design

No objection is raised in principle to the design of the proposed building. Should the officer recommendation be for that of approval, a great deal of further information would be required on the materials, fenestration, removal of chimneys/flue etc to improve the design and give the building a more rural appearance in keeping with its rural setting.

5.15 Impact on Listed Building

Lodge Farm is a grade II listed building set in a very isolated location within the Green Belt. The site has a long history of development, mostly connected with the extensive conversion of the curtilage-listed outbuildings associated with the historic farm. The development has altered the character of the site from a single rural dwelling to one comprising the main farmhouse and a cluster of smaller converted farm buildings.

This application seeks permission to rebuild and convert a large agricultural building that sits to the west of Lodge farm at the entrance to the complex of buildings. It is an ungainly, large and functional building of no architectural or historic merit and does not preserve nor enhance the setting of the listed building. An application to reduce and alter the size of the building in conjunction with a continued agricultural use was approved and it was considered that this would go some way to alleviating the harm to the setting of the listed building.

5.16 Notwithstanding the fact that the scheme is in open countryside within the Green Belt, the building to be demolished and re-built is not considered a structure that is ‘in-keeping with its surroundings in terms of character, form, bulk and overall design’. Further, the creation of two new dwellings with their respective residential curtilages in such a prominent position at the entrance to

the site would compromise the setting and context of the listed building. The proposal is therefore contrary to Policy L13 and H10 of the local plan.

- 5.17 This site has, in the opinion of the Council, been developed to the point at which any further development will unacceptably erode the character of the group of buildings and the setting of the principle listed building.
- 5.18 PPS 5 Policy HE10.1 states: *When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.*
- 5.19 The development will not make a positive contribution to or better reveal the significance of the heritage asset (Lodge Farm). There has also been no justification for the proposal in respect of the wider public benefits of the application. Whilst Policy HE10.2 of PPS 5 recommends that local planning authorities should identify opportunities for changes in the setting to enhance or better reveal the significance of a heritage asset, this is not achieved by the conversion/demolition and rebuilding of this modern agricultural building to residential dwellings, nor the further intensification of development within the rural farmstead and setting of a grade II listed building. The proposal is therefore contrary to Policies L13 and H10 of the local plan, and the policies contained within PPS 5.
- 5.20 Transportation  
Whilst access to the site is far from ideal along a long narrow track that crosses the golf course, the addition of two further dwellings would not result in any unacceptable transportation effects on the public highway. Therefore no objection is raised on transportation grounds.
- 5.21 Residential Conversion  
As explained above, your officer does not accept the argument that this proposal is for the conversion of the existing building - it is being assessed as a new build. Notwithstanding this however, in the interests of completeness, it is also necessary to assess the application against the requirements of Policy H5 of the South Gloucestershire Local Plan. Policy H5 allows for the conversion of non-residential properties for residential purposes providing a series of criteria are satisfied. Criteria E of Policy H5 states that permission will only be given (in the case of buildings not previously used for residential purposes) the property is located within the existing urban area and the boundaries of settlements, as defined on the proposals map. The site is outside of the defined settlement boundary and the proposal is therefore contrary to the requirements of Policy H5.
- 5.22 Residential Development in the Open Countryside  
Policy H3 of the South Gloucestershire Local Plan clarifies that new residential development will not be permitted outside of the settlement boundaries with the

exception of affordable housing on rural exceptions sites, agricultural workers dwellings, or replacement dwellings. The proposal is not for housing that falls within one of these limited criteria and the application is therefore contrary to the requirements of Policy H3 of the South Gloucestershire Local Plan (Adopted).

## **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 Given the amount of alterations required to facilitate the 'conversion', the works constitute demolition and re-build rather than conversion. The erection of new dwellings is not one of the five limited categories of development that may be considered acceptable in the green belt and no very special circumstances have been demonstrated. The proposal therefore constitutes an inappropriate development that is, by definition, unacceptable in the Green Belt. The application is therefore contrary to the requirements of PPG2 and Policy GB1 of the South Gloucestershire Local Plan (Adopted).
- 6.3 The change of use of land from agricultural to residential curtilage would have a significant and detrimental impact on the openness of the green belt. The creation of the residential curtilage together with necessary boundary treatments, domestic landscaping and domestic paraphernalia would have a detrimental impact on the openness of the green belt and detract from the character of the area. No very special circumstances have been demonstrated to outweigh the presumption against such development. The application is therefore contrary to the requirements of PPG2 and Policy GB1 of the South Gloucestershire Local Plan (Adopted).
- 6.4 The building to be demolished and re-built is not considered a structure that is 'in-keeping with its surroundings in terms of character, form, bulk and overall design'. Further, the creation of two new dwellings with their respective residential curtilages in such a prominent position at the entrance to the site would compromise the setting and context of the listed building. The development will not make a positive contribution to or better reveal the significance of the heritage asset (Lodge Farm) and there has also been no justification for the proposal in respect of the wider public benefits of the application. The proposal is therefore contrary to Policies L13 and H10 of the South Gloucestershire Local Plan (Adopted), and the policies contained within PPS 5.
- 6.5 Notwithstanding the fact that this application is being assessed as new build rather than conversion, given that the applicant considers the proposal to be a conversion, in the interests of completeness, it is also necessary to assess the application against the requirements of Policy H5 of the South Gloucestershire Local Plan. Policy H5 allows for the conversion of non-residential properties for residential purposes providing a series of criteria are satisfied. Criteria E of Policy H5 states that permission will only be given (in the case of buildings not

previously used for residential purposes) the property is located within the existing urban area and the boundaries of settlements, as defined on the proposals map. The site is outside of the defined settlement boundary and the proposal is therefore contrary to the requirements of criteria E of Policy H5 of the South Gloucestershire Local Plan (Adopted).

6.6 The application site lies outside of the settlement boundaries as defined on the Local Plan Proposals Map. The proposal does not fall within one of the limited categories of housing that may be considered acceptable in the open countryside. The application is therefore contrary to the requirements of Policy H3 of the South Gloucestershire Local Plan (Adopted).

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

## **7. RECOMMENDATION**

7.1 That the application be refused for the following reasons:

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

## **REASONS FOR REFUSAL**

1. Given the amount of alterations required to facilitate the 'conversion', the works constitute demolition and re-build rather than conversion. The erection of new dwellings is not one of the five limited categories of development that may be considered acceptable in the green belt and no very special circumstances have been demonstrated. The proposal therefore constitutes s inappropriate development that is, by definition, unacceptable in the Green Belt. The application is therefore contrary to the requirements of PPG2 and Policy GB1 of the South Gloucestershire Local Plan (Adopted).
2. The change of use of land from agricultural to residential curtilage would have a significant and detrimental impact on the openness of the green belt. The creation of the residential curtilage together with necessary boundary treatments, domestic landscaping and domestic paraphernalia would have a detrimental impact on the openness of the green belt and detract from the character of the area. No very special circumstances have been demonstrated to outweigh the presumption against such development. The application is therefore contrary to the requirements of PPG2 and Policy GB1 of the South Gloucestershire Local Plan (Adopted).
3. The building to be demolished and re-built is not considered a structure that is 'in-keeping with its surroundings in terms of character, form, bulk and overall design'. Further, the creation of two new dwellings with their respective residential curtilages in such a prominent position at the entrance to the site would compromise the setting

and context of the listed building. The development will not make a positive contribution to or better reveal the significance of the heritage asset (Lodge Farm) and there has also been no justification for the proposal in respect of the wider public benefits of the application. The proposal is therefore contrary to Policies L13 and H10 of the South Gloucestershire Local Plan (Adopted), and the policies contained within PPS 5.

4. Notwithstanding the fact that this application is being assessed as new build rather than conversion, given that the applicant considers the proposal to be a conversion, in the interests of completeness, it is also necessary to assess the application against the requirements of Policy H5 of the South Gloucestershire Local Plan. Policy H5 allows for the conversion of non-residential properties for residential purposes providing a series of criteria are satisfied. Criteria E of Policy H5 states that permission will only be given (in the case of buildings not previously used for residential purposes) the property is located within the existing urban area and the boundaries of settlements, as defined on the proposals map. The site is outside of the defined settlement boundary and the proposal is therefore contrary to the requirements of criteria E of Policy H5 of the South Gloucestershire Local Plan (Adopted).
5. The application site lies outside of the settlement boundaries as defined on the Local Plan Proposals Map. The proposal does not fall within one of the limited categories of housing that may be considered acceptable in the open countryside. The application is therefore contrary to the requirements of Policy H3 of the South Gloucestershire Local Plan (Adopted).



**CIRCULATED SCHEDULE NO. 41/10 – 22 OCTOBER 2010**

<b>App No.:</b>	PK10/2254/CA	<b>Applicant:</b>	Mrs J O Callaghan
<b>Site:</b>	31A High Street Wickwar Wotton Under Edge South Gloucestershire GL12 8NP	<b>Date Reg:</b>	2nd September 2010
<b>Proposal:</b>	Demolition of covered area and three storey brick building	<b>Parish:</b>	Wickwar Parish Council
<b>Map Ref:</b>	372415 188547	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	20th October 2010

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Please note that due to technical difficulties with our mapping system we are unable to attach the site plan to this report. However, the site plan produced by South Gloucestershire is available to view on our website.

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

This application has been referred to the Circulated Schedule following the receipt of objections from local residents, these being contrary to the officer recommendations.

### **1. THE PROPOSAL**

- 1.1 This application seeks Conservation Area Consent only for the demolition of an existing outbuilding, which lies within the Wickwar Conservation Area. The application relates only to the demolition of the structures. Whilst it is proposed to erect a dwelling on the plot, this is covered by a separate application PK10/2154/F. It is also proposed to demolish other structures within the site i.e. an attached former barn, now used as a garage; this is also covered by a separate application PK10/2156/CA.
- 1.2 This Conservation Area application relates to a three-storey brick building and associated lean-to located to the rear of 31a High Street Wickwar. The structures are attached to a Barn, which is locally listed and currently serves as a garage for 31a. The site lies within the Wickwar Conservation Area.
- 1.3 This application should be read in conjunction with applications PK10/2154/F and PK10/2156/CA, which relate to this application.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS5 - Planning for the Historic Environment  
Planning (Listed Buildings and Conservation Areas) Act 1990
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) 6th Jan 2006  
L12 - Conservation Areas  
L15 - Buildings and Structures Which Make a Significant Contribution to the Character and Distinctiveness of the Locality.
- 2.3 Supplementary Planning Guidance  
Advice Note 1 - Wickwar Conservation Area (Adopted) 29 Oct 1998  
Local List SPD (Adopted) Feb 2008.

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

- 3.1 PK10/2154/F - Demolition of existing barn and outbuilding. Erection of 1no. dwelling, 2no. parking spaces and associated works.  
Pending
- 3.2 PK10/2254/CA - Demolition of existing barn and outbuilding.  
Refused

## 4. CONSULTATION RESPONSES

### 4.1 Wickwar Parish Council

The Parish Council does not have any objection to the demolition of the covered area and brick buildings.

### 4.2 Other Consultees

#### Conservation Officer

The brick building and the interconnecting covered walkway, are of less interest than the barn and there is scope to remove these structures to allow a quality scheme of restoration and repair of the barn to proceed.

### 4.3 Local Residents

3no letters of objection have been received from local residents; the concerns raised are summarised as follows:

- Resultant space should be used as garden.
- Should not be made into separate residence.
- Loss of boundary wall to no.1 Back Lane.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 states that, demolition of buildings or structures, which make a contribution to the character or appearance of a Conservation Area, will not be permitted unless certain criteria can be met. Furthermore, the Policy also states that, the Council will seek to secure the removal of unsightly and inappropriate features that detract from the character or appearance of the Conservation Area. Policy L15 seeks to retain locally listed buildings.

### 5.2 Impact on Conservation Area

This application seeks permission to demolish two structures to the rear of 31a High Street, Wickwar as part of a scheme of redevelopment of the locally listed barn fronting onto Back Lane. The brick building is a plain, functional building erected in the early 20<sup>th</sup> century. It has limited architectural interest and is only of interest due to its being a remnant of an early 20<sup>th</sup> century industrial phase of development at the property. Whilst the structure is relatively sound in construction save for the roof structure, it does not make a positive contribution to the character or appearance of the conservation area. The link structure is essentially a makeshift walkway between the two main buildings. It is timber clad and of no interest.

5.3 The demolition of these two structures is generally acceptable in principle subject to an acceptable scheme of restoration of the locally listed building being approved. The means of demolition of the structures may need to be controlled to minimise damage to the locally listed building (especially if they have become structurally dependent on each other) and this can be conditioned.

5.4 Ecology

No objection subject to informatives relating to nesting birds and roosting bats.

5.5 Other Concerns Raised

It is not proposed to demolish the boundary wall. The appropriateness or otherwise of a new dwelling on this site would be the subject of a separate application.

**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 proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

1. The structures do not make a positive contribution to the character or appearance of the Conservation Area and their removal would therefore not be contrary to Policy L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

2. Subject to a condition the adjacent Locally Listed Building will be retained in accordance with Policy L15 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

6.2 The recommendation to grant Conservation Area Consent 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 Conservation Area Consent be GRANTED subject to the conditions listed on the decision notice.

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

**CONDITIONS**

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

Reason

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

2. Prior to the commencement of the demolition of the structures, hereby approved, a mitigation strategy for any damage caused or likely to be caused to the attached Locally Listed Barn during the period of demolition, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works of demolition shall proceed in accordance with the approved strategy.

Reason

To mitigate for any damage to the attached Locally Listed Barn and to retain the character and appearance of the area in accordance with Policies L12 and L15 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 41/10 – 22 OCTOBER 2010

<b>App No.:</b>	PK10/2280/EXT	<b>Applicant:</b>	Mr Richard Borton
<b>Site:</b>	Shakespeare House High Street Hawkesbury Upton Badminton South Gloucestershire	<b>Date Reg:</b>	9th September 2010
<b>Proposal:</b>	Erection of 1no. detached dwelling with attached garage and associated works. (Consent to extend time limit implementation for PK07/1048/F)	<b>Parish:</b>	Hawkesbury Parish Council
<b>Map Ref:</b>	377678 187068	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	3rd November 2010

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Please note that due to technical difficulties with our mapping system we are unable to attach the site plan to this report. However, the site plan produced by South Gloucestershire is available to view on our website.

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

This application has been referred to the circulated Schedule due to the receipt of one letter of objection from a local resident.

### **1. THE PROPOSAL**

- 1.1 This application is seeking an extension on the time limit for application PK07/1048/F for the erection of 1no. detached dwelling with attached garage and associated works at Shakespeare House, Hawkesbury Upton. The previous application was approved in October 2007 and the consent lapses 5<sup>th</sup> October 2010.
- 1.2 The application site is located within the settlement boundary of Hawkesbury Upton, within the Conservation Area and also within the Cotswolds Area of Outstanding Natural Beauty.

### **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  
L2 Cotswold Area of Outstanding Natural Beauty  
L12 Conservation Areas  
T8 Parking Standards  
T12 Transportation Development Control Policy
- South Gloucestershire Core Strategy, Pre-submission Publication Draft March 2010  
CS1 High Quality Design  
CS9 Environmental Resources and Built Heritage
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.

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

- |     |              |  |
|-----|--------------|--|
| 3.1 | PK07/1033/CA | Demolition of double garage, garden wall planter and tree.<br>Approved August 2007 |
| 3.2 | PK07/1021/F  | Erection of double garage<br>Approved September 2007                               |
| 3.3 | PK07/1048/F  | Erection of 1no. detached dwelling with attached garage and associated works.      |

Approved October 2007

- 3.4 PK10/2268/EXT Erection of double garage. (Consent to extend time limit implementation for PK07/1021/F)  
Pending decision at time of writing

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

- 4.1 Hawkesbury Parish Council  
Object to the time extension

- 4.2 Drainage  
No objections subject to the attachment of the previous conditions

- 4.3 Conservation Officer  
No comments

- 4.4 Local Residents  
One letter of objection has been received from a local resident raising the following concerns

- Any such house would infill the High Street in Hawkesbury Upton.
- The proposal is directly opposite a primary school and fronts onto a narrow and potentially dangerous spot of road.
- Often more than 3 vehicles parked in and around Shakespeare House, where would these park in future?
- Flow of traffic would be seriously impeded by builders and workmen.
- Is the new property for the use of the present owners or as a commercial venture?

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

- 5.1 Principle of Development

The principle of development was accepted as a part of the previous application PK07/1048/F. Since the determination of the previous application the South Gloucestershire Local Plan has been adopted and the South Gloucestershire Core Strategy (Pre-Submission Publication Draft) has been issued. Policy CS1 and CS9 of the draft Core Strategy mirrors and enhances guidance contained within Policy H4 and L12 of the South Gloucestershire Local Plan (Adopted).

- 5.2 Analysis of Proposal

The proposal is for 1no. detached dwelling and attached garage to the east of Shakespeare House. In addition, at the time of the previous application, consent was granted for the erection of a double garage for the use of the occupiers of Shakespeare House, reference PK07/1021/F. This consent also has not been implemented and an application is currently with the council applying for an extension of time limit.

Following a site visit, it is considered that there have been no material changes in physical circumstance since the determination of the previous planning



permission. Whilst the previous application was assessed against the advice contained within the draft South Gloucestershire Local Plan and there has been an addition to the policy backing against which the application must now be determined, in the form of the Core Strategy. Policy CS1 and CS9 of the Core Strategy (pre-submission publication draft) fully accord with Policy H4 and policy L12 of the South Gloucestershire Local Plan (Adopted). It is considered that the application accords with the above policy guidance, as per application PK07/1021/F and that permission can be granted for an extension of time limit for the proposal, subject to the attachment of the same conditions.

### 5.3 Other Issues

Concerns have been raised by a local resident regarding the impact of the proposal on highway safety. The Sustainable Transport team assessed the previous application PK07/1048/F and it was not considered that the proposal would result in any highway safety issues and therefore no transportation objections were raised. There have been no material changes since the determination of the previous application, as such the transportation team still raise no objections to the proposal.

Careful consideration of the design of the proposal was made during the previous application and it was considered that the proposal would not adversely affect the character and appearance of Shakespeare House or the surrounding area. Furthermore, several conditions have been attached to ensure the finish of the proposal will be in keeping with the character of the surrounding conservation area. Given that there have been no material changes in the immediate vicinity of the site, the proposal is still considered to fully accord with Policy D1, L12 and H4 of the South Gloucestershire Local Plan.

Concern has been raised with regard to the flow of traffic being impeded during construction, whilst it is accepted that there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and as such is not considered to be of sufficient concern to warrant the refusal of the application.

## 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 There have been no physical changes in circumstance at the site since the approval of the previous application in 2007. Despite the additional policy consideration in the form of South Gloucestershire Core Strategy (pre-submission publication draft) the proposal is still considered to represent an appropriate standard of design that protects the existing levels of residential amenity afforded to neighbouring occupiers.

6.3 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 the application be approved subject to the following conditions.

**Contact Officer: Kirstie Banks**  
**Tel. No. 01454 865207**

### **CONDITIONS**

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

Reason

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

2. No development shall take place until drainage details have been 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 that a satisfactory means of drainage is provided, and to accord with Policies L17 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No development shall take place until samples of the clay roof tiles, wall render panles, bricks (for the chimney) and garage door facings have been 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 in the Hawkesbury Upton Conservation Area, and to accord with and Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, 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 particularly given the Conservation Area location of the new dwelling, and to protect the residential amenity of the neighbouring occupiers, and to accord with Policy D1, H4 & L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 41/10 – 22 OCTOBER 2010

<b>App No.:</b>	PK10/2341/F	<b>Applicant:</b>	Polka Design Ltd
<b>Site:</b>	Water Rag Farm Greenway Lane BA1 9DG	<b>Date Reg:</b>	7th September 2010
<b>Proposal:</b>	Erection of live/work unit with associated works	<b>Parish:</b>	Cold Ashton Parish Council
<b>Map Ref:</b>	373806 171737	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	29th October 2010

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Please note that due to technical difficulties with our mapping system we are unable to attach the site plan to this report. However, the site plan produced by South Gloucestershire is available to view on our website.

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

This application has been referred to the Council's Circulated Schedule as 2 letters of support been received regarding the proposed development which are contrary to the Officers recommendation of refusal.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a live/work unit with associated works and will replace an existing single storey building. Access to the new development will be via an existing agricultural access track of Greenway Lane.
  - 1.2 The application site relates to an agricultural field with single storey building. The site is within the open countryside and within the designated Green Belt and Area of Outstanding Natural Beauty.
  - 1.3 The submitted information states that in the past there was originally a small homestead on the site which has since largely been removed. The only remaining building on the site is a long lean to building, which is currently used for residential ancillary purposes in connection with Hamswell Farm House and farm storage.
- 1(b) Background/Information submitted in support of application
- One letter has been submitted by the applicant outlining the nature of the proposed business and the objectives behind the proposed development. This has been summarised by the Planning Officer as follows:
- Graphic Design Company with a mix of in house workers and 'virtual workers'
  - Employ one local person who works in house on a part time basis
  - Want to set up a 'virtual company'; with people working from home via Internet is very efficient and environmentally sound
  - The business's only raw material is electricity, which we will generate ourselves
  - This development will attain a high degree of self-sufficiency and sustainability, with an aim of achieving Code for Sustainable Level 5
  - Proposed plot is south facing to maximise use of solar energy and grow own coppice
  - Will use a highly efficient wood gasification boiler, which will be at the centre of a zero carbon heating system
  - Utilise natural spring water
  - Live work unit means that property is efficiently occupied 24 hours a day, thus saving on and reducing the need to heat and run 2 separate residential and commercial units
  - Also removes any commuting time and pollution and contributes to reducing road congestion.
  - Will provide a lower carbon footprint

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPG2	Green Belt
PPS7	Sustainable Development in Rural Areas
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for Historic Environment
PPG13	Transport

### **2.2 Joint Replacement structure Plan Adopted September 2002**

Policy 16	Green belts
Policy 17	Landscape Areas, AONB
Policy 33	Housing provision

### **2.3 Development Plans**

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

D1	Design
L1	Landscape Protection and Enhancement
L2	Cotswolds Area of Outstanding Natural Beauty (AONB)
L9	Species Protection
L10	Historic parks and gardens and battlefields.
GB1	Development within Green Belt
T12	Transportation Development Control Policy for New Development
H3	Residential development in the Green Belt
E6	Employment Development in the Countryside
L17 & 18	The Water Environment
EP1	Environmental Pollution
EP2	Flood Risk and Development
EP5	Renewable Energy Installations
LC12	Major Recreational Route

#### **South Gloucestershire Core Strategy Pre-submission Draft March 2010**

CS1	High Quality Design
CS34	Rural Areas

### **2.4 Supplementary Planning Guidance/Documents**

Design Checklist  
Green Belts  
South Gloucestershire landscape Character Assessment: Character Area 3  
Ashwick Ridges

## **3. RELEVANT PLANNING HISTORY**

3.1 None

## **4. CONSULTATION RESPONSES**

### **4.1 Cold Ashton Parish Council**

Object to the above planning application

### English Heritage

Feels that the applicant has not assessed the impact of the development on the historic asset of the battlefield or provided justification of the potential harm to its significance. This is addressed in detail under paragraph 5.19-5.21 of this report.

### Cotswolds Conservation Board

The Board considers that this proposal is contrary to Policy H10 of the adopted Local Plan. The building is not in keeping with its surroundings in terms of character, form, bulk and overall (policy criterion C) nor is it well related to an existing settlement or other groups of buildings policy criterion E). Furthermore the Board considers that the proposed conversion, with extensions and formation of a domestic curtilage would have a harmful effect on the character of the countryside or the amenities of the surrounding area Policy criterion D). This proposal would therefore also be harmful to the Cotswolds AONB, contrary to Local Plan policy L2 and Planning Policy Statement 7. In view of the above the Board objects to this proposal

### Avon Ramblers

A major PRow (Cotswold Way) passes close to the proposed development and shares the narrow Greenway Lane for part of the route. Please ensure that the RoW is fully maintained at all times, and that in any change in use of the lane, pedestrian safety is maintained and enhanced.

### South Gloucestershire District CPRE

The proposals are interesting, but unfortunately not appropriate at this location and would constitute inappropriate development in the Green Belt and Cotswold AONB. The shed is inappropriate for conversion to a dwelling - it is not of substantial construction capable of conversion without major or complete construction. No exceptional circumstances have been demonstrated to outweigh the potential harm to the Green Belt.

### Technical Support (Street Care)

No objection subject to the imposition of a planning condition.

### Landscape Officer

An objection is raised. This is addressed below in detail under paragraph 5.5-5.13 of this report

### Archaeology

An objection is raised on the grounds that in the absence of a comprehensive archaeological assessment the Council is unable to assess the impact of the proposed development upon the character and setting of the designated heritage asset. This is addressed below in detail under paragraph 5.19-5.21 of this report.

### Ecology

An objection is raised on the grounds that the extent of bat activity does not appear to have been investigated through night-time studies, and as the proposed development has potential for disturbing patterns of bat behaviour,

the application is recommended for refusal. This is discussed in detail under paragraph 5.17-5.18 of this report.

#### Transportation Issues

An objection is raised on highway grounds. This is discussed in detail under paragraph 5.23 –5.25 of this report.

#### 4.2 Local Residents

5 letters of objections and 2 letters of support have been received regarding the proposed development, which have been summarised by the Planning officer as follows:

##### Letters of Objections

- Existing building not a dwelling and no residential use on this site
- Contrary to Policy GB1 of the SGLP and departure from plan
- Detract from visual amenity of valley, Green Belt and AONB, Cotswolds National Trail and Lansdown historic battlefield
- Building was in a derelict state of repair and has been refurbished with concrete blocks
- Use not appropriate
- I own a similar property and have been advised that would not receive consent
- Proposal interesting but would constitute inappropriate development in the Green belt and Cotswolds AONB
- Building inappropriate for conversion
- No exceptional circumstance have been demonstrated
- Unacceptable use of spring water
- Will set precedence
- Residential element much larger than working space.
- Proposal and associated works would have much greater impact than existing situation
- Unauthorised works have taken place to building without the benefit of planning
- Proposal contrary to policy E6, E7, L1, L10, E7, H5, H10 and D1

##### Letters of Support

- Two letters of support have been received
- Happy to support this application, which will improve the aspect of the farm compared to the existing situation
  - Proposal for a highly imaginative, eco friendly design is something sorely needed in the countryside
  - Existing building of little value and is redundant and will be improved by this development
  - National policy support for live/work units PPS4
  - Excellent design
  - Nature of work will generate little traffic
  - Exemplar project
  - Home working continues to grow



## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

This application seeks planning permission for the erection of a live/work unit within the open country side and Green Belt to replace an existing building. This application does not seek planning permission for change of use of the building. There are no specific planning policies within the South Gloucestershire Local Plan (Adopted) January 2006 that relate to live/work units. However as this application relates to part residential and part employment, the Officer is of the opinion the proposal stands to be assessed against Policies H3, E6 and GB1 of the South Gloucestershire Local Plan.

5.2 Policy H3 of the South Gloucestershire Local Plan advises that residential developments outside the boundaries of settlements will not be permitted, with the exception of affordable housing, housing for agricultural or forestry workers or replacement dwellings. The submitted Planning Statement under paragraph 49 advises that "*the proposal seeks to replace a utilitarian building used as farm store with a live/work building and there is no conflict with this policy*" The Officer does not share this view. The policy specifically relates to replacement of dwellings and in particular where the residential use of the dwelling has not been abandoned. For the purposes of this application, the existing building is not considered a dwelling and therefore as the proposed development does not fall within any of the three exceptions the proposal is considered contrary to Policy H3.

5.3 Policy E6 advises that proposals for new employment uses outside the boundaries of settlements will not be permitted, with the exception however of conversions or reuse of existing rural buildings and intensification of existing employment generating uses (not within the Green Belt) In addition Policy E7 supports the principle of conversion or re-use of existing buildings for employment purposes. The submitted Planning Statement under paragraph 46, 47 and 48 advises the proposal is not in conflict with these policies. The Officer does not share this view as the proposed employment element does not relate to the conversion or re-use of an existing building but that of a new building and therefore is considered contrary to Policy E6 and E7.

5.4 Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPG2 sets out the 5 categories of new development considered appropriate within the Green Belt. Where development does not fall within those 5 categories, the proposed development is deemed inappropriate development which by definition is harmful to the openness of the Green Belt and it is for the applicant to demonstrate very special circumstances that would outweigh the harm to the openness of the Green belt and allow the development. In addition Policy GB1 allows for the change of use of land within the Green Belt, subject it would not have a materially greater impact than the present authorised use on the openness of the Green Belt.

### 5.5 Green Belt and Other Landscape Considerations -Potential harm

The application proposes to replace an existing single storey building with a two-part building. The residential accommodation will be provided at the front in the two-storey element, which is similar in width than that of the existing

- building but wider. The dwelling has been designed to read as a single storey dwelling by setting the ground floor level into the ground. The agent advises that this is to reduce the visual size of the building. The work element is sited on the rear. The building has a mono pitched roof following the lay of the land. Car parking is located on the northern side of the site in order to reduce their visual impact. The building will be constructed to Code Level 5.
- 5.6 The South Gloucestershire Landscape Character Assessment describes the landscape character of the locality of the site as,
- 'distinctly rural and largely tranquil, with a harmonious relationship between landform, vegetation and settlement. The lack of urban influence, modern development, limited road access and containment of many views, adds to the feeling of remote countryside within the majority of the landscape character area and particularly the deep valleys. This area is therefore highly sensitive to change, which has the potential to erode the distinctive physical and visual character of the area'.*
- 5.7 The site is located within one of the valleys that are singled out in the assessment as having the feeling of remote countryside and with a distinctive physical and visual character. This character results from the combination of topography, vegetation form and the sparse amount of built forms.
- 5.8 The site is also located within a registered battlefield site and as such is an historic landscape feature of considerable importance especially as the landscape setting appears to be largely unchanged since the time of the Battle of Lansdown in the 17<sup>th</sup> century. The hedgerow to the north of the site, that in part forms the south western edge of the site access, is of particular visual significance in the landscape and its curving linear form, which extends in a large arc to the south and west, and the vegetation content, suggests it is of some antiquity. Whilst there is no evidence, this landscape feature could have been pertinent to the course of the battle.
- 5.9 The proposed building is not one of the forms of development considered appropriate in the Green Belt and is therefore, by definition, harmful. The proposal entails the demolition and complete reconstruction of the existing building and the proposed replacement will be of a considerably larger footprint, bulk and mass and will therefore adversely affect the openness of the Green Belt. Whilst the design may acknowledge the land form and the materials may be appropriate to the location, these factors alone do not overcome the openness objection.
- 5.10 Similarly the introduction of tree planting is not in itself a justification for permitting development in the Green Belt. Indeed in a sensitive location such as this where the extant 17<sup>th</sup> century landscape is such a significant and historic landscape feature, tree planting can be considered as having a detrimental impact upon the character and distinctiveness of the landscape.
- 5.11 The proposal also entails a considerable amount of excavation and the formation of an extensive platform on which to locate the dwelling, surfaced areas and parking. An access track will also be required but no details are

- submitted even though this has the potential to introduce a long linear feature into the open landscape. The application also makes reference to enlarging passing bays on Greenway Lane but again no details are submitted despite the potential for damage to existing hedgerows. A letter submitted by the applicant dated 23<sup>rd</sup> July 2010 also makes reference to reed beds for drainage but similarly no details are supplied. By their nature reed beds require level areas that will, on this sloping site, entail further excavation and banking adding further visual disturbance to the landscape.
- 5.12 It is considered the proposed development and associated works would be harmful to the openness of the Green Belt and have a materially greater impact than the existing authorised use. It is further considered that the proposal does not respect existing features of the landscape, the heritage value of the landscape, landscape character and distinctiveness, the historic appearance of the landscape and will harm the natural beauty of the AONB. PPS7 advises that the Government is supportive of the replacement of suitably located buildings for economic development purposes. where this would bring about an environmental improvement in terms of the impact of the development on its surroundings and landscape. In this instance, it is considered in light of the harm as identified above, the proposed development would fail to bring about an environmental improvement.
- 5.13 Whilst the proposal may be considered to represent an example of exemplary sustainable design, for the reasons stated it is considered this is insufficient justification to permit the proposed development.
- 5.14 Case for very Special Circumstances  
Under Paragraph 26 of the supporting planning statement the agent advises the following. *Policy GB1 seeks to ensure appropriate development within the Bristol and Bath Green Belt. The proposals replace an existing building on the same site so that the test openness is met.* The Officer does not share this view, as the proposed development is deemed inappropriate development which by definition is harmful to the openness of the Green Belt.
- 5.15 In support of this application the agent has submitted a letter from the applicant, a Design and Access Statement and a Planning Statement and although a lot of information has been submitted it is not entirely clear within that information what the very special circumstances, as they have not been specifically set out. Although in a letter dated the 11<sup>th</sup> October the agent advises, as the proposals do not harm the Green Belt they cannot be held to be inappropriate development, and accordingly no exceptional circumstances are needed, but goes onto say *“In the event there are material considerations in support of the application that must be taken into account. These are the merits of a live/work unit, the quality of the design and the merits of the proposed building being a sustainable building to achieve Level 5 of the Code for Sustainable Homes. The proposals are intended to be an exemplar of sustainable building’s. These matters are material considerations when dealing with this application and in our view are of particular importance”*
- 5.16 In addition the planning statement makes reference to a number of material considerations i.e. PPS3, PPS1 and PPS7, which appear to focus on design

considerations and environmental performance of the building, in particular the application proposes to construct the building to CSH Level 5. Whilst the Officer accepts that National and Local plan policies seek schemes to be of a high quality design to respond to climate change, it is considered that this however would not amount to very special circumstances to outweigh the cumulative harm to the Green Belt as identified above. The Council recently received a Counsel opinion regarding a forthcoming appeal whereby the appellant submitted a similar argument i.e. Code levels 3 construction should be considered as very special development, however the Council was advised that this cannot be considered to be a very special argument.

5.17 Ecological Interest

The site is described in the Extended Phase 1 Habitat Survey prepared by EcoSulis (June 2010). It comprises an agricultural storage building within a south-facing sheep-grazed pasture. The grassland is described as agriculturally improved but with more diverse communities on the steeper parts of the slope. A mature species-diverse hedge forms the northern boundary is protected under the Hedgerow Regulations 1997. The site also features a natural spring. The site forming part of open countryside currently enjoys being unlit by night lighting; this in combination with the habitats present lends it favourable as foraging habitat to a range of bat species.

5.18 The ecology report cites a number of ecological issues in relation to the proposed development and recommends suitable methods of mitigation in response. However, the site also features habitat that is suitable for foraging use by protected bats, including species listed in the South Gloucestershire Biodiversity Action Plan for which the Council requires measures to safeguard and benefit. As the extent of bat activity does not appear to have been investigated through night-time studies, and as the proposed development has potential for disturbing patterns of bat behaviour, the application is recommended for refusal.

5.19 Archaeology

The site lies within the registered historic battlefield and as such is a designated heritage asset. Information submitted with the application is considered limited. This statement of significance does not assess the battlefield as a historic landscape, nor does it include an assessment of the impacts of the proposed development on that historic landscape.

5.20 In addition the proposed development consists not just of the erection of a substantial replacement building but also a significant element of ground disturbance associated with the excavation of the site and adjacent landscape planting. This will have the potential not only to impact upon the historic landscape character of the battlefield as a whole which appears to be substantially unchanged from the 17<sup>th</sup> century, but also on any underlying archaeological remains.

5.21 In the absence of a comprehensive archaeological assessment the Council is unable to fully assess the impact of the proposed development upon the registered battlefield or other historic assets and their settings.

#### 5.22 Drainage

No objection is raised subject to the imposition of a planning condition requiring the submission of full drainage details relating to Sustainable drainage systems and the proposed new sewage package treatment plant.

#### 5.23 Transportation Issues

The application proposes to utilise an existing agricultural access track east of the building that leads onto Greenway Lane. Greenway Lane currently serves Vale Court Farm, Hill Farm and Hill Farm Barn, which also exits onto the A46. Greenway Lane is a single-track road with some passing bays along it. Under paragraph 45 of the submitted planning statement, it is advised that should congestion concur as a result of the development the applicant will seek to resolve the matter by widening the existing passing bays. No details have been submitted and it is not clear whether the applicant has any control over the passing bays.

5.24 The Officer drove along the agricultural track and can confirm that it is poorly made up and considers it unsuitable as the main approach for the proposed development, it is also considered unsatisfactory for use by service and delivery vehicles associated with the proposed use. Concerns are also raised over the suitability of the immediate road network to accommodate the increase in vehicular traffic that this development will create.

5.25 Given the location of the site in a remote rural location where there is poor access for alternative modes of transport, it is considered that this development will increase vehicular traffic to and from the site. In light of the above, this development is recommended for refusal on the grounds the proposal will create a development which has a vehicular access unsuitable for all vehicular traffic which will visit the site. The site is in a rural location where there is poor access to alternative modes of transport thereby creating a development which is reliant on the car.

### 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 Planning permission be refused for the following reasons.

**Contact Officer: Tracey Price**

**REASONS FOR REFUSAL**

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy 16 of the Joint Replacement Structure Plan Adopted September 2002.
2. It is considered the proposed development by reason of its bulk and mass and associated works would be harmful to the openness of the Green Belt and have a materially greater impact than the existing authorised use of the site. It is further considered that the proposal does not respect the existing features of the landscape, the heritage value of the landscape, landscape character and distinctiveness, the historic appearance of the landscape and will harm the natural beauty of the AONB. The proposal is therefore considered contrary to Policies D1, L1, L2, GB1 and L10 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of PPS1 Delivering Sustainable Development and PPG2 Green Belts and the provisions of the South Gloucestershire Landscape Character Assessment and Supplementary Planning Document relating to Design Checklist August 2007 and Developments in the Green Belts June 2007.
3. The proposal will create a development in a location where the highway network is considered unsuitable to accommodate the increase in vehicular traffic. The site is in an unsustainable location which is remote from public transport and the adjoining road network lacks footways and street lighting. It is also considered that the vehicular track leading to the site is unsuitable for all vehicular traffic associated with the proposed development. The proposal is therefore considered contrary to Policies D1 and T12 of the Adopted South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of PPS1 Delivering Sustainable Development and PPG13 Transport.
4. In the absence of information relating to the extent of bat activity through night-time studies, the Council is unable to fully consider the impact of the proposed development on the patterns of bat behaviour. The proposal is therefore contrary to Policy E9 of the South Gloucestershire Local Plan (Adopted) January 2006.
5. In the absence of a comprehensive archaeological assessment the Council is unable to fully assess the impact of the proposed development upon the registered battlefields or other historic assets and their settings. The proposal is therefore contrary to Policy L10 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of PPS5 Planning for the Historic Environment.
6. The proposed development for a live/work unit if allowed would result in part a new build residential development outside of the existing urban areas and settlement boundaries and as the proposed use does not fall within any of the three exceptions

would be contrary to Policy H3 of the adopted South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of PPS3 Housing.

7. The proposed development for a live/work unit if allowed would result in part new build employment development outside of the existing urban areas and settlement boundaries and would be contrary to Policy H6 of the adopted South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of PPS7 Sustainable Development in Rural Areas.

**CIRCULATED SCHEDULE NO. 41/10 – 22 OCTOBER 2010**

<b>App No.:</b>	PK10/2372/F	<b>Applicant:</b>	Ms Ritchens
<b>Site:</b>	5 Ullswater Close North Common South Gloucestershire BS30 5XR	<b>Date Reg:</b>	9th September 2010
<b>Proposal:</b>	Erection of two storey and first floor rear extension to form additional living accommodation	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367679 172874	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Householder	<b>Target Date:</b>	2nd November 2010

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Please note that due to technical difficulties with our mapping system we are unable to attach the site plan to this report. However, the site plan produced by South Gloucestershire is available to view on our website.



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

This application has been referred to the Circulated Schedule due to the receipt of one letter of objection from a local resident.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a two storey and first floor rear extension at 5 Ullswater Close, North Common. The overall resultant rear extension would measure 6 metres wide by 2.4 metres in depth and would have an overall height to ridge of 6.7 metres.
- 1.2 The property is a two storey mid-terrace dwelling and is located within a residential area of Oldland Common.

### **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  
T8 Parking Standards  
  
South Gloucestershire Core Strategy, Pre-submission Publication Draft March 2010  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
No objections
- 4.2 Sustainable Transport  
No objections
- 4.3 Local Residents  
One letter of objection has been received from a local resident raising the following concerns:
  - Overlooking and invasion of privacy

- Harder to sell the property due to the overlooking and invasion of privacy.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

### 5.2 Design / Visual Amenity

The proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. The extension, whilst spanning the entire width of the application property, is considered to be suitably subservient to the main dwelling, this is especially the case given that the ridge height is set down some 300mm from the main ridge height. Furthermore, the proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling.

The proposed extension would be to the rear of the existing dwelling, however the proposal would still be visible from Ullswater Close when viewed from the road adjacent to No.3 Ullswater Close. Given the variety in house design in the vicinity, it is not considered that the proposal would be harmful to the character and appearance of the principal dwelling and street scene. As such the extension is considered to be an acceptable addition.

### 5.3 Residential Amenity

The rear of the property is bound on all sides by neighbouring residential properties and is enclosed and screened by 1.8 metre high closed board fencing.

The proposed extension would be located adjacent to the blank two storey side elevation of the adjoining property, No. 7 Ullswater Close and would be slightly set back from the adjoining property to the north, No. 3 Ullswater Close. The rear elevation of No. 3. Ullswater Close is set forward of the rear elevation of the application property, as such, the two storey extension proposed would be predominantly adjacent to the two storey side elevation and to a lesser extent the single storey rear protrusion of this neighbouring property. Overall, it is not considered that the proposal would result in any significant overshadowing or overbearing effects on the neighbouring dwellings.

Concern has been raised by a neighbouring resident that the proposal would result in loss of privacy and overlooking. The proposal includes the addition of two new first floor windows on the rear elevation, both these windows would serve bedrooms. The existing first floor rear elevation windows serve a bathroom and landing, as such it is accepted that the introduction of habitable room windows on the rear elevation will result in an increase in the levels of

overlooking experienced by neighbouring properties. However given the close proximity and orientation of the surrounding estate it is not considered that the proposal would result in any significant increase in overlooking or loss of privacy over and above the levels of overlooking experienced by the adjacent dwellings from the existing first floor windows of surrounding properties. Furthermore it is considered that the resultant situation, with habitable room windows on the first floor rear elevation, is a situation that is commonly found in dense urban locations and as such it is not considered that this is of sufficient concern to warrant the refusal of the application.

It is considered that there are no issues of inter-visibility. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable

#### 5.4 Parking and Highway Safety

The application proposes the conversion of the existing store, leaving the driveway as the only off road parking for the dwelling. It is considered that there is space for one car to park on the driveway. Whilst the proposal would be converting the property from a two bedroom dwelling to a three bedroom dwelling, given that the parking provision would remain as existing, it is considered that the proposal is acceptable and the parking provision would remain in compliance and within the Councils required parking standards. As such there are no transportation objection to this proposal.

#### 5.5 Other Issues

Concern has been raised by a neighbouring resident that the proposed works would result in a devaluation of their property. Private property values are not considered a material planning consideration, as applications are determined in the public interest, not private interests.

## 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 proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Furthermore the extension would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact and the parking provision would remain in compliance with Policy T8. As such the proposal accords with Policies D1, T8 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

7.1 That the application be approved subject to the following conditions

**Contact Officer: Kirstie Banks**  
**Tel. No. 01454 865207**

### **CONDITIONS**

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

Reason

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

## CIRCULATED SCHEDULE NO. 41/10 – 22 October 2010

<b>App No.:</b>	PK10/2444/CLP	<b>Applicant:</b>	Mr Stephen Ball
<b>Site:</b>	Ivy Cottage Dodington Lane Dodington Bristol South Gloucestershire	<b>Date Reg:</b>	21st September 2010
<b>Proposal:</b>	Certificate of Lawfulness for proposed erection of 2 no single storey side and 1 no two storey rear extension. Erection of detached double garage and storage area.	<b>Parish:</b>	Dodington Parish Council
<b>Map Ref:</b>	374915 180057	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	11th November 2010

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Please note that due to technical difficulties with our mapping system we are unable to attach the site plan to this report. However, the site plan produced by South Gloucestershire is available to view on our website.

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

This application appears on the Circulated Schedule in accordance with the standard procedure for the determination of such applications.

### **1. THE PROPOSAL**

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to the erection of a single storey detached garage and store, the erection of two single storey side extensions and the erection of a two storey rear extension at Ivy cottage, Doddington. The application property is a two storey semi-detached locally listed dwelling. The property is located outside of any settlement boundaries and within the Bristol Bath Green Belt. The site is located just outside of the Cotswold Area of Outstanding Natural Beauty.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

### **2. POLICY CONTEXT**

- 2.1 Schedule 2, Part 1, Class A, Class E and Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008

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

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Doddington Parish Council  
No response received
- 4.2 Local Residents  
No response received

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

- 5.1 Principle of Development  
The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as

such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance.

It stands to be ascertained whether the proposed development falls within the limits set out in Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

The proposed development consists of two parts, a detached garage/store and the extensions to the main dwelling. In the interests of clarity these two issues will be discussed in turn.

## 5.2 Detached Garage

The proposed development consists of the erection of a single storey detached building, which would form a garage/store. This development would fall under the criteria of Schedule 2, Part 1, Class E of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (The provision within the curtilage of the dwelling house of:- any building or enclosure...for a purpose incidental to the enjoyment of the dwelling house).

- 5.3 Schedule 2, Part 1, Class E of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 allows the provision of a building or enclosure provided that it meets the following criteria and provided that the purpose of the building is incidental to the enjoyment of the dwelling house. The applicant is proposing a single storey detached building that would form a garage/store.

The purpose of the building as outlined on the plan and application form, as a garage/store is considered to be incidental to the enjoyment of the dwellinghouse. As such provided that the building is used for the purposes indicated within the application it is considered that the proposed purpose of the building would comply with schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008.

- 5.4 There are several conditions attached to development permitted under Class E. Developments which fail any of the following criteria would not be permitted:

**E.1 (a) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwelling house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house);**

The application property is set within a large plot of land. The proposed building in combination with all other existing structures, excluding the main original dwelling house would not cover a total ground area exceeding 50% of the total area of the curtilage.

**(b) Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwelling house;**

The proposed building would be located to the side of the main dwelling.

**(c) The building would have more than one storey;**

The proposed building would be single storey

**(d) The height of the building, enclosure or container would exceed-**

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

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

**(iii) 3 metres in any other case;**

The proposed building would be situated more than 2 metres from the boundary of the curtilage and would have a dual pitched roof which is 4 metres in height.

**(e) The height to eaves of the building would exceed 2.5 metres;**

The eaves height of the proposed building would be 2.5 metres.

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

Whilst the application property is locally listed, it is not a listed building.

**(g) It would include the construction or provision of a veranda, balcony or raised platform;**

The proposal would not include any of the above

**(h) It relates to a dwelling or microwave antenna; or**

The proposal is for detached building, but not for a new dwelling or microwave antenna

**(i) The capacity of the container would exceed 3,500 litres.**

Not applicable.

**E.2 In the case of any land within the curtilage of the dwelling house which is within-**

**(a) A world Heritage Site,**

**(b) A National Park,**

**(c) An area of outstanding natural beauty, or**

**(d) The Broads,**

**Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwelling house would exceed 10 square metres.**

Whilst close to the Cotswolds Area of Outstanding Natural Beauty, the application site is not located within any of the above.

**E.3 In the case of any land within the curtilage of the dwelling house which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwelling house and the boundary of the curtilage of the dwelling house.**

The application site is not located on article 1(5) land.



## 5.5 Extensions to the Original Dwelling House

The proposed development consists of two single storey side extensions and a two storey rear extension. This development would fall under the criteria of *Schedule 2, Part 1, Class A* of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (The enlargement, improvement or other alteration of a dwellinghouse) and Class B (The enlargement of a dwellinghouse consisting of an addition or alteration to its roof): Developments which fail any of the following criteria would not be permitted:

### **Class A.1**

- (a) **As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**  
The property has a substantial rear garden, consequently the proposed extensions would not exceed 50% of the total area of the curtilage.
- (b) **The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**  
The maximum height of the proposed rear extension would be 5.9 metres, in comparison the main dwelling has a height to ridge of 6.2 metres. As such the proposal meets this criterion.
- (c) **The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**  
The proposed rear extension would have a height to eaves to match the main dwelling and the single storey side extensions would have a maximum height to eaves of 2.3 metres.
- (d) **The enlarged part of the dwellinghouse would extend beyond a wall which—**  
(i) **fronts a highway, and**  
(ii) **forms either the principal elevation or a side elevation of the original dwellinghouse;**  
The proposed extensions would be to the side and rear of the dwelling. The side elevation of the dwelling does not front a highway, as such the proposal accords with this criterion.
- (e) **The enlarged part of the dwellinghouse would have a single storey and—**  
(i) **extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**  
(ii) **exceed 4 metres in height;**

The host dwelling is a semi-detached property. The proposed single storey extensions would project from the side of the dwelling not the rear. Furthermore the proposed extensions would have a maximum height of 4 metres, in accordance with this criterion.

**(f) The enlarged part of the dwellinghouse would have more than one storey and -**

**(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**

**(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;**

The proposed two storey rear extension has a depth of 3 metres and given the size of the rear garden of the property, the proposal will be within 7 metres of the curtilage of the dwellinghouse opposite the rear wall of the dwelling. The plans have been amended to show the curtilage of the property correctly.

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

The proposed rear extension would be located 2 metres away from the boundary of the property and the proposed side extensions are located over 12 metres away from the boundary of the property. As such the proposal meets this criterion.

**(h) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would:**

**(i) Exceed 4 metres in height,**

**(ii) Have more than one storey, or**

**(iii) Have a width greater than half the width of the original dwelling house.**

The proposed side extensions would be single storey and would have a maximum height of 4 metres. The proposal would extend 3 metres beyond the side elevation of the dwelling, in comparison the main dwelling measures 6.2 metres in width. As such the proposal meet this criterion.

**(i) It would consist of or include—**

**(i) The construction or provision of a veranda, balcony or raised platform,**

**(ii) The installation, alteration or replacement of a microwave antenna,**

**(iii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**

**(iv) An alteration to any part of the roof of the dwellinghouse.**

The proposal does not include any of the above and consequently meets this criterion.

**Class A.2** restricts the development on article 1(5) land. The application site does not fall within Article 1(5) land, as such the criteria outlined in Class A.2 are not relevant to this application.

### **Conditions**

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

The agent has confirmed that the proposal would be finished in materials that match the main dwelling.

- (b) **Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—**

(i) **obscure-glazed, and**

(ii) **non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**

The proposal does not include the installation of any upper floor windows.

- (c) **Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

The proposed two storey rear extension would have a roof pitch to match that of the main dwelling.

By virtue of the proposed two storey rear extension the proposal would also need to be assessed against criteria of *Schedule 2, Part 1, Class B* (The enlargement of a dwellinghouse consisting of an addition or alteration to its roof). The only relevant criteria within this class that hasn't been covered by Class A, states that the cubic content of the resulting roof space should not exceed the cubic content of the original roof space by more than 50 cubic metres. It is considered that the proposal meets this criterion.

### 5.6 Other issues

This application is a formal way of establishing whether or not the proposal requires planning permission. Accordingly there is no consideration of planning merit and the Local Plan is not of relevance in the determination of this application, as such concern raised over the size of the proposal can not be taken into consideration.

### 5.7 Conclusion

The proposed buildings in terms of scale and location meet the criteria set out in Class A, Class E and Class B of the General Permitted Development Order, as such the proposal complies with schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and is permitted development.

## 6. **RECOMMENDATION**

- 6.1 That a Certificate of Lawfulness for Proposed Development is approved for the following reason;

The proposed extensions in terms of scale and location meet the criteria set out in schedule 2, Part 1, Class A, Class E and Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008

**Contact Officer: Kirstie Banks**  
**Tel. No. 01454 865207**

## CIRCULATED SCHEDULE NO. 41/10 – 22 OCTOBER 2010

<b>App No.:</b>	PT10/1433/PN1	<b>Applicant:</b>	UKTelefonica O2
<b>Site:</b>	Highways Land Coldharbour Lane South Gloucestershire BS16 1QD	<b>Date Reg:</b>	16th June 2010
<b>Proposal:</b>	Prior notification of the intention to install 1 no. 15 metre monopole, 1 no. equipment cabinets and associated works.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362383 177892	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th November 2010

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Please note that due to technical difficulties with our mapping system we are unable to attach the site plan to this report. However, the site plan produced by South Gloucestershire is available to view on our website.

## **INTRODUCTION**

This application appears on the Circulated Schedule List because an objection has been received from the Parish Council, which is contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks prior approval for the installation of 1no. 15 metre high monopole and 1no. equipment cabinet and associated works.
- 1.2 The application site comprises a grassed verge to the west of Coldharbour Lane.
- 1.3 According to the applicant, the development is required to provide 3G coverage to the University campus and principally to the south and west of Coldharbour Lane. 2no. telecommunication operators would share the monopole.
- 1.4 The original application was considered to be invalid because the proposed monopole would be situated partly on private land and the relevant landowners were not served the requisite notice as required by Part 24 of the General Permitted Development Order 1995. Part 24, Class A3 (1) of the General Permitted Development Order states that the developer shall give notice of the proposed development to any person who is an owner of the land to which the development relates, or a tenant, before making the application. The applicant therefore, placed an advertisement in the Evening Post and placed a notice on the site for 3 weeks in order to try to ascertain the names and addresses of the landowner. Whilst the applicant has received no response from any respective landowner, it is considered that they have complied with Part 24, Class A3 of the General Permitted Development Order 1995.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG8 Telecommunications
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving a Good Standard of Design in New Development  
T12 Transportation Development Control Policy for New Development  
S5 Telecommunications
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist (adopted)  
The Telecommunications Network Infrastructure SPD (adopted) August 2005
- 2.4 Emerging Policy  
The South Gloucestershire Core Strategy March 2010

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

- 3.1 PT08/1039/PN1, Land opposite Filton Cemetery, erection of 12.5 metre slimline monopole and 2no. equipment cabinets, no objection, 06/06/08.

### **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
Objection
- 4.2 Landscape  
No objection
- 4.3 Transportation  
No objection
- 4.3 Local Residents  
No comments received

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

- 5.1 Principle of Development  
The proposed development is permitted by virtue of Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, however the applicant must give the Local Planning Authority Prior Notification of the Development.
- 5.2 The Council will require developers to demonstrate what attempts have been made to minimise the impact through appropriate siting and design of appearance in terms of materials, colours, height, etc. In all instances the main material consideration will be the technical needs of the operator as demonstrated by the applicant and the need to facilitate development.
- 5.3 Visual Amenity  
The proposed monopole would measure approximately 15 metres in height and replace an existing 12.5 metre high monopole. An additional equipment cabinet would be situated on a concrete base to the south of the proposed monopole and measure approximately 0.35 metres in length, 1.45 metres in width and 1.4 metres in height. The monopole would comprise a 'streetworks' design whereby the antenna would be hidden internally inside the column. Both the monopole and cabinet would be constructed of steel and comprise a green finish to match the existing cabinet. The proposed monopole would comprise 2no. sets of antenna to allow 2no. telecommunication operators to share the monopole. The proposed cabinet is required due to the upgrading of the equipment. PPG8 encourages the re-use and upgrading of existing sites, as well as mast sharing, since it can negate the need of additional masts nearby.
- 5.4 The surrounding area is characterised by the adjacent Coldharbour Lane with associated vertical columns including lighting columns and road signage. The site also benefits from extensive tree cover. In addition, it is considered that the proposal, which would be approximately 2.5 metres taller than the existing

monopole, would not appear significantly adversely prominent when viewed within the relatively spacious context of Coldharbour Lane. On this basis, and given the design of the proposal, it is considered that it would not have a significant adverse impact in terms of visual amenity. Supporting information has been submitted to justify the need of the development.

#### 5.5 Residential Amenity

The applicant has submitted a certificate to declare that the proposed equipment would conform to the ICNIRP public exposure guidelines as required by PPG8. There are no residential properties situated within close proximity to the application site. Therefore, it is considered that the proposal would not be significantly adversely more harmful in terms of residential amenity than the existing situation.

#### 5.6 Highway Safety

The proposed monopole and equipment cabinet would replace an existing monopole and be sited on a grass verge well clear of the public highway. On this basis, it is considered that it would not have an adverse impact on highway safety.

### 6. CONCLUSION

- 6.1 The recommendation to not object 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 No objection

**Contact Officer: Jonathan Ryan**  
**Tel. No. 01454 863538**



## CIRCULATED SCHEDULE NO. 41/10 – 22 OCTOBER 2010

<b>App No.:</b>	PT10/2279/F	<b>Applicant:</b>	Mrs Elaine Jamieson
<b>Site:</b>	22 Elmdale Crescent Thornbury Bristol South Gloucestershire BS35 2JH	<b>Date Reg:</b>	8th September 2010
<b>Proposal:</b>	Erection of two storey side and single storey rear extension to provide additional living accommodation. Alteration to existing flat roof of garage to pitched roof.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364252 190195	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	1st November 2010

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Please note that due to technical difficulties with our mapping system we are unable to attach the site plan to this report. However, the site plan produced by South Gloucestershire is available to view on our website.

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

This application appears on the Circulated Schedule following the receipt of representations from local residents that 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 and single storey rear extension, and the erection of a pitched roof above the existing flat roof garage.
- 1.2 The application site relates to a detached dwelling and its associated curtilage. The site is situated within a well established residential area and lies within the Thornbury settlement boundary.

### **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

#### 2.3 Emerging Development Plans

South Gloucestershire Core Strategy (Pre-Submission Draft) March 2010

#### 2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

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

- 3.1 P88/1404 Erection of single storey front extension to form porch and enlarged lounge.  
Approved 10.04.1988

### **4. CONSULTATION RESPONSES**

#### 4.1 Thornbury Town Council

No objection.

#### 4.2 Local Residents

Two letters of objection have been received in response to this application. The letter from Mrs A Namdhari was received from No. 25 Oakleaze Road which is located a considerable distance from the application site (90 metres). Furthermore the letter is identical to a response submitted on the same day under a separate planning application at no. 2 Elmdale Crescent (PT10/1989/F) (which is the adjacent property to No. 25 Oakleaze Road). In view of these circumstances, it is reasonable to assume that this letter was entered in error

and does not apply to this planning application. The second letter was received from the adjacent property to the application site and raised the following points:

- a) Concern regarding scaffolding on drive way.
- b) Concern regarding the future potential to building an extension on their property.
- c) The existing fence between the properties should be retained.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extensions to residential dwellings. This is subject to the proposed development:

- 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 Residential Amenity**

The development comprises of a two-storey side extension, a single storey rear extension, and a pitch roof above the existing flat roof garage. The majority of the proposed two-storey development would be contained between the host dwelling and the neighbouring property (20 Elmdale Crescent) and therefore would not give rise to an overbearing effect. The proposed single storey extension and the alterations to the garage would be limited and also would not give rise to an overbearing impact.

5.4 With regard to privacy, the proposed development would not give rise to direct views into the adjacent property. Notwithstanding this, it is noted that the two-storey side extension would include a obscured bathroom window on the side elevation. It is recommended that a condition be attached to ensure that this window remains obscured.

5.5 In view of the above, it is considered that the proposed development would not harm residential amenity. The proposed development would therefore accord with Policy H4 of the South Gloucestershire Local Plan.

### **5.6 Design**

The proposed development comprises of a two-storey side extension, a single storey rear extension, and the erection of a pitch roof on the garage. It is considered that the design of these proposals in terms of their scale, massing, and detailing would maintain the proportions and symmetry of the existing dwelling. Moreover the development would be finished in materials to match

the host property. On this basis, it is concluded that the proposed development would respect the character and appearance of existing dwelling and the surrounding local area. The proposed development would therefore accord to Policy D1 and H4 of the South Gloucestershire Local Plan.

#### 5.7 Outstanding Matters

A local resident has raised a number of questions that have been responded to below:

##### **Concern regarding scaffolding on drive way.**

It should be noted that this planning permission would not give consent for the applicant to erect scaffolding on land outside of their curtilage. If the applicant is required to enter adjacent land then they should seek the consent of the landowner. This is a civil matter and is beyond the remit of the Local Planning Authority. Notwithstanding this an informative shall be attached advising the applicant of this issue.

##### **Concern regarding the future potential to building an extension on their property.**

All planning applications are considered on their own merits. Furthermore, the impact of this planning application on an unknown future development would not constitute a material planning consideration for this application. Notwithstanding this point, it is considered that the proposed development would be very unlikely to prejudice the potential for extending the adjacent property.

##### **The existing fence between the properties should be retained.**

It is likely that the existing fence would be removed where the new two-storey side extension would be located. However the existing boundary treatment would be retained between the two gardens. It is considered that this is an appropriate arrangement between two existing residential properties.

## 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.

- a) The proposal would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to policies H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposal would respect the overall design and character of the existing dwelling and the surrounding area. The development therefore accords to policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.

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 the following condition(s): -

**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

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

2. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the side elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

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

## CIRCULATED SCHEDULE NO. 41/10 – 22 OCTOBER 2010

<b>App No.:</b>	PT10/2331/F	<b>Applicant:</b>	Mrs Karen Serjeant
<b>Site:</b>	2 Broncksea Road Filton Bristol South Gloucestershire BS7 0SE	<b>Date Reg:</b>	9th September 2010
<b>Proposal:</b>	Erection of two storey rear extension to provide additional living accommodation and loft conversion. (Resubmission of PT10/1617/F).	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	359865 178398	<b>Ward:</b>	Filton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	1st November 2010

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Please note that due to technical difficulties with our mapping system we are unable to attach the site plan to this report. However, the site plan produced by South Gloucestershire is available to view on our website.

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

This application appears on the Circulated Schedule following the receipt of representations from Filton Town Council and local residents that 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 rear extension. The extension would provide additional living accommodation.
- 1.2 The application site relates to a large detached dwelling and its associated curtilage. The site is situated within a well established residential area of Filton and lies within the Bristol North Fringe urban area.
- 1.3 This application is a resubmission of a the previously withdrawn application PT10/1617/F.

### **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
- 2.3 Emerging Development Plan  
South Gloucestershire Core Strategy (Pre-Submission Draft) 2010
- 2.4 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) 2007

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

- 3.1 PT10/1617/F          Erection of two storey rear extension to provide additional living accommodation and loft conversion. Withdrawn.

### **4. CONSULTATION RESPONSES**

- 4.1 Filton Town Council  
Object – out of character, over intensive suggest site visit.
- 4.2 Local Residents  
One letter of objection has been received from a local resident. The main comments have been summarised below: -
  - a) No material difference between this application and the previous one.

- b) the size, mass and scale of the proposal is too big for the area and would have an overbearing effect.
- c) Loss of privacy.
- d) Loss of light.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extensions to residential dwellings. This is subject to the proposed development:

- 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 Residential Amenity

The proposal would be two-storey in height and would be approximately 4.5m in depth. In response to this application representations have been received that have raised concern to the potential impact of the proposed extension on the amenities of the occupiers of the adjacent dwelling.

5.4 Notwithstanding these concerns, Officers are satisfied that any material overbearing impact and loss of light would be limited by the siting of the extension in relation to the adjacent dwelling (4 Broncksea Road). For instance, the extension would be sited 3.8 metres away from the boundary with the adjacent property. Furthermore the extension would not exceed the rear elevation of the adjacent property and it would be angled slightly away from the adjacent property. In view of these circumstances, it is considered that the proposed extension would not result in a material overbearing effect or loss of light. Moreover, in terms of a loss of privacy the proposed extension would not include any windows that would afford direct views into the adjacent property. On this basis, the proposed development would not material harm residential amenity. The proposed development would therefore accord to Policy H4 of the South Gloucestershire Local Plan.

### 5.5 Visual Amenity

In response to this application the Town Council and a local resident have raised concern with regard to the size, mass and scale of the proposal and it adverse affect upon the character of the area. Notwithstanding these concerns, the host dwelling is a substantial property set within a rank of similar sized properties. The proposed extension would be subservient to the main dwelling in terms of its height and mass. Furthermore the extension would not be widely visible from the public realm. On this basis Officers are satisfied that the proposal would respect the character and appearance of the existing dwelling



and the surrounding area. The proposed development would therefore accord to Policy D1 and H4 of the South Gloucestershire Local Plan.

## 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.
- a) The proposal would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to policies H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
  - b) The proposal would respect the overall design and character of the existing dwelling and the surrounding area. The development therefore accords to policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.
- 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 the following condition(s): -

**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

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

## CIRCULATED SCHEDULE NO. 41/10 – 22 OCTOBER 2010

<b>App No.:</b>	PT10/2345/F	<b>Applicant:</b>	Mr Syed Ali
<b>Site:</b>	Taj Brasserie 41 High Street Winterbourne Bristol South Gloucestershire	<b>Date Reg:</b>	14th September 2010
<b>Proposal:</b>	Installation of external flue to roof (retrospective). Erection of two 2 metre high pillars to entrance.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365019 180949	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	5th November 2010

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Please note that due to technical difficulties with our mapping system we are unable to attach the site plan to this report. However, the site plan produced by South Gloucestershire is available to view on our website.

## **REASON FOR REFERRAL TO CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule in view of the comments that have been received in respect of the entrance pillars.

### **1. THE PROPOSAL**

- 1.1 The application seeks retrospective permission for the installation of an external flue and planning permission for the erection of two brick pillars at the entrance to the associated car park.
- 1.2 The application relates to the Taj Brasserie on the east side of Winterbourne High Street, Winterbourne.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1: Delivering Sustainable Development  
PPG13: Transport  
PPS23: Planning and Pollution Control  
PPG24: Planning and Noise

#### 2.2 Development Plans

Emerging Policies: South Gloucestershire Core Strategy (Pre-Submission Consultation Draft) March 2010

CS1: High Quality Design

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development  
T12: Transportation Development Control Policy for New Development  
EP1: Environmental Pollution

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

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

- 3.1 N1514: Erection of front porch. Permitted: 12 June 1975
- 3.2 P85/2815: Installation of 1 tonne calor gas tank cylinder at rear of premises. Permitted: 29 January 1986
- 3.3 P88/1018: Change of use of rear garden at 43 High Street to provide extension to public house car park and re-siting of existing propane gas storage tank. Permitted: 2 March 1988
- 3.4 P98/1380: Conversion and extension of public house and dwelling house to form 10-bedroom hotel with restaurant, bar and function room areas to include amendments to front elevation. Permitted: 30 October 1998

- 3.5 PT08/2668/RVC: Removal of condition 4 attached to P98/1380 to allow the function room to be used for purposes other than ancillary to the use of the letting rooms. Permitted: 11 November 2008

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

4.1 Winterbourne Parish Council

Objection: The smell in the High Street is unacceptable and intrusive to neighbouring properties; the correct flues should be fitted to eliminate the smell.

4.2 Other Consultees [including internal consultees of the Council]

Highways DC: no objection

Environmental Services: objection

4.3 Summary of Local Residents Comments

Three letters received expressing the following concerns:

- It is understood that a further flue is proposed, there is already one flue on the building;
- Neighbouring windows can not be open because of the smell;
- A better flue is required;
- The existing flue is noisy and operates up to 12 O'clock at midnight;
- The flue is unsightly;
- If the pillars are required at the entrance to hang gates this would keep out 'noisy people who ride around the car park in the night' thus these would be supported, if not there is no point in having them.

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

5.1 Principle of Development

Planning policy D1 cites that development will only be permitted where good standards of site planning and design are achieved.

- 5.2 Policy EP1 advises that development will not be permitted that would unacceptably harm the environment, or the health, safety and amenity of users of the site or the surrounding land, as a result of pollution to water, air or soil, or through noise, vibration, light, heat or radiation.

5.3 Design/ Visual Amenity

The application relates to the Taj Brasserie restaurant on the east side of Winterbourne High Street. The application seeks retrospective planning permission for external flues on the rooftop and planning permission for 2m high pillars at the car park entrance.

- 5.4 The entrance pillars would align with the front wall of the restaurant and stand either side of the vehicle entrance to the car park. The pillars would be 1.8m in height with elephant finials on top; there are no details of gates that might be hung from these pillars (for the purposes of this application it is assumed there would be no gates). Nevertheless, there is no objection to this element of the proposal on design visual amenity grounds although further details relating to the proposed elephants (i.e. size and colour) would be required in the event

that planning permission is granted. In this regard, it would be unreasonable to request the erection of gates as part of this application.

5.5 The external flue comprises of twin exhaust style flues that are positioned on the main roof of the building aligning with the restaurant entrance; one flue points forwards with the other rear facing. The forward/ rear facing element of each extends a little over 2m in length and stands some 0.4m above the ridge line reaching 0.9m above the ridge in total.

5.6 In response, these flues are visually prominent from public view and form an unsympathetic addition that detracts from both the character and appearance of this historic building. Planning refusal is recommended for this reason.

5.7 Residential Amenity

The brick entrance piers are considered acceptable in residential amenity terms and subject to further details in respect of the elephant detailing; there is no objection on residential amenity grounds.

5.8 The external flues are unattractive in design terms but this in itself does not significantly impact upon residential amenity. However, the comments from neighbouring occupiers indicates that the smell and noise from these flues is causing problems and in this respect, comments from the Councils Environmental Health officer cite that no detailed information has been submitted in respect of the type of extraction unit that has been installed and its suitability with regards to the type of food that is being prepared. Given this lack of information to address these residential amenity concerns, planning refusal is recommended on this basis.

5.9 Highway Safety

Comments received from the Councils Highways Officer confirms that the pillars are set back sufficiently from the highway and cause no transportation obstruction. On this basis, there is no highway objection to this current application (with the flues not impacting on highway issues).

## 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 for the front entrance pillars but refuse permission for the external flues 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.

6.3 The recommendation to grant permission is for the following reason:

1. The brick pillars are considered to be acceptable in design terms and would not have an unacceptable impact on highway safety. The proposal is therefore considered to accord with Planning Policy D1 (Achieving Good

Quality Design in New Development) and T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

- 7.1 Planning Permission is **GRANTED** for the front entrance pillars but **REFUSED** for the external flues.

**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

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

2. Prior to the commencement of development, details of the proposed elephant finial above each gate post shall be submitted to and approved in writing by the Local Planning Authority. Development shall accord with these approved details.

Reason

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

## **REASONS FOR REFUSAL**

1. By reason of their size, design and prominent position, the flues detract from the character and appearance of the existing building and that of the surrounding area. The proposal is therefore considered to be contrary to Planning Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.
2. No details have been submitted in respect of the type of extraction equipment installed and its suitability for the food being prepared to adequately assess its impact on the residential amenities of the neighbouring occupiers in terms of smell and noise. The proposal is therefore considered to be contrary to Planning Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.

## CIRCULATED SCHEDULE NO. 41/10 – 22 OCTOBER 2010

<b>App No.:</b>	PT10/2377/F	<b>Applicant:</b>	Mr T Williams
<b>Site:</b>	56 Harcombe Hill Winterbourne Down Bristol South Gloucestershire BS36 1EL	<b>Date Reg:</b>	9th September 2010
<b>Proposal:</b>	Erection of two storey rear extension to provide additional living accommodation. (Resubmission of PT10/0646/F)	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365527 179879	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	2nd November 2010

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Please note that due to technical difficulties with our mapping system we are unable to attach the site plan to this report. However, the site plan produced by South Gloucestershire is available to view on our website.

## **INTRODUCTION**

This application appears on the Circulated Schedule as a representation was made contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a two storey rear extension to provide additional living accommodation. This is a resubmission of planning application PT10/0646/F which was withdrawn following Officer's concerns regarding the size and design of the extension.
- 1.2 This is a large detached dwelling located to the east side of Harcombe Hill, Winterbourne Down. The site lies outside the defined settlement boundary of Winterbourne, in open Green Belt. The proposal consists of a two storey rear extension of a double gable end design approximately 6.5 m in depth and 7 m wide.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPG13	Transport

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

D1	Achieving Good Quality Design
H4	Development within Existing Residential Curtilage
GB1	Development within the Green Belt
T12	Transportation Development Control Policy for New Development

#### Emerging Development Plan

#### Core Strategy Pre-Submission Publication Draft (March 2010)

CS1	High Quality Design
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#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007  
Development in the Green Belt (June 2007)

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

- 3.1 P90/2567 - Alteration and extension of detached garage building to form granny flat; erection of detached garage. Refused 20/11/1990.
- 3.2 P91/1481 – Erection of double garage. Approved 06/05/1991.
- 3.3 PT10/0646/F – Erection of two storey front extension and single storey rear extension. Withdrawn 27/05/2010.



## 4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council  
Objection - This is a large addition within the Green Belt.
- 4.2 Local Residents  
No response.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application site lies within the Green Belt, therefore, consideration must be taken in regards to the impact on the openness of the Green Belt. PPG2 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 allow in principle for extensions to residential dwellings subject to the cumulative additions to the dwelling house being proportionate to the original size.

Policy H4 of the Local Plan states that *proposals for development within existing residential curtilages*, will be permitted subject to certain criteria. The principle of the development is therefore acceptable subject to the following detailed assessment.

### 5.2 Impact Upon Green Belt

The main dwellinghouse has been extended once with a conservatory being added to the south east facing side elevation. The cubic volume of this conservatory when added to the cubic volume of the proposed two storey extension would result in a total volume increase of approximately 40%. When considering the Council's 'Development in the Green Belt' SPD advice on house extensions in the Green Belt and the overall design of the extension, the proposal is considered a proportionate addition that would not harm the 'openness' of the Green Belt.

### 5.3 Residential Amenity

#### Overbearing Analysis

The proposed extension would be set within the large grounds of 56 Harcombe Hill and would have no overbearing impact upon neighbouring occupiers.

#### Privacy Analysis

The site is well enclosed particularly on the northern boundary where the nearest neighbouring properties are so therefore there would be no overlooking or loss of privacy as a result of the proposal.

#### Amenity Space

Whilst the proposed extension does project into the rear garden its footprint means that sufficient garden space will remain to serve occupiers of the property.

### 5.4 Design / Visual Amenity

The proposal consists of a two storey extension comprising of two gable ends that are set down from ridge height by approximately 0.5 m. Full depth windows

are proposed on the first floor of the rear elevation and render for the walls and tiles for the roof are proposed to match existing. It is considered that the size and scale of the proposal is acceptable. The twin gable extension would protrude by approximately 1.6 m beyond the existing back wall of the property and this is considered satisfactory and would not be to the overall detriment of the visual appearance of the building.

## 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 proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

- a) The proposed extension would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposed extension has been designed to respect and maintain the massing scale, proportions, materials and overall design and character of the existing dwelling and the surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.
- c) The proposed extension is considered a proportionate addition that would not harm the 'openness' of the Green Belt. The development therefore accords to Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

## 7. RECOMMENDATION

- 7.1 That planning permission is **GRANTED** subject to the conditions attached to the decision notice.

**Contact Officer:** William Collins  
**Tel. No.** 01454 863425

## CONDITIONS

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

Reason

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

## CIRCULATED SCHEDULE NO. 41/10 – 22 OCTOBER 2010

<b>App No.:</b>	PT10/2428/F	<b>Applicant:</b>	James Kyle
<b>Site:</b>	32 St Saviour's Rise Frampton Cotterell South Gloucestershire BS36 2SW	<b>Date Reg:</b>	22nd September 2010
<b>Proposal:</b>	Erection of single storey rear extension and part conversion of garage to provide additional living accommodation.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366816 180756	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	17th November 2010

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Please note that due to technical difficulties with our mapping system we are unable to attach the site plan to this report. However, the site plan produced by South Gloucestershire is available to view on our website.

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

This application has been referred to the circulated schedule due to the Parish Council's request that the frosted glass windows to the proposed en-suite and bedroom are conditioned to be non-opening. Officers are of the view that such a condition is unreasonable and unnecessary.

### **1. THE PROPOSAL**

- 1.1 This full application relates to the erection of a single storey rear extension and part conversion of garage to provide additional living accommodation at 32 St Saviour's Rise, Frampton Cotterell.
- 1.2 The rear extension measures 4m in depth and extends nearly the width of the existing property and attached garage. It is to be timber clad to the side (south) and rear elevation, with brickwork to the northern elevation and roof tiles to match existing. The attached garage is to be partially converted to provide a downstairs bedroom. The appearance of the garage will however be largely unchanged, with the exception of a frosted full-length corner window to the rear.
- 1.3 The application site is a detached property set within a large curtilage. Access is to the front with off-street parking available for 2 vehicles. The rear of the site backs on to a field. The site lies within the settlement boundary of Frampton Cotterell.
- 1.4 The properties to the south of the site are some 1m higher, their rear elevations and gardens facing onto the side elevation of the application site.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1                      Delivering Sustainable Development  
Circular 11/95            The use of Conditions in Planning permissions
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1                      Design  
H4                      Development Within Existing Residential Curtilages,  
                             Including Extensions and New Dwellings  
T12                     Transportation Development Control Policy for New  
                             Development
- 2.3 Emerging Policy  
South Gloucestershire Core Strategy Pre-Submission Publication Draft March  
2010  
CS1                     High Quality Design
- 2.4 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

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

3.1 None.

### **4. CONSULTATION RESPONSES**

4.1 Frampton Cotterell Parish Council

No objection subject to condition that the frosted glass windows cannot be opened.

4.2 Sustainable Transport

No objection.

#### **Other Representations**

4.3 Local Residents

No response received.

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

5.1 Principle of Development

In assessing applications for residential extensions, planning policies D1 and H4 of the adopted local plan are particularly relevant. Policy D1 is a general design policy and cites that development will only be permitted where good standards of site planning and design are achieved. In particular, proposals will be required to demonstrate that siting, overall massing, form, scale, height, detailing, colour and materials respect and enhance the amenity, character and distinctiveness of both the site and the locality. Policy H4 specifically relates to residential development, including extensions, and considers issues such as design, residential amenity and highway safety.

5.2 It is considered that the application accords with the above policy criteria. The size and design of the extension is in keeping with the existing property and area as a whole and due to its single storey nature and layout of surrounding properties will not adversely affect surrounding residential amenity in terms of overbearing impact, loss of privacy or loss of light. Furthermore, the lower ground level of the property in relation to the properties to the south further reduces its impact. Adequate garden area will also remain.

5.3 With regard to transportation issues, the loss of the garage will have no adverse impact on parking provision, as at least two off-street parking spaces will still remain. The application is therefore in full accordance with the development plan and is acceptable.

5.4 Other Issues

With regard to the Parish Council's comments, it is considered that a condition requiring the en-suite and bedroom windows to be non-opening fails 2 of the 6 tests for conditions, as set out in Circular 11/95. Such a condition is considered neither necessary nor reasonable. Both windows are obscurely glazed. The windows, although located on the side elevation are at single storey level. The boundary wall to the side has a height of 2m and only a small proportion of the

en-suite window will be above this. The bedroom window on the side is clearly shown as non-opening and nearly wholly screened by the boundary wall. Although the adjacent property of 33 St. Saviours Rise is located at a higher level with the rear of this property directly facing onto the site, it is considered that no material loss of privacy will result to occupiers of either property.

## **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.
- 6.3 The recommendation to grant permission is for the following reasons:-
1. The proposed extension due to its limited size, single storey nature and design is considered to be acceptable in terms of visual and residential amenity. The proposal would therefore accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and H4 (Development within Existing Residential Curtilages, Including Extensions and New Dwellings) of the South Gloucestershire Local Plan (Adopted) January 2006.
  2. The proposals have no impact in highway safety terms. As such the development is considered to be compliant with Planning Policy T12 (Transportation Development Control Policy) of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

- 7.1 Planning permission be granted subject to the conditions below:

**Contact Officer: Vivian Butt**  
**Tel. No. 01454 863427**

## **CONDITIONS**

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

Reason

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

2. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed en-suite and bedroom windows on the south elevation shall be glazed with obscure glass to level 3 standard.

Reason

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



## CIRCULATED SCHEDULE NO. 41/10 – 22 OCTOBER 2010

<b>App No.:</b>	PT10/2436/F	<b>Applicant:</b>	Mrs A Scapens
<b>Site:</b>	52 Church Road Winterbourne Down Bristol South Gloucestershire BS36 1BY	<b>Date Reg:</b>	17th September 2010
<b>Proposal:</b>	Erection of two storey side/first floor extension to form additional living accommodation.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365240 179593	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	10th November 2010

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Please note that due to technical difficulties with our mapping system we are unable to attach the site plan to this report. However, the site plan produced by South Gloucestershire is available to view on our website.

## **INTRODUCTION**

This application has been referred to the Circulated Schedule as a letter of objection has been received from Winterbourne Parish Council and comments have been received from a local resident.

### **1. THE PROPOSAL**

- 1.1 This full application relates to the erection of a two storey side/first floor extension at 52 Church Road, Winterbourne Down. The proposal provides a ground floor bedroom with attached shower room and toilet. This is required for the elderly applicant who is currently residing in a care-home as she is unable to access the first floor bedroom and bathroom. An additional bedroom and bathroom are also provided at first floor level.
- 1.2 The application site is a semi-detached property located on a long but irregular shaped plot. Access is off Church Road to the front of the site. The rear of the site immediately backs onto a cliff-edge and the Frome Valley. The site lies within the settlement boundary of Winterbourne.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H4 Development Within Existing Residential Curtilages,  
Including Extensions and New Dwellings  
T12 Transportation Development Control Policy for New  
Development
- 2.3 Emerging Policy  
South Gloucestershire Core Strategy Pre-Submission Publication Draft March  
2010  
CS1 High Quality Design
- 2.4 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council - Object to the proposal on the grounds that the extension will be overbearing on the cottage adjacent (58 Church Road) and will reduce their privacy.
- 4.2 Other Consultees - Transportation

No objection.

#### 4.3 Local Residents

1 letter has been received raising the following comments:-

- a) any construction works including to internal walls are only to be undertaken between the hours of 0900 hours to 1700 hours Monday to Friday;
- b) any skips, deliveries or vehicles associated with the construction are not parked outside our property as the road is very narrow at this particular location;
- c) as the proposed development includes 2 new bathrooms/shower rooms, the applicant is to carry out any necessary works to any shared foul or surface water drains to ensure they are sufficient to take the additional capacity;
- d) the proposed works shall not result in any temporary restrictions on access, loss of power, gas or water to our property.

Of the above, **b** and **d** are outside the remit of planning control. Criterion **c** will be assessed under Building Regulations. Criterion **a** can be the subject of a planning condition but it would be unreasonable to restrict works to internal walls as this would preclude general works such as DIY.

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

In assessing applications for residential extensions, planning policies D1 and H4 of the adopted local plan are particularly relevant. Policy D1 is a general design policy and cites that development will only be permitted where good standards of site planning and design are achieved. In particular, proposals will be required to demonstrate that siting, overall massing, form, scale, height, detailing, colour and materials respect and enhance the amenity, character and distinctiveness of both the site and the locality. Policy H4 specifically relates to residential development, including extensions, and considers issues such as design, residential amenity and highway safety.

#### 5.2 Design

The application site is a semi-detached dwelling. The proposed extension is small in size, largely consisting of a first floor extension above the attached garage. The width of the proposal is 2.8m and runs the depth of the existing dwelling. The ridge height of the host property is continued, at 8.1m. Normally two storey extensions are required to be subservient, so that a clear distinction is made between the original and extended part of the development to reduce the overall massing and scale. However, in this particular instance the adjoining property of 50 Church Road has previously been extended by a similar sized, two-storey side extension to that proposed. The application therefore balances up the appearance of this pair of semis. The detailing to the front elevation in terms of the pitched roof over the garage/porch is also replicated, with the symmetry of the two properties restored. It is therefore considered that the application is acceptable in design terms.

5.3 Residential Amenity  
Overbearing Impact

The proposal will have no adverse impact upon the occupiers of the adjoining dwelling due to its location to the side of the property. With regard to the adjacent property of 58 Church Road, this is located to the north-east of the site. This property is a cottage, reflected in its much smaller scale. The nearest part of this dwelling is the garage, located a minimum distance of 3.4m away. The actual living accommodation is approximately 5m away at its nearest point. It is recognised that the cottage will be in close proximity to the proposal, but this already occurs to a similar degree by its relationship with the existing single storey garage. Due to the orientation of the site and its inter-relationship with the existing cottage it is considered that the proposed extension will not materially increase any overbearing impact over and above that which already exists.

5.4 Loss of Privacy

Due to the location of the application site and its relationship with the adjacent cottage, no loss of privacy will result. No windows are proposed on the side elevation of the extension and the rear elevation is beyond the rear building line of the adjacent cottage. The application is therefore acceptable in this regard.

5.5 Transportation Issues

The loss of the garage parking space has been off-set by the provision of 2 parking spaces to the front of the site. The application is in accordance with the Council's parking standards and no objection is raised to the proposal.

**6. CONCLUSION**

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

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

6.3 The recommendation to grant permission is for the following reasons:-

1. The proposed extension due to its limited size and location to the side of the property is considered to be acceptable in terms of design, visual and residential amenity. The proposal would therefore accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and H4 (Development within Existing Residential Curtilages, Including Extensions and New Dwellings) of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposal has no impact in highway safety terms. As such the proposal is considered to be compliant with Planning Policy T12 (Transportation

## **7. RECOMMENDATION**

7.1 Planning permission be granted subject to the following conditions.

**Contact Officer: Vivian Butt**  
**Tel. No. 01454 863427**

### **CONDITIONS**

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

Reason

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

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

Reason

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

3. No windows shall be inserted at first floor level in the side (east) elevation of the extension hereby permitted.

Reason

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

4. The hours of working on site during the period of construction shall be restricted to 0800 hrs to 1800 hrs Monday to Friday and 0800 hrs to 1300 hrs on 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.

Reason

To minimise disturbance to occupiers of surrounding dwellings and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The off-street parking spaces and widened driveway shown on the plan hereby approved shall be provided before the extension is first occupied, and thereafter retained for that purpose. The parking spaces and driveway shall be constructed of a bound material.

Reason

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

**CIRCULATED SCHEDULE NO. 41/10 – 22 OCTOBER 2010**

<b>App No.:</b>	PT10/2451/F	<b>Applicant:</b>	Mr Joe Gordon
<b>Site:</b>	17 Coalville Road Coalpit Heath Bristol South Gloucestershire BS36 2QS	<b>Date Reg:</b>	20th September 2010
<b>Proposal:</b>	Change of use of first floor from Wardens Flat (Class C3) to Office (Class B1) as defined in Town and Country Planning (Use Classes Order) 2005 (as amended).	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367995 181218	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	10th November 2010

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Please note that due to technical difficulties with our mapping system we are unable to attach the site plan to this report. However, the site plan produced by South Gloucestershire is available to view on our website.

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

The application has been referred to the Circulated Schedule on the grounds that Westerleigh Parish Council has objected to the proposal.

### **1. THE PROPOSAL**

- 1.1 This full application relates to the change of use of former warden's flat to back-up office for Merlin Housing Society at 17 Coalville Road, Coalpit Heath. It is proposed to use the space as an IT disaster recovery facility by Merlin in the event of an issue at their main office. The use will therefore be limited and occasional only and no dedicated staff are proposed. It will not be used for general commercial office use and will remain in the control of Merlin, being the Registered Social Landlord.
- 1.2 The warden's flat is redundant and forms the first floor of a two-storey building. It consists of two bedrooms, living area, kitchen and bathroom. It has an internal floor area of 72 sq.m. The ground floor of the property is used as communal living space with laundry room and two guest bedrooms provided for the surrounding residents of the sheltered housing accommodation.
- 1.3 The application site is situated to the centre of a Merlin sheltered housing estate consisting of 21 old persons bungalows. It is located to the end of Coalville Road, a small cul-de-sac. A car park is located to the front and side with communal garden to the rear. The site is located within the settlement boundary of Frampton Cotterell, the rear boundary adjacent to designated green belt.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth
PPG13	Transport

#### 2.2 Development Plans

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

D1	Design
T12	Transportation Development Control Policy for New Development
RT12	Use of Upper Floors in Town, Local and Village Centres

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

#### 2.4 Emerging Policy

South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010  
CS1 High Quality Design



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

- 3.1 SG.10136/1 21 Old Persons bungalows, warden/communal block and 10 lock-up garages.  
Approved 25 January 1971.

### **4. CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
Object to the proposal on the grounds that the flat should be retained for residential use by the elderly.
- 4.2 Sustainable Transport  
No objection.
- 4.3 Other Consultees [including internal consultees of the Council]  
None.
- 4.4 Local Residents  
1 letter has been received raising concerns over parking provision.

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

- 5.1 Principle of Development  
The application involves the change of use of redundant wardens accommodation (Class C3) to back-up office accommodation (Class B1) for Merlin Housing Society as an IT disaster recovery facility. The proposal involves no exterior alterations with no dedicated staff. The use will be occasional only.
- 5.2 The use is not commercial but is to be used in association with the administrative requirements of Merlin Housing Society. Although no planning policy specifically applies in this instance, it is considered that policy RT12 of the adopted local plan provides some guidance. This policy relates to the use of upper floors in town, local and village centres. Although the site is within a residential estate and not a town centre as such, the thrust of the policy is relevant. This policy aims to safeguard existing residential accommodation above ground floor level. However, it also accepts that the loss of a residential use could be acceptable in certain circumstances.
- 5.3 The emergency office use is required should anything happen to the main office, ie in the event of fire etc. It is purely to be used as a back-up facility for Merlin Housing and will therefore be used only on an occasional basis. The flat is not suitable for elderly accommodation as it is located on the first floor and does not have adequate access for disabled people. It is therefore considered preferable that the premises are utilised rather than left vacant, with a use associated with Merlin Housing Society.

#### 5.4 Transportation

No transportation objection has been raised to the proposal. The Transportation Officer is satisfied that during office hours there are sufficient communal parking areas in the vicinity of the site to serve the development and that the level of additional traffic generation is unlikely to have significant highway implications, especially considering to the infrequent use of 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.
- 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.
- 6.3 The recommendation to grant permission is for the following reasons:-
1. The proposed change of use would utilise a vacant wardens flat that is unsuitable for use as elderly accommodation. The proposal will not result in any external alterations and is considered to be acceptable in terms of visual and residential amenity. The proposal would therefore accord with Planning Policies D1 and RT12 of the South Gloucestershire Local Plan (Adopted) January 2006.
  2. The proposal will have no material impact on parking provision and is acceptable in highway safety terms. As such the proposal is considered to be compliant with Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

### 7. RECOMMENDATION

- 7.1 Planning permission be granted subject to the conditions set out on the decision notice.

**Contact Officer: Vivian Butt**  
**Tel. No. 01454 863427**

### CONDITIONS

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

Reason

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

2. The use of the first floor of the premises shall remain ancillary and subservient to the primary use of the site for sheltered housing purposes and shall not become a separate or dominant use at any time.

The application has been permitted on the basis of its ancillary use and any other use would require further consideration of the Local Planning Authority in the light of the Development Plan, and all other material considerations.

## CIRCULATED SCHEDULE NO. 41/10 – 22 OCTOBER 2010

<b>App No.:</b>	PT10/2462/F	<b>Applicant:</b>	Mr Justin Appleford
<b>Site:</b>	192 Juniper Way Bradley Stoke Bristol South Gloucestershire BS32 0DR	<b>Date Reg:</b>	20th September 2010
<b>Proposal:</b>	Installation of 3 no windows to the north side elevation of the ground floor	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	362903 181410	<b>Ward:</b>	Bradley Stoke South
<b>Application Category:</b>	Householder	<b>Target Date:</b>	12th November 2010

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Please note that due to technical difficulties with our mapping system we are unable to attach the site plan to this report. However, the site plan produced by South Gloucestershire is available to view on our website.

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

The application has been referred to the Circulated Schedule due to a letter of objection received from a local resident.

### **1. THE PROPOSAL**

- 1.1 This application relates to the insertion of 3 small windows in the north elevation of the ground floor to serve the existing breakfast room at 192 Juniper Way, Bradley Stoke. The windows measure 450mm x 525mm in size and are to be of frosted glass.
- 1.2 The application site is an extended two and a half storey detached property that fronts onto Juniper Way. It lies within the urban area of Bradley Stoke. The private garden area lies to the side of the dwelling and is enclosed by a 1.8m brick wall. The site is also some 1.2m higher than the property of 194 Juniper Way, located directly behind.

### **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 Existing Residential Curtilages,  
Including Extensions and New Dwellings
- 2.3 Emerging Policy  
South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010  
CS1 High Quality Design
- 2.4 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

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

- 3.1 PT02/2850/F Erection of second floor front extension and installation of dormers in front and rear elevations to facilitate loft conversion.  
Refused 18 October 2002.
- 3.2 PT02/3660/F Installation of front and rear dormers to facilitate loft conversion.  
Approved 10 January 2003.
- 3.3 PT05/1386/F Erection of single storey side extension.  
Approved 7 June 2005.

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

4.1 Bradley Stoke Town Council  
No objection.

4.3 Local Residents

1 letter has been received objecting to the proposal on the following grounds:-

- a) loss of character and setting of the original outlook;
- b) overlooking;
- c) house already overdeveloped;
- d) loss of privacy.

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

5.1 Principle of Development

In assessing applications for development within existing residential cartilages, planning policies D1 and H4 of the adopted local plan are particularly relevant. Policy D1 is a general design policy and cites that development will only be permitted where good standards of site planning and design are achieved. In particular, proposals will be required to demonstrate that siting, overall massing, form, scale, height, detailing, colour and materials respect and enhance the amenity, character and distinctiveness of both the site and the locality. Policy H4 specifically relates to residential development, including extensions, and considers issues such as design, residential amenity and highway safety.

5.2 In this particular instance the development is of a minor nature and solely relates to the insertion of 3 small, frosted windows to serve the existing breakfast room. The only issues to consider are design and residential amenity issues.

5.3 Design

The proposed windows are small in nature. Due to their limited size and the fact that the property is modern and of no great architectural merit, the proposal will have no adverse impact to the character or appearance of the dwelling. In addition, this elevation is not visible within the street scene due to its very close proximity to the side elevation of 194 Juniper Way. The proposal will not detract from the visual amenities of the locality.

5.4 Residential Amenity

The property is unusual in terms of its siting and how it relates to the adjacent dwelling of 194 Juniper Way which is located directly to the rear of the site. The application site has no rear garden, its private amenity space located to the side of the property. The rear elevation of the application site is only 1m away from the side elevation of 194 Juniper Way, separated by a pathway serving the application site. As such the proposed windows will look directly onto the flank elevation of this property and will only overlook the pathway that serves the application site. No windows are located on the side elevation of 194 Juniper Way and the location of the windows and the fact that they are obscurely glazed will ensure that no overlooking or loss of privacy will occur to this property. The proposal is therefore acceptable in terms of residential

amenity, and this would have been the case had the windows not been shown as obscure glazed, hence a condition on this issue is not considered necessary.

#### 5.5 Other Issues

A local resident has objected to the proposal on the grounds that the site is already overdeveloped. The proposal under consideration does not relate to any extension but is required to provide additional light. It will have no adverse impact in visual or residential amenity terms and accordingly is acceptable and in full compliance with the adopted plan.

### 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.

6.3 The recommendation to grant permission is for the following reason:-

1. The proposed windows due to their small size, location and obscure glazing will not detract from the appearance of the existing dwelling or result in any loss of residential amenity and as such the development would accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and H4 (Development within Existing Residential Curtilages, Including Extensions and New Dwellings) of the South Gloucestershire Local Plan (Adopted) January 2006.

### 7. RECOMMENDATION

7.1 Planning permission be granted subject to conditions set out on the decision notice.

**Contact Officer: Vivian Butt**  
**Tel. No. 01454 863427**

### CONDITIONS

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

Reason

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