



**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. 09/11**

**Date to Members: 04/03/11**

**Member's Deadline: 10/03/11 (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:

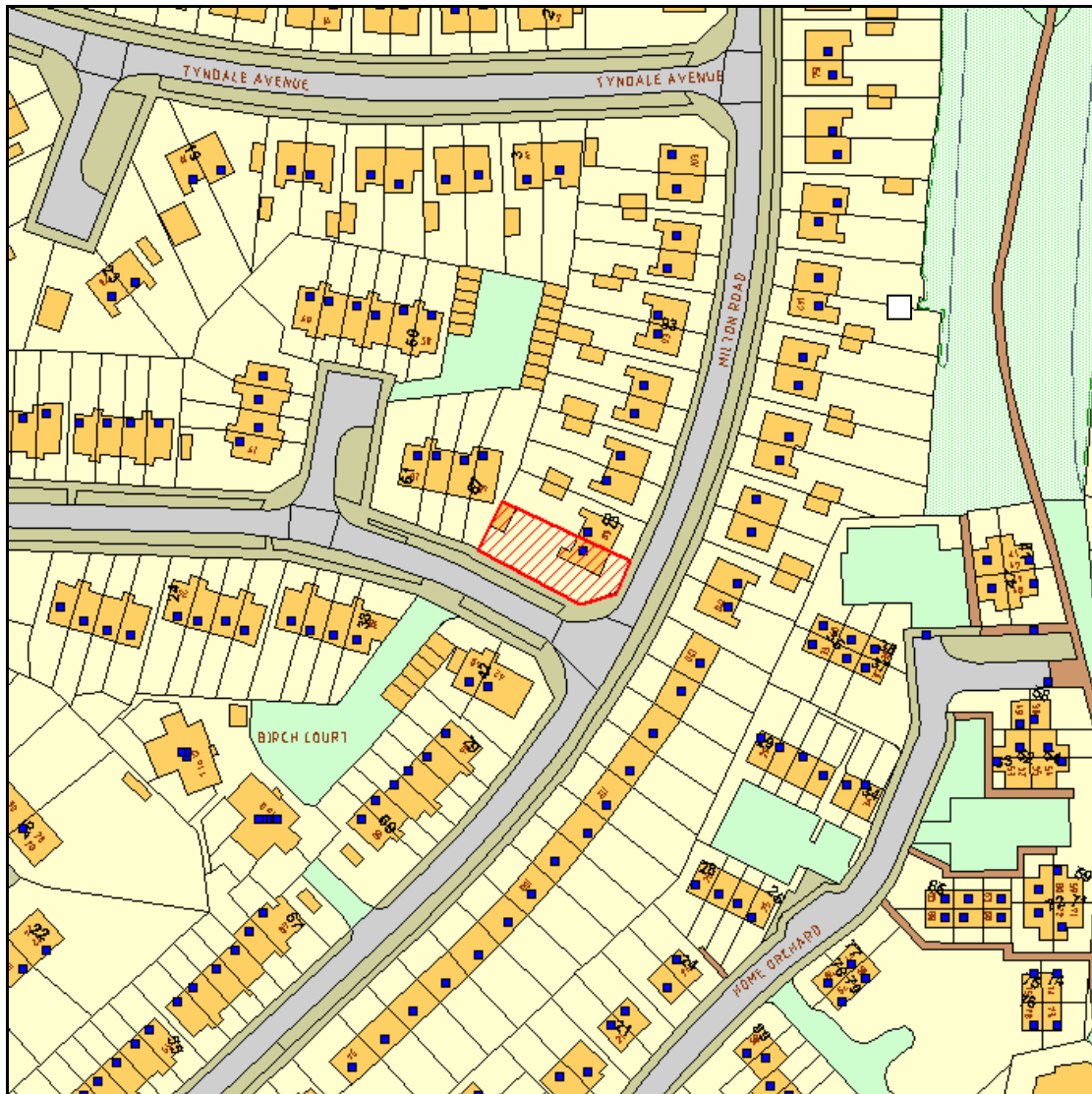
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

# CIRCULATED SCHEDULE – 04 March 2011

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	PK11/0039/F	Approve with Conditions	81 Milton Road Yate South Gloucestershire BS37 5ES	Yate North	Yate Town
2	PK11/0046/F	Approve with Conditions	3 Church View Church Road Doynton South Gloucestershire BS30 5SU	Boyd Valley	Doynton Parish Council
3	PK11/0060/F	Approve with Conditions	48 Oakdale Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
4	PK11/0122/F	Approve with Conditions	58 Overndale Road Downend South Gloucestershire BS16 2RW	Downend	Downend And Bromley Heath Parish Council
5	PK11/0131/AD	Approve	McDonalds Restaurant Ltd 38 West Walk Yate South Gloucestershire BS37 4AX	Yate Central	Yate Town
6	PK11/0138/RV	Approve with Conditions	23 Wood Road Kingswood South Gloucestershire BS15 8DT	Woodstock	None
7	PK11/0197/F	Approve with Conditions	25 Woodyleaze Drive Hanham South Gloucestershire BS15 3BX	Hanham	Hanham Parish Council
8	PK11/0210/F	Approve with Conditions	Shrubbery Court RSM Berkeley Road Staple Hill South Gloucestershire BS16 5LH	Staple Hill	None
9	PT11/0023/RVC	Approve	53A Nicholls Lane Winterbourne South Gloucestershire BS36 1NF	Winterbourne	Winterbourne Parish Council
10	PT11/0259/HED	Approve	Priestpool Farm Ingst Road Olveston South Gloucestershire BS35 4AW	Severn	Aust Parish Council
11	PT11/0364/TCA	No Objection	Riverside Cottage Pearces Hill Frenchay South Gloucestershire BS16 1LN	Frenchay And Stoke Park	Winterbourne Parish Council

**CIRCULATED SCHEDULE NO. 09/11 – 4 MARCH 2011**

<b>App No.:</b>	PK11/0039/F	<b>Applicant:</b>	Mr And Mrs M Paul
<b>Site:</b>	81 Milton Road Yate Bristol South Gloucestershire BS37 5ES	<b>Date Reg:</b>	24th January 2011
<b>Proposal:</b>	Erection of 1no. attached dwelling with access and associated works.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371002 182891	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	17th March 2011



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100023410, 2008.

**N.T.S.**

**PK11/0039/F**

## **INTRODUCTION**

The application has been forwarded to the Council's Circulated Schedule for Member consideration as a representation has been received expressing a view contrary to the Officer recommendation.

### **1. THE PROPOSAL**

1.1 The application site is situated north of the centre of Yate town. The site is bounded by residential development to the north and west with Milton Road to the east, with vehicular access onto Birch Road to the south. The site forms the side garden of a dwelling on the corner of Birch Road and Milton Road. The existing dwelling is a post war two storey semi detached unit with detached single garage at the rear. No.81 has a single storey extension and conservatory at the rear. A row of tall conifers runs between the rear garden and garage.

The application site is situated within the settlement boundary of Yate and Chipping Sodbury as defined in the adopted Local Plan.

1.2 The application proposes erection of a single two storey dwelling attached to no.81 with access and parking.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

#### 2.2 Development Plans

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

D1	Design
L1	Landscape Protection and Enhancement
L17	The Water Environment
L18	The Water Environment
H2	Residential Development within the Urban Area
H4	Development within Existing Residential Curtilages
T8	Parking Standards
T12	Transportation for New Development

##### South Gloucestershire Core Strategy – Submission Draft December 2010

CS1	High Quality Design
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS17	Housing Diversity

#### 2.3 Supplementary Planning Guidance/Documents

South Gloucestershire Design Checklist – August 2007

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

- 3.1 PK03/2201/F                      Erection of side conservatory to 81 Milton Road.  
Approved 27.08.2003
- 3.2 PK10/0233/O                      Erection of 1no detached dwelling (Outline) with access to be determined. All other matters reserved.  
Refused 24.03.2010

### **4. CONSULTATION RESPONSES**

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

Objection, for reasons:

Increased density of the buildings; Impact on property value of the two existing dwellings going from semi detached to terraced.

#### **4.2 Other Consultees [including internal consultees of the Council]**

Environmental Protection – No objection, informative recommended.

Drainage Engineer - No objection, subject to conditions.

Sustainable Transport – No objection, subject to conditions.

### **Other Representations**

#### **4.3 Local Residents**

8 letters received from the occupiers of 83, 87, 126, 128, 130, 132, 134, 140 Milton Road raising the following concerns:

Visually detrimental to the character of the area; Increased housing density; Milton Road consists solely of semi detached houses; insufficient off street parking provided; there is currently a shortage of parking on street in the area; The occupiers would not park at the rear as cars would be more easily visible from the front; on street parking causes issues at the junction with Birch Road and this will be increased; increased congestion and problems with access for service and emergency vehicles; the drainage system will be a problem as the geology in the area is clay or Keuper Marl and soakaways would not function effectively causing flooding; the existing foul drainage system is a problem and will be exacerbated with increase to its capacity; loss of privacy to no.83 and houses on Birch Road; dwellings would change from semi detached to a terrace.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policies H2 and H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for erection of infill dwellings within existing curtilages and within the urban area, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity and highway safety and an appropriate density of development is achieved. Other issues will also be considered relating to highway safety (Policy T12), parking (Policy T8) and landscape protection (Policy L1).

The South Gloucestershire Core Strategy Pre-Submission Publication Draft was issued March 2010 and the consultation period expired on 06.08.2010. The Council's response to the representations received was considered at the Council's Cabinet meeting on 13 December 2010 and at the Full Council meeting on 15 December 2010 and the proposed changes to the Core Strategy agreed by Full Council have now been published. The South Gloucestershire Core Strategy Submission Draft was published December 2010. Whilst this document is a material consideration in the determination of planning applications, it will be afforded less weight than the adopted Development Plan at this stage.

### 5.2 Visual impact

Policy D1 of the Local Plan requires all new development to be well-designed. The application site is located within a suburban residential area and in this area and to the north, Milton Road is characterised by rows of semi detached dwellings which run in a linear pattern fronting the highway. The area however is not made up exclusively of semi detached dwellings and south of the site, Milton Road is characterised by long terraces. Additionally, Birch Road to the west is made up mainly of terraces.

The site is positioned adjacent to the junction of Birch Road and Milton Road and as such the site is considered to be situated in a visually prominent location. The application site forms the southern half of a corner plot between Birch Road and Milton Road forming the side and rear garden. The site is screened in part by a 1.8m high closed boarded fence which runs the full length of the southern boundary adjacent to Birch Road. Additionally, the site is screened in part from views from the west by tall conifers between the rear garden and garage.

The application proposes erection of an additional dwelling attached to no.81. The dwelling would be two storey and of similar design to no.81 which is characteristic of the dwellings in this part of Milton Road and to the north. The proposal would result in the creation of a terrace of three dwellings. Although the site is visually prominent, the design and material would be good quality and the form and character of the new dwelling would replicate the attached dwelling (no.81). Terraces are not uncharacteristic in the area. As such it is considered that the proposal would be in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity

of the surrounding area. As such it is considered that the design and form of the proposal and the resultant terrace accords with the criteria of Policy D1.

The new plot would measure 188m<sup>2</sup> and the resultant plot for no.81 would be 177m<sup>2</sup>, which compares to 245m<sup>2</sup> for no.83, 263m<sup>2</sup> for 67 Birch Road, 145m<sup>2</sup> for 36 Birch Road and 185m<sup>2</sup> for no.40 Birch Road opposite. As such it is considered that the proposal would result in plot sizes of the new dwelling and no.81 which would not be disproportionate to other dwellings in the area and the site would not appear over dense in relation to the character of the area.

### 5.3 Planning history

Planning application PK10/0233/O was refused in March 2010 for outline erection of a single dwelling in the same location adjacent to no.81. The dwelling proposed was detached and sat in isolation from no.81. This was considered to be visually harmful due to the poor and incongruous relationship to no.81 resulting in an unnecessary heightened visual prominence. The scheme was amended following refusal of PK10/0233/O. This scheme has addressed the previous concerns by attaching the dwelling to no.81 and is considered to be an acceptable design solution for reasons as indicated in par 5.1.

### 5.4 Residential amenity

The proposed dwelling would be set back from the front elevation of no.81 and the two storey and single storey rear elevations would not project beyond the two storey and single storey rear elevations of no.81. The nearest dwelling other than no.81 would be situated at least 18m from the proposal. As such the proposed dwelling would not prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development. In terms of overlooking, the proposal would have first floor windows in the front and rear elevations. The front windows would face onto the highway. The rear windows would face towards the side gable of no.67 to the north west. No.67 has no windows in the side gable. The rear garden of no.67 would be situated more than 25m from the proposed first floor rear windows and is already overlooked by nos 81-91. Similarly, the adjacent neighbours already overlook nos 81 and all dwellings beyond to the north. It is therefore considered that the proposal would result in no material increase in overlooking which would be detrimental to the privacy of the local residents.

The new dwelling would have a maximum garden length of almost 10m and the resultant garden length for no.81 would be 9.5m. The proposal would result in an adequate garden size for both the new dwelling and the resultant garden for no.81.

### 5.5 Drainage

The applicant has indicated that surface water would be managed using one of two options:



- 1) A soakaway minimum of 5m from any buildings, subject to a satisfactory percolation test.
- 2) Installation of a rainwater harvesting tank with overflow to a soakaway or overflow to the existing foul water sewer with consent from Wessex Water.

Neighbours have raised concerns that the geology in the area (suggested to be clay or Keuper Marl) does not provide sufficient porosity for a soakaway to be effective. The applicant has recognised this potential issue and has provided an alternative system if percolation testing reveals this to be the case. The Council's Drainage Engineer raises no objection to the scheme subject to a condition requiring details of a Sustainable Drainage System (SUDS) to be submitted prior to commencement and the approved system to be implemented in full prior to occupation of the dwelling. Therefore subject to condition, the development is considered to be acceptable in relation to surface water disposal.

Residents have raised concern that the existing foul waste disposal system to the main network is substandard and has created problems with flow of effluent. The proposed means of foul waste disposal chosen, main connection, would meet the sequential test requirements under Circular 3/99 (Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development) and as such the foul drainage system proposal is considered to be acceptable in planning terms. Whilst this is a matter which would normally be controlled through Building Regulations or as a private legal matter, as the proposal would result in an increase of foul waste to the network, a condition is recommended to require the applicant to provide details of the means of foul waste disposal and an investigation of the existing system to ensure the existing main is acceptable for the increase of waste. As the details of waste disposal and existing issues with the system are either a Building regulations or private matter, the potential issues related to the existing system are considered not to carry significant weight and as such would not be sufficient to refuse the application.

## 5.6 Highway issues

The existing dwelling provides two off street car parking spaces at the rear of the site within the single garage and in front. An additional area adjacent to this (to the east) would be provided for a further parking space. The Council's adopted parking standard requires a maximum of 4 spaces for this type of development (i.e. for two three bedroom dwellings). As such the provision of three spaces in total would normally be acceptable for this development and is accepted by the Highways Officer. Concern has been raised by local residents that the three spaces proposed would be insufficient and would increase pressure for on street parking to the detriment of highway safety. As a result of this Officers have negotiated an amended parking layout to provide an additional space to the front of no.81. This would increase the number of off street parking spaces provided to 4, which meets the maximum adopted standard.

The rear spaces would be accessed via an existing access from Birch Road. The access and manoeuvring arrangements would therefore remain largely

unchanged in this respect. The front space would be accessed from Milton Road. A number of other dwellings in the immediate area have created off street parking areas at the front and on the basis of the suburban residential context, it is considered that the proposal would be acceptable in relation to access and manoeuvring without the need for vehicles to access and egress in a forward gear.

On the basis of the above, the proposal is considered not to be detrimental in relation to highway safety.

Concern has been raised by some residents that the rear parking spaces would not be used as they would be less visible than parking for instance on the road at the front of the site. The proposed parking areas meet the Council's adopted standards in terms of size and position and would be situated off street in an area overlooked by other dwellings in the street. As such there is no material planning reason to discount the parking spaces at the rear.

Concern has also been raised that vehicles park close to the junction of Birch Road and Milton Road which is a danger to highway safety and the proposal would exacerbate this highway hazard. Officers consider the off street parking provision to be acceptable and as such the development would result in no material increase in pressure for on street parking. Additionally, the parking of a vehicle in locations where they could be a danger to highway safety is a matter for the police to enforce and as such cannot be afforded any significant weight in consideration of this proposal.

#### 5.7 Other issues

The Town Council and some local residents have raised concern that the proposal would result in the two existing dwellings 81 and 82 Milton Road forming part of a terrace and the change from semi detached units to terraced would have a detrimental impact on the property value of the dwellings. The planning system operates in the public interest and the devaluation of property as a result of development is a private interest to be pursued as a private legal matter. As such this issue cannot be afforded any significant weight in consideration of this 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. 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) Due to their scale and position in relation to the adjacent dwellings, the proposed dwelling is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H2, H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) It has been assessed that the proposed dwelling has been designed to respect and maintain the massing, scale, proportions, materials vernacular and overall design and character of the street scene and surrounding area. The development therefore accords to Policies H2, D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
- c) The proposal would provide adequate off street parking within the site and access and manoeuvring for vehicles within the site and for the resultant layout of no.81 is adequate. The proposal is therefore considered to be acceptable in highway safety terms in accord with Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- d) The proposal is considered to be acceptable in relation to surface water and foul waste disposal subject to conditions. The proposal is therefore considered to be acceptable in this respect in accord with Policy L17 and L18 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. 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 ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking

layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines indicating lines, manhole); retained historic landscape features and proposals for restoration where relevant.] Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

Reason

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

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

Reason

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

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

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

Reason

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

7. The parking areas shown on the approved plan shall be surfaced in a non igratory material and retained as such thereafter.

Reason

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

8. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. The approved system shall be implemented in full prior to occupation of the dwelling hereby approved in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17 and L8 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. No development shall commence until details of the proposed means of foul drainage disposal have been first submitted to and approved in writing including an investigation of the existing foul drainage system in the locality. The development shall be implemented in accordance with the approved details prior to occupation of the dwelling hereby approved.

Reason

To prevent pollution and ground contamination, and to accord with Policies L17 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 09/11 – 4 MARCH 2011**

<b>App No.:</b>	PK11/0046/F	<b>Applicant:</b>	Mr M Williams
<b>Site:</b>	3 Church View Church Road Doynton Bristol South Gloucestershire	<b>Date Reg:</b>	18th January 2011
<b>Proposal:</b>	Erection of single storey side and rear extension to form additional living accommodation.	<b>Parish:</b>	Doynton Parish Council
<b>Map Ref:</b>	372081 174062	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Householder	<b>Target Date:</b>	14th March 2011



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 100023410, 2008. **N.T.S.** **PK11/0046/F**

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

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

### **1. THE PROPOSAL**

- 1.1 The application relates to a recently constructed, two-storey, semi-detached dwelling house, located within a housing estate in the village of Doynton. The houses within the estate have a traditional Cotswold stone design and are of similar scale and appearance. The location is entirely residential in character. The site is bounded to the west, by an area of open amenity land; beyond which is Holy Trinity Church. The site lies within the Green Belt, Established Settlement Boundary, Doynton Conservation Area and Cotswolds AONB as defined by the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 1.2 It is proposed to erect single-storey side and rear extensions. The side extension would provide an extended sitting room whilst the single-storey rear extension would provide a new utility room.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1 - Delivering Sustainable Development  
PPG2 - Green Belts  
PPS5 - Planning for the Historic Environment  
PPG13 - Transport  
Planning (Listed Buildings and Conservation Areas) Act 1990.  
PPS5 Historic Environment Planning Practice Guide March 2010.

#### **2.2 Development Plans**

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

D1 - Design  
L1 - Landscape Protection and Enhancement  
L2 - Cotswolds AONB  
L12 - Conservation Areas  
H4 - Development within Residential Curtilages  
T8 - Parking Provision  
T12 - Transportation Development Control Policy for New Development.  
EP1 - Environmental Protection  
L17 & L18 - The Water Environment.

##### **South Gloucestershire Core Strategy Submission Draft (Dec. 2010)**

CS1 - High Quality Design  
CS9 - Managing the Environment and Heritage

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

The South Gloucestershire Design Check List SPD (Adopted) 23 Aug 2007.

Development in the Green Belt SPD (Adopted) June 2007

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

- 3.1 PK02/3112/F - Demolition of 17 no. dwellings and erection of 21 no. dwellings with associated open spaces and allotment area.  
Approved S106 11 June 2004.

### **4. CONSULTATION RESPONSES**

#### **4.1 Doynton Parish Council**

Object on the grounds that the completed dwelling was constructed as part of a development of 20 houses, designed to provide a continuous sight line to and from the village church. The proposed extension would more than halve the width of the sight line making it totally ineffective. In addition it was felt that the completed dwelling would be larger than any others in the development and blank walls would overshadow neighbouring properties.

#### **4.2 Other Consultees [including internal consultees of the Council]**

##### **Conservation Officer**

No objection subject to conditions to secure materials and finishes; eaves and verge details.

#### **Other Representations**

#### **4.3 Local Residents**

1no. letter of objection was received from the owner of adjoining no.4 Church View. The concerns raised are summarised as follows:

- The proposed rear extension will reduce the parking area for this property and result in increased on-street parking.
- The rear extension will overshadow no.4.
- The proposal involves removing the boundary wall to the footpath and will involve carrying out construction work beyond the boundary of the property, including excavation and damage to the footpath, for which there will have to be adequate provision for reinstatement.
- The proposed roof structure will over-hang the public footpath along with rain water goods, which will all be outside the designated boundary of the property.
- The steeply sloping gutter will probably discharge rainwater directly onto the footpath.
- The proposed Velux windows are not shown on the plans.

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

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

Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 reflects the government policy for Green Belts contained in PPG2. Policy GB1



lists the limited categories of development that are permitted within the Green Belt. Development within the Green Belt should not have an adverse impact on the visual amenity of the Green Belt. Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits development within residential curtilages, subject to a number of criteria that are discussed below. Policies D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and CS1 of the South Gloucestershire Core Strategy Submission Draft Dec. 2010 seek to secure good quality designs in new development. Policy L12 seeks to preserve or enhance the character or appearance of Conservation Areas and likewise Policy L2 seeks to preserve or enhance the natural beauty of the Cotswolds AONB.

## 5.2 Green Belt Issues

Limited extensions to dwellings within the Green Belt are permitted under Policy GB1 provided that they do not result in disproportionate additions over and above the size of the original property. The adopted SPD Note indicates that extensions up to 30% of the original volume of the property are generally acceptable.

5.3 In this case the proposed extensions are single-storey only, modest in scale and subservient to the form of the host dwelling. Officers are satisfied that the proposal would not represent a disproportionate addition to the dwelling and as such is not inappropriate development within the Green Belt. Furthermore the scheme, being within an existing housing estate and surrounded for most part by existing buildings, would not compromise the purposes of including land within the Green Belt.

5.4 The proposal is not considered to adversely affect the visual amenity of the Green Belt (see the Design and Conservation sections below). There are therefore no Green Belt objections to the proposal, which accords with Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and national policy contained within PPG2 – Green Belts.

## 5.5 Conservation and Design Issues

3 Church View is a modern, stone built semi-detached dwelling with clay tile roof, coped gables, timber windows and a stone chimney stack. It sits on a slightly elevated level facing the Church, set back from the road through the village. It forms part of a development of similarly designed dwellings at a sensitive, central location within Doynton.

5.6 The application seeks permission to build two extensions, one on the rear of the property the other on the gable end, to provide additional living space. The extensions are intended to match the construction and materials of the host building. The rear extension would have no impact on the character or appearance of the Conservation Area and the side extension would not appear incongruous, although the odd dimensions of the plot would mean that the proposed eaves line would be a lot higher at the front of the building than the rear. The proposed extensions are designed as subservient additions to this new building within the Conservation Area. Provided they are constructed and detailed to match the host buildings, and use matching materials, the works would not be harmful to the character or appearance of the Conservation Area.

- 5.7 It is acknowledged that the original design rationale for this part of the estate was to provide a continuous view of the Church via a gap between nos. 2 and 3. The proposed side extension is single-storey only and would not extend beyond the existing line of the high boundary wall to the side of the property. The proposed mono-pitch roof would slope steeply down to the eaves level and as such would not significantly compromise the view between nos. 2 and 3.
- 5.8 A number of other concerns have been raised regarding damage to the footpath, overhanging of gutters and discharge of water onto the footpath from the proposed gutters. In response, the applicant has submitted additional information to confirm that the gutter arrangement has been amended so that it would now sit on top of the existing wall with the new inner leaf lying inside that line. The perceived problem of overshooting rainwater has been addressed by the provision of a lead (traditional) secret gutter running horizontally 600mm above the eaves, the sloping gutter would therefore take a much smaller volume of water and remove the risk of discharge onto the footpath.
- 5.9 The applicant accepts that he would be responsible for repair of any damage to the footpath (which lies outside the development site), in any event, this would be a civil matter. Amended plans have been submitted to correctly show the position of the velux windows in the proposed rear extension.
- 5.10 On balance therefore and having regard to the amendments described above; subject to conditions requiring submission of the materials and finishes details to match the host building, eaves details to match the host building and the submission of details of the proposed verges; the scale and design are considered appropriate for this property and would respect the massing, scale proportions, materials, overall design and character of the existing property. The proposal would also adequately preserve the street scene, and character and setting of the Conservation Area. The proposal therefore accords with Policies H4(A) and D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and CS1 of the South Gloucestershire Core Strategy Submission Draft (Dec. 2010) and L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.11 Impact Upon Residential Amenity  
The side extension would lie next to the footpath between the application site and the front elevation of neighbouring no.2. Given the existing presence of a high boundary wall and the modest scale of the development proposed, the extension would not have a significant overbearing impact on no.2. and neither would it significantly compromise the outlook from the front windows of no.2, which already face the boundary wall from close proximity. There would be no windows in the side elevation of the extension proposed and as permitted development rights have been removed from this property, planning permission would be required to insert new windows. High boundary treatments enclose the respective gardens at ground floor level. There would therefore be no significant loss of privacy from overlooking to the rear. Adequate private amenity space would be retained to serve the property.

- 5.12 Regarding the proposed rear extension, this would protrude only 2m from the rear elevation with a mono-pitch roof sloping down to an eaves level of only 2.2m at the rear extremity. The extension would be located next to a 1.8m high boundary fence and even allowing for a relative difference in plot levels between nos. 2 and 4, officers do not consider that the proposed rear extension would result in a significant loss of amenity for the occupiers of no.4. Officers noted during their site visit that no.4 only has a rear doorway located immediately adjacent to the boundary with no.3 and furthermore the properties face to the south-east and receive plenty of day light.
- 5.13 There would therefore be no significant adverse impact on residential amenity. The proposal therefore accords with Policy H4(B) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.14 Highway Issues  
The existing rear access into the site would remain and although the proposed rear extension would foreshorten the length of the parking area to some 4.8m, this is not dissimilar to the parking arrangement approved at no.4 and is considered adequate. There are therefore no highway objections to the proposal, which accords with Policies H4(C), T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.15 Environmental Issues  
The extension would be the subject of Building Regulation Control and existing drains would be utilised. The proposal would therefore accord with Policies EP1, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.16 Landscape Issues  
The proposal would not affect any significant vegetation or landscape features. Being located within the village and surrounded by existing buildings, the proposal would not adversely affect the wider visual amenity of the Green Belt or compromise the natural beauty of the Cotswolds AONB. The proposal is therefore in accordance with Policies L1, L2 and GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

## **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. Consideration has been given to the proposal's scale and design and is considered to accord with Policies D1 and H4(A) of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Submission Draft Dec 2011.
  2. The scheme is not considered to adversely affect residential amenity in terms of overlooking, loss of privacy, overbearing impact or loss of amenity space and therefore accords with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
  3. The proposal would have no adverse highway implications in accordance with Policy H4(C), T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
  4. Consideration has been given to the drainage implications of the scheme and its impact upon the environment in accordance with Policies EP1, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
  5. The proposal would not adversely affect any features of the landscape and accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
  6. The proposal would preserve the character and appearance of the Conservation Area in accordance with Policy L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
  7. The natural beauty of the Cotswolds AONB would not be compromised in accordance with Policy L2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
  8. The proposed extensions are not considered to be disproportionate and as such are not inappropriate development within the Green Belt, neither would the proposal compromise the purposes of including land within the Green Belt or harm the visual amenity of the Green Belt; in accordance with Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and PPG2-Green Belts.
- 6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

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

Reason 1

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy Submission Draft Dec 2010.

Reason 2

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.

3. Notwithstanding the details shown on the plans hereby approved and prior to the commencement of development, full details of the proposed eaves and verges shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in full accordance with the details so approved.

Reason 1

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy Submission Draft Dec 2010.

Reason 2

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. The tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

Reason 1

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy Submission Draft Dec 2010.

Reason 2

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.

5. The hours of working on site during the period of construction shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or

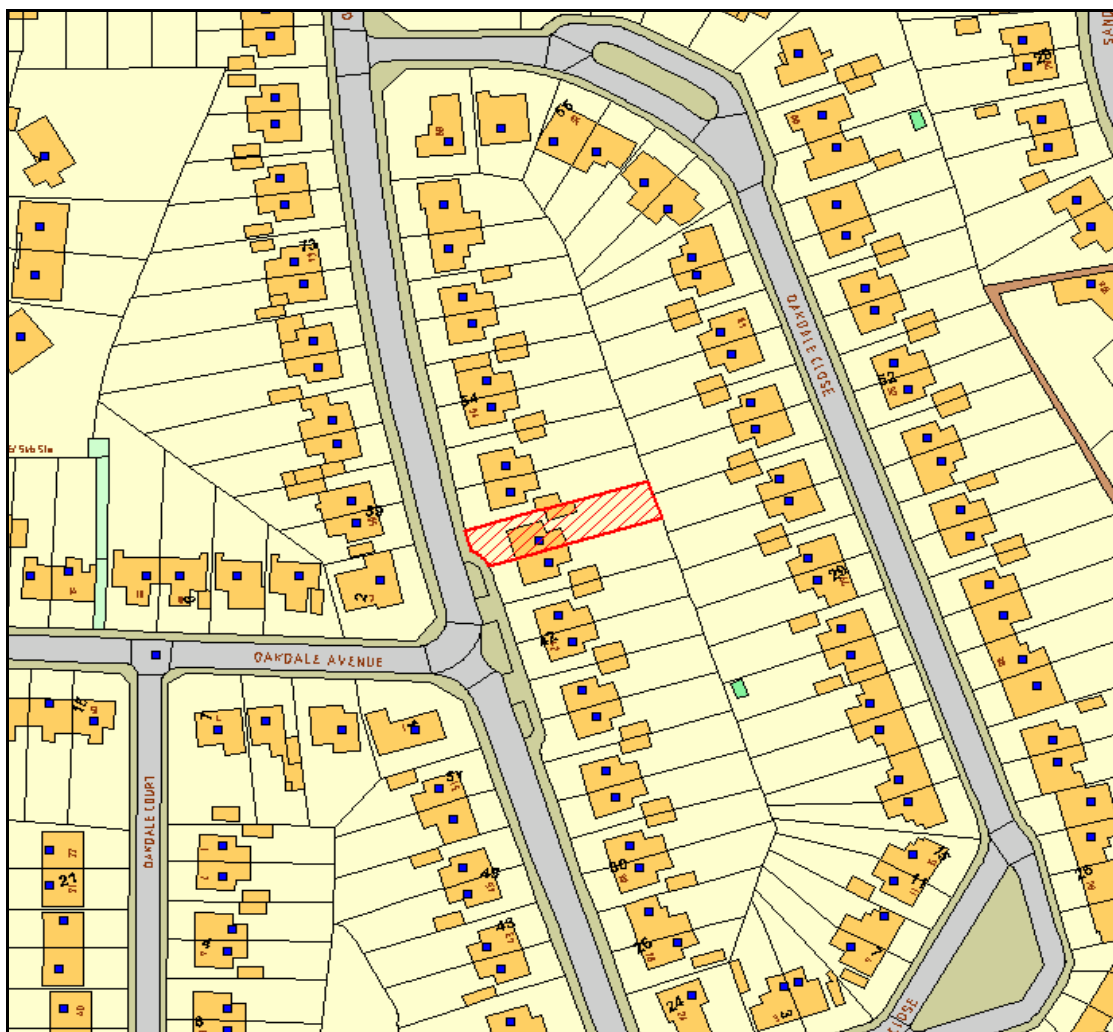
other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

**CIRCULATED SCHEDULE NO. 09/11 – 4 MARCH 2011**

<b>App No.:</b>	PK11/0060/F	<b>Applicant:</b>	Mr D Loftus
<b>Site:</b>	48 Oakdale Road Downend Bristol South Gloucestershire BS16 6EA	<b>Date Reg:</b>	17th January 2011
<b>Proposal:</b>	Erection of two storey side and single storey rear extension to form garage and additional living accommodation. Installation of rear dormer to facilitate loft conversion. Erection of raised decking area to rear.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365080 177587	<b>Ward:</b>	Downend
<b>Application Category:</b>	Householder	<b>Target Date:</b>	11th March 2011



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

The following report has been recommended for submission to the Circulated Schedule following an objection being received from Downend Parish Council.

### **1. THE PROPOSAL**

- 1.1 The application relates to a two storey, spar rendered semi-detached dwelling situated on the east side of Oakdale Road, Downend. The site lies within the defined settlement boundary.
- 1.2 Planning permission is sought for the erection for a two storey side extension, single storey rear extension with decking and a replacement rear dormer window. The property has a single storey rear projection that was built at the same time as the house. The proposed single storey rear extension with decking will be attached to the rear of the single storey projection and will replace the existing conservatory. The property has a detached garage that will be demolished to make way for the proposed extensions.
- 1.3 Due to Officer concern over the siting of the useable area of the proposed decking, amended plans have been received by the Council on 25<sup>th</sup> February 2011, moving the useable area away from the boundary with the adjoining dwelling (No. 46 Oakdale Road).

### **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  
T12 Transportation Development Control Policy  
  
South Gloucestershire Council Core Strategy (Submission Draft) December 2010  
CS1 Good Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) 2007

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

- 3.1 No history.



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

- 4.1 Downend & Bromley Heath Parish Council  
Objection – Over development due to size of rear extension. Not in-keeping with other extensions to nearby properties.
- 4.2 Sustainable Transport  
The proposed garage is extremely substandard and not wide enough to accommodate some cars. However, discounting the garage the Council's Highways Officer is satisfied that there is adequate parking to the front of the property, and therefore no objection is raised.

#### **Other Representations**

- 4.3 Local Residents  
None received.

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

- 5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety. The principle of development is therefore acceptable subject to the following detailed assessment.
- 5.2 Design/Visual Amenity  
This application seeks planning permission for the erection for a two storey side extension, a single storey rear extension with attached decking to the rear and a replacement rear dormer window. The two-storey side extension will measure 2.75 metres in width and will contain an integral (although small) garage. It will have eave and ridge heights to match the existing dwelling and the depth will match the existing dwelling depth of 8.0 metres. Additionally, it will retain a hipped roof, aiding to the design integrating successfully with the surrounding dwellings.
- 5.3 The single storey rear extension will replace the existing conservatory and will extend from the original single storey rear projection (which is also a feature of the attached dwelling) for a depth of 4.1 metres. For comparison, the proposed rear extension will be 0.8 metres deeper than the existing conservatory. The single storey rear extension will have a maximum width of 8.2 metres, a height to eaves of 2.6 metres and will have a fully hipped roof with an apex height of 5.1 metres.
- 5.4 An objection has been raised by the Parish Council, on the grounds of the extensions not in-keeping with other extensions to nearby properties. However, many of the surrounding properties have two-storey side extensions, and although the proposed rear extension is quite large, it is considered that the massing and design, with its fully hipped roof is suitable for the site and location. The proposed additions use sympathetic materials i.e. spar render to match the existing. The proposal is therefore considered to adequately integrate within the existing built form.

5.5 It is also considered that the addition would not have a detrimental impact upon the character and appearance of the area. The site is well screened from the public domain by existing building. Being to the rear of the house, the extension would not be seen within the street scene. There would therefore be no adverse impact on visual amenity. The scale and design are therefore considered to be acceptable.

#### 5.6 Residential Amenity

##### Overbearing Analysis

The single storey rear extension will have a depth of 4.1 metres from the original rear wall of the dwelling. As noted, this is approximately 0.8 metres deeper than the existing rear conservatory. The side boundary to the attached dwelling consists of a 'scalloped' close boarded fence with a maximum height of approximately 1.8 metres. This can be raised to a height of 2.0 metres without the need for planning permission.

5.7 An objection has been raised by the parish Council, as the proposals are felt that to be over development due to size of rear extension. However, the property has a large rear garden and the rear boundary is sited over 20 metres from the rear extension. Additionally, the existing detached garage will be removed to make way for the extension, along with the existing conservatory. No objections have been received from local residents. It is considered that the proposed rear extensions are not considered to have an overbearing effect on the adjacent properties. The scale and design of the rear extension is therefore considered to be acceptable.

#### 5.8 Privacy Analysis

Although the proposed rear extension will adjoin the boundary with the adjoining property, no openings are proposed on this side elevation. It is recommended that a condition be attached securing this. Additionally, no openings are proposed in the side elevation of the two storey side extension. Although a larger rear dormer window is proposed, it is considered that no additional loss of privacy will occur by this addition. It is therefore considered that the adjacent dwellings will not experience any material loss of privacy by the proposed extensions. French windows are proposed in the rear and other side elevation of the rear extension, but due to the existing boundary treatments it is considered that the proposed extensions will not lead to a loss of privacy.

5.9 The proposals include the installation of decking to the rear of the rear extension. Due to officer concern, amended plans have been received moving the useable area of the decking away from the boundary with the adjoining dwelling. As stated, the height of the boundary treatments can be increased to 2.0 metres from adjacent ground level. It is therefore considered that the proposed decking will not result in a material loss of privacy.

#### 5.10 Amenity Space

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

#### 5.11 Highway Safety Analysis

Although the Council's Highway's Engineer highlights that the proposed garage does not meet the Council's standards for garages (by way of its internal measurements), sufficient off street parking remains to serve the occupiers of the property. The Council's Highway Engineer therefore has no objections to the development.

## 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 It has been assessed that the proposed extension has been designed to respect and maintain the character of the dwelling and the streetscene. The development therefore accords with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

The proposed extension has taken account of neighbouring residential amenities and through careful design, the proposal will not materially harm the amenities of neighbouring properties by reason of loss of privacy or overbearing impact. The proposal therefore accords with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

The development proposes satisfactory levels of onsite car parking to meet highway car parking standards, and would not prejudice highway safety in accordance with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

## 7. RECOMMENDATION

7.1 That planning permission be **GRANTED** subject to the conditions shown on the decision notice.

**Contact Officer: Elizabeth Dowse**  
**Tel. No. 01454 862217**

## CONDITIONS

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

Reason

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

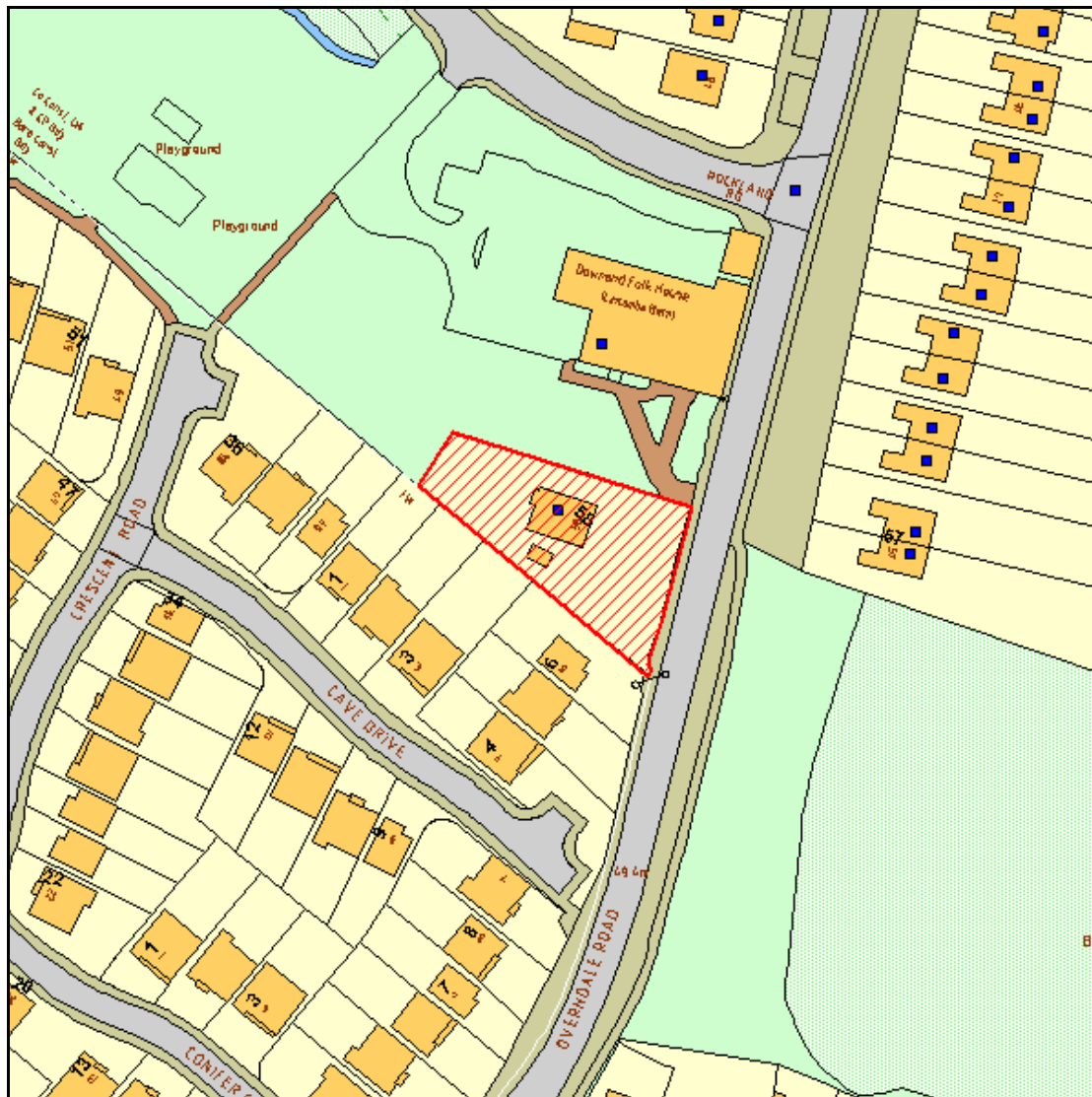
2. No windows other than those shown on the plans hereby approved shall be inserted at any time in the south side elevation of the single storey rear extension hereby approved.

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. 09/11 – 4 MARCH 2011**

<b>App No.:</b>	PK11/0122/F	<b>Applicant:</b>	Mr and Mrs Phelan
<b>Site:</b>	58 Overndale Road Downend South Gloucestershire BS16 2RW	<b>Date Reg:</b>	17th January 2011
<b>Proposal:</b>	Erection of two storey side extension to provide additional living accommodation	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	364602 176938	<b>Ward:</b>	Downend
<b>Application Category:</b>	Householder	<b>Target Date:</b>	11th March 2011



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

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

### **1. THE PROPOSAL**

- 1.1 The application relates to a detached chalet style bungalow with accommodation in both the ground floor and the roof space. The property is probably mid 20<sup>th</sup> C in age and is constructed of white painted render block with brickwork quoin detailing and a plain tiled roof with dormer windows. The dwelling lies within a generous sized plot and is set well back and down from Overndale Road. The dwelling is quite distinct in character and design from the other houses in the vicinity and is bounded by Downend Folk House (Lincombe Barn) to the north, modern dwellings on the higher ground to the south and an area of woodland to the west. There is a high fence and Pennant Sandstone retaining wall on the southern boundary of the site. Vehicular access is afforded from Overndale Road; an expansive area of hard-standing lies to the front of the dwelling and provides off-street parking for at least 4 cars. A rather unsightly detached asbestos garage lies to the southern side of the dwelling.
- 1.2 It is proposed to erect a two-storey extension on the southern side of the dwelling. The extension would provide a new kitchen, living room and porch at ground floor level with two new bedrooms above. The existing unsightly garage would be demolished to facilitate the erection of the extension.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1 - Delivering Sustainable Development  
PPG13 - Transport

#### 2.2 Development Plans

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

D1 - Design

L1 - Landscape Protection and Enhancement

L5 - Open Areas within the Existing Urban Areas

H4 - Development within Residential Curtilages

T8 - Parking Provision

T12 - Transportation Development Control Policy for New Development.

EP1 - Environmental Protection

L17 & L18 - The Water Environment.

##### South Gloucestershire Core Strategy Submission Draft (Dec. 2010)

CS1 - High Quality Design

- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Check List SPD (Adopted) 23 Aug 2007.

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

- 3.1 K6129 - Demolition of existing garage and provision of new double garage.  
Approved 19 Jan 1989

### 4. **CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
No objection.

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

Bristol City Council  
No response

#### **Other Representations**

- 4.3 Local Residents  
4no. responses have been received; two objecting and two supporting the proposal. The concerns raised by the occupants of nos.3 & 6 Cave Drive are summarised as follows:
- Overbearing impact.
  - Loss of outlook and view.
  - Loss of privacy from overlooking of conservatory roof.
  - Work could result in subsidence of retaining wall.
  - Loss of property value.
  - Proposed drainage arrangements could undermine the retaining wall.
  - The scale of the extension is excessive in scale.

The comments in favour of the proposal are summarised as follows:

- The extension would enhance the property by removing the existing unsightly asbestos garage.
- The garden is too large for the house.

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

- 5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, permits development within residential curtilages, subject to a number of criteria that are discussed below. Policies D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and CS1 of the South Gloucestershire Core Strategy Submission Draft Dec. 2010 seek to secure good quality designs in new development.

5.2 Scale and Design

Although the proposed extension is quite large in relation to the existing dwelling, it would in terms of scale and form, integrate adequately within the existing built development, which is itself quite distinct in its character. The proposed roof slopes, fenestration and materials to be used in construction would reflect those of the existing property. The plot is very large and can adequately accommodate the proposed extension. The loss of the unsightly detached garage is considered to be a visual enhancement.

5.3 The scale and design are considered appropriate for this property and would respect the massing, scale proportions, materials, overall design and character of the existing property and street scene. The proposal therefore accords with Policies H4(A) and D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and CS1 of the South Gloucestershire Core Strategy Submission Draft (Dec. 2010).

5.4 Impact Upon Residential Amenity

The extension would be located on the southern side of the property and would bring the built form closer to the boundary with the residential properties in Cave Drive. Concerns have been raised by the occupiers of nos.3 & 6 Cave Drive, whose rear garden and conservatory would be closest to the development. These neighbouring properties lie on significantly higher ground than the application site and a natural stone retaining wall and fence is to be found on the boundary. Whilst it is intended to retain the wall and fence, concerns have been raised about possible undermining of the wall by the development. Officers consider that this matter would be adequately addressed by Building Regulations, which is the subject of a separate application. In the event of planning permission being granted, a Building Inspector would be on hand to inspect the works.

5.5 Moving to the issues of overbearing impact and loss of privacy; the proposed extension, which would be 5m wide, would be located within 1m of the southern boundary at its westernmost end and within 5m at its easternmost end. The extension would however be no higher than the existing bungalow and given the difference in the respective plot levels and presence of high boundary treatments, is not considered to have an overbearing impact on neighbouring property.

5.6 At present there is a kitchen and bathroom window in the southern side elevation of the bungalow at ground floor level. The proposed extension would only have a solitary porch window in the side elevation and this is shown on the submitted plans as being obscurely glazed. An appropriate condition could ensure that no additional windows could be inserted in the side elevation or side roof slope in the future.

5.7 To the front and rear it is only proposed to introduce high-level Velux windows in the new roof space. Given the angle of the southern boundary in relation to the extension's front and rear elevation, officers do not consider that these new



windows offer the opportunity for excessive overlooking of neighbouring gardens or the conservatory of no.6. Cave Drive. In any event some overlooking of neighbouring gardens is only to be expected in a densely populated urban area and should not necessarily justify the refusal of planning permission, especially in light of government guidance to make the most efficient use of land in the urban area.

- 5.8 Concerns have also been raised about loss of views and outlook. Whilst there is no right to a view, impact on visual amenity and character of the area is a material consideration. In recent amendments to PPS3, garden areas are no longer considered to be previously developed land and as such are no longer priority areas for new housing development. These revisions were introduced as a result of concerns about so called 'garden grabbing' and loss of open space and character of residential areas. In this case the application site is plenty big enough to accommodate the extension and ample amenity space would remain to serve the property. Given that the scale and design of the extension are considered acceptable, officers are not of the opinion that the proposed extension would represent an unsightly or incongruous element within the street scene to the detriment of visual amenity.
- 5.9 There would therefore be no adverse impact on residential amenity in planning terms. The proposal therefore accords with Policy H4(B) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.10 Highway Issues  
Adequate parking and access arrangements would be retained. There are no highway objections to the proposal, which accords with Policies H4(C), T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.11 Environmental Issues  
The extension would be the subject of Building Regulation Control and existing drains would be utilised. An appropriate informative would be added to advise the applicant about disposal of asbestos from the garage to be demolished. The proposal would therefore accord with Policies EP1, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.12 Landscape Issues  
The proposal would not affect any of the TPO'd trees to the rear of the site or any landscape features of note. The proposal would not result in the loss of significant areas of open space. The proposal is therefore in accordance with Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.13 Other Concerns Raised  
The impact of development on property values is not a material consideration in the determination of property values.

## **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. Consideration has been given to the proposal's scale and design and is considered to accord with Policies D1 and H4(A) of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Submission Draft Dec 2011.
  2. The scheme is not considered to adversely affect residential amenity in terms of overlooking, loss of privacy, overbearing impact or loss of amenity space and therefore accords with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
  3. The proposal would have no adverse highway implications in accordance with Policy H4(C), T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
  4. Consideration has been given to the drainage implications of the scheme and its impact upon the environment in accordance with Policies EP1, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
  5. The proposal would not adversely affect any features of the landscape and accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
  6. The proposal would not result in the loss of an open area of significant amenity value and is therefore in accordance with Policy L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

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

Reason

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

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the southern side elevation or southern roof slope of the extension hereby approved.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 09/11 – 4 MARCH 2011**

<b>App No.:</b>	PK11/0131/ADV	<b>Applicant:</b>	McDonalds Restaurant Ltd
<b>Site:</b>	McDonalds Restaurant Ltd 38 West Walk Yate South Gloucestershire	<b>Date Reg:</b>	19th January 2011
<b>Proposal:</b>	Display of 4 no. internally illuminated static fascia signs, 1 no. internally illuminated static hanging sign and 1 no. non illuminated customer order display sign with canopy.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371301 182504	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th March 2011



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 100023410, 2008. **N.T.S.** **PK11/0131/ADV**

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

This application is reported on the Circulated Schedule due to the receipt of an objection contrary to the officer recommendation.

### **1. THE PROPOSAL**

1.1 This application is for Advertisement Consent for the display of 6 advertisements on the McDonalds drive-through hot food takeaway which is situated on the northern side of the 'island' which forms Yate Town Centre. The site is a single-storey flat-roofed building which already displays company signage.

1.2 The six signs consist of 4 internally illuminated fascia signs, one internally illuminated static hanging sign and one non-illuminated customer display sign under a canopy. In the latter case, only the display of the sign requires planning permission.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPG19 Advertising

2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
None

South Gloucestershire Core Strategy Pre-submission Publication Draft (March 2010)  
None

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

3.1	PK03/0866/ADV	11 signs, 6 of which illuminated	Approved
3.2	PK03/0870/ADV	3 signs, all illuminated	Approved
3.3	PK03/1466/ADV	illuminated golden arch logo	Refused
3.4	PK03/1767/ADV	5 non-illuminated signs	Approved
3.5	PK11/0129/ADV	8 illuminated signs	Undetermined

### **4. CONSULTATION RESPONSES**

4.1 Yate Town Council  
Object to the proposal due to overbearing impact and light pollution.

4.2 Other Consultees [including internal consultees of the Council]  
Sustainable Transportation  
There is no transportation objection to the proposed signage as submitted.

## **Other Representations**

### **4.3 Local Residents**

No replies received.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

This application stands to be assessed against the national planning guidance, in the light of all material considerations. The impact of the signs will be analysed in turn.

### **5.2 Illuminated static fascia sign 1**

This fascia sign would replace the existing fascia sign on the western elevation, overlooking the car park. Both existing and proposed signs state the word: McDonalds, with the change being that the new proposal would use slightly larger letters. These letters would be internally illuminated. It is considered that the main purpose of this sign is to identify the building for those using the car park and potentially passing cars on Station Road, albeit at a greater distance and through the intermittent landscaping. Although the lettering is larger than the existing, it is considered that the overall impact of the sign is not significantly greater and therefore the impact on visual amenity would not be great enough to warrant refusal of the scheme.

### **5.3 Illuminated static fascia sign 2**

A sign of similar size and identification characteristics is proposed for the northern elevation of the building, which faces, at a distance, Station Road. Currently the only identifier on this elevation is an M logo. It is considered that this sign is acceptable and would not harm visual amenity.

### **5.4 Illuminated static fascia sign 3**

Also on the northern elevation, an M logo is proposed to replace the existing one, albeit in a position closer to the most prominent corner of the building. This sign is proposed at 1.2 metres high and would be internally illuminated. It would be displayed in line with the bottom of the fascia sign referred to at 5.3. Since it would replace a sign of similar size, while introducing illumination, it is considered that this is not an unreasonable proposal. The sign is not considered to harm visual amenity.

### **5.5 Illuminated static fascia sign 4**

A sign of the same dimensions and illumination as that analysed at 5.4 above is proposed to flank the McDonalds fascia on the northern elevation. In terms of the sign itself, although this is a new feature, it is considered that it would give symmetry to this elevation. The cumulative impact of the signs on this elevation also merits assessment as the proposal would take the number of signs from one M logo to three illuminated signs on this elevation. The way that it achieves this is considered to represent a slight enhancement of this somewhat utilitarian elevation. The siting of the signs is considered to be acceptable and they are considered to be subtle enough so that they would not dominate the facade. It is considered that no cumulative impact of signage would arise from this part of the proposal.

5.6 Illuminated Static Hanging Sign

This sign is proposed to be internally illuminated, 1 metre square, and is a projecting box sign close to the restaurant pedestrian entrance, featuring the letter M as a logo. It would be hung from the west-facing side of the building, lower than the fascia sign described at 5.2 above and visible from the footway leading along the side of the car park. The sign, despite its illumination is considered to amount to an unobtrusive feature on the building's western facade and is not considered to harm visual amenity.

5.7 Customer order display sign

This sign would be located under a canopy which has been recommended for approval on the previous Circulated Schedule. The sign is considered to be essential to the function of the site as it provides information in the form of a menu at the point where drivers place their order. No illumination is involved and it is considered that this sign is acceptable in terms of impact on visual amenity.

5.8 Other Issues

The issue of light pollution has been raised by the Town Council. The principle to examine for pollution is that there must be a cause and a receptor. In this case it is considered that the only receptors are passing motorists, cyclists and pedestrians. All three are on the move and pass by the site, making any effect transitory. The nearest dwellings to the site are flats within the town centre and the illumination in all cases would be facing away from these flats and not projecting above the roof of the building on which they would be displayed. It is therefore considered that the flats would have no direct view of either the signs or their illumination.

The cumulative impact of this proposal would be divided between the northern and eastern elevations of the building, which is considered a sufficient factor to overcome signage clutter. It is not considered that the signs, individually or collectively would amount to any overbearing impact either through their physical presence or their number, particularly with regard to the existing level of signage on the site.

**6. CONCLUSION**

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

6.2 The recommendation to approve 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**

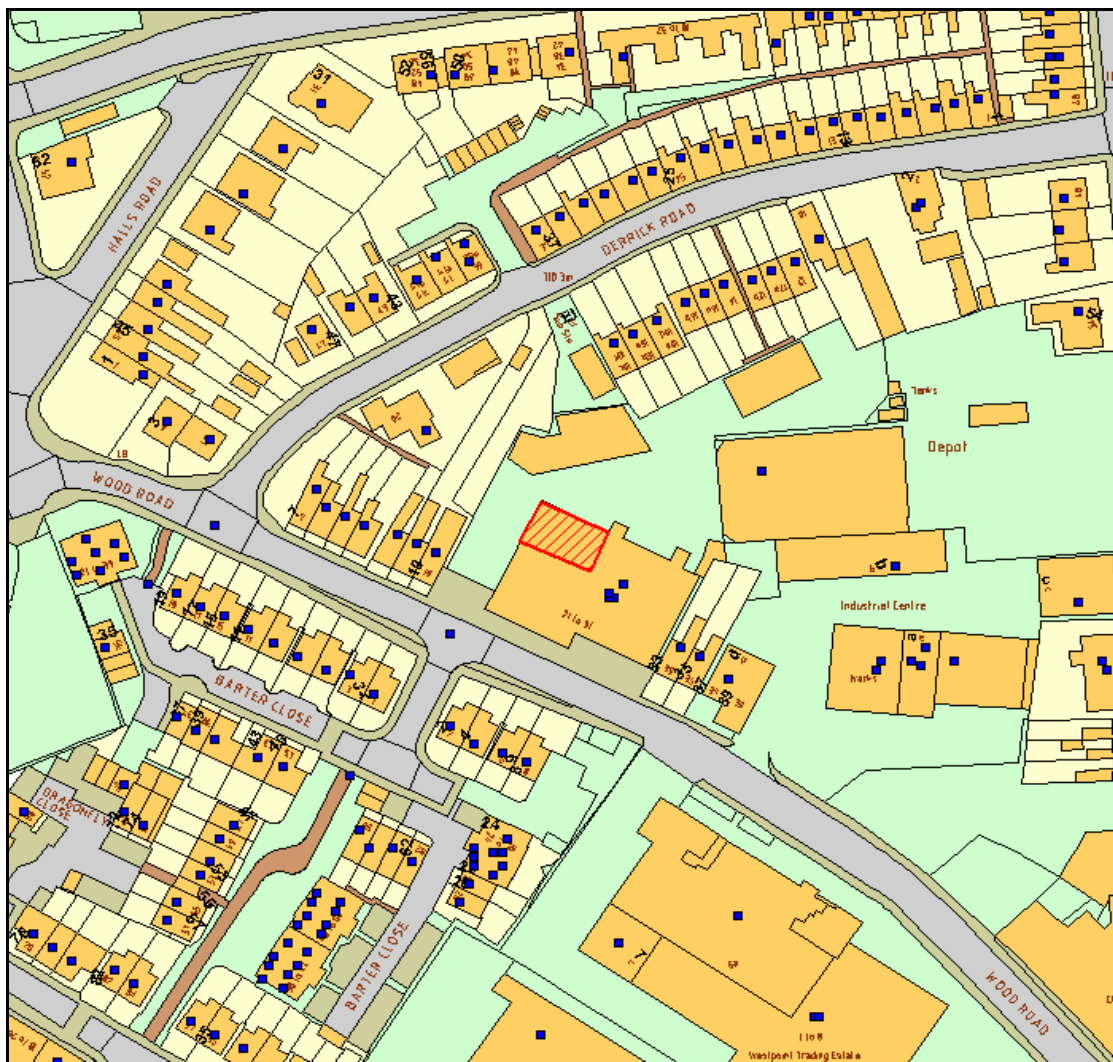
7.1 That advertisement consent is granted.

**Contact Officer: Chris Gosling**  
**Tel. No. 01454 863787**



**CIRCULATED SCHEDULE NO. 09/11 – 4 MARCH 2011**

<b>App No.:</b>	PK11/0138/RVC	<b>Applicant:</b>	Miss C Turner
<b>Site:</b>	23 Wood Road Kingswood Bristol South Gloucestershire BS15 8DT	<b>Date Reg:</b>	24th January 2011
<b>Proposal:</b>	Variation of condition 3 attached to planning permission P99/4528 to amend opening hours to 9.00 to 21.00 Monday to Friday, 10.00 to 14.00 Saturday and Sunday and 10.00 to 20.00 on bank holidays	<b>Parish:</b>	None
<b>Map Ref:</b>	364723 173558	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th March 2011



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 100023410, 2008. **N.T.S.** **PK11/0138/RVC**

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

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

### **1. THE PROPOSAL**

- 1.1 The application relates to a women's only gymnasium, located within the first floor of a former industrial unit. To the east and north of the site is an industrial / commercial area with houses beyond. To the west is a rank of terraced dwelling houses. To the south, on the opposite side of Wood Road, is a modern housing estate.
- 1.2 Application is sought to extend the current opening hours to include Saturday opening between 10.00hrs to 14.00hrs.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1 - Delivering Sustainable Development  
PPS4 - Planning for Sustainable Economic Growth  
PPG24 - Planning and Noise  
Circular 11/95 – The Use of Conditions in Planning Permissions

#### 2.2 Development Plans

Joint Replacement Structure Plan (Adopted) Sept. 2002  
Policy 1 - Sustainable Development Objectives

The South Gloucestershire Core Strategy Submission Draft Dec 2010  
CS1 - High Quality Design

South Gloucestershire Local Plan ( Adopted) 6th January 2006

D1 - Design in New Development  
LC3 - Proposals for Sports and Leisure Facilities within the Existing Urban Area  
EP1 - Noise Sensitive Development  
T8 - Parking Standards  
T12 - Transportation Development Control Policy for New Development.

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Check List (Adopted) 23<sup>rd</sup> August 2007

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

- 3.1 The site has been the subject of a number of applications in the past. However, the following are the most relevant to the determination of this application.
- 3.2 P99/4528 Change of use of part of first floor from industry (B2) to gymnasium (D2).

Approval Full Planning: 5<sup>th</sup> November 1999

- 3.3 PK99/0400/F Variation of Condition 4 attached to planning permission P98/4373, and Condition 3 attached to planning permission P99/4528 to permit opening between 10.00am and 2.00pm on Sundays.  
Approved 3<sup>rd</sup> April 2000
- 3.4 PK07/2305/F Variation of Condition 3 of planning permission P99/4528 to amend opening hours from 09.00 to 21.00 Monday to Friday only to include 10.00 to 14.00 hours on Sundays and 10.00 to 20.00 hours on Bank Holidays.  
Approved 9<sup>th</sup> Nov 2007

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

4.1 Parish Council  
Not a parished area.

4.2 Other Consultees

Police Community Safety Officer  
No response

Environmental Protection  
No objection

#### **Other Representations**

4.3 Local Residents

2no. letters of objection have been received from local residents. The concerns raised are summarised as follows:

- Would increase noise disturbance, especially on Bank Holidays.
- Increased on-street parking.

The application submission includes 6no. letters of support for the proposal. The comments in favour are summarised as follows:

- Saturday opening would be more convenient for working people.
- Would make the Gym more competitive and help to retain or increase the membership.
- Other Gyms in the area can open on Saturdays.
- The parking facilities are adequate.
- Closure of the Gym would result in loss of jobs in an area of high unemployment.

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

5.1 Principle of Development

The acceptance of a Gym on these premises was established with the granting of planning permission P99/4528. The hours of use of the gym were controlled

by Condition 3 of the planning permission. This condition has twice since been varied by applications PK99/0400/F and PK07/2305/F (see History Section paras. 3.3 and 3.4) so that the current operating hours are 09.00 to 21.00 Monday to Friday; 10.00 to 14.00 hours on Sundays and 10.00 to 20.00 hours on Bank Holidays.

- 5.2 Permission is now sought to vary the wording of Condition 3 again to include Saturday opening between 10.00 to 14.00hrs.
- 5.3 Policy LC3 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits leisure facilities within the urban area subject to criteria that will be discussed below.
- 5.4 Justification for Extended Hours of Opening  
The business is fairly unique in that it offers Gym facilities on a women only basis. Whilst this has proven to be popular, the existing hours of opening together with the downturn in the economy has made the gym less competitive with other gyms in the area that have Saturday opening. The applicant's accountant has confirmed that membership and training income has fallen by 45% since 2006, with a 20% decrease in the last year alone. The viability of the business is now considered to be at risk with the possible loss of livelihood for the 9 staff employed at the gym. It is considered that the proposed Saturday opening would reverse this trend.
- 5.5 Impact Upon Residential Amenity and Noise Issues  
Concerns have been expressed about increased disturbance from noise breakout, especially on Bank Holidays. The existing operating hours in fact already include opening on Bank Holidays between 10.00 to 14.00hrs and it is not proposed to increase these hours under the current proposal. The only additional opening sought would be on Saturdays between 10.00 to 14.00hrs i.e. the same opening hours currently permitted on Sundays.
- 5.6 The original planning permission carried a raft of conditions designed to keep a tight control on noise disturbance for local residents, most notably those immediately to the rear of the site in Derrick Road. Condition 3 controlled the hours of opening; Condition 4 requires that noise breakout should not exceed 48 db (A) at any time and Condition 6 requires that all windows serving the use shall remain in a closed position whilst the gymnasium is in use. These conditions are considered to be reasonable and enforceable and would be carried forward should the current application be approved.
- 5.7 The applicant has stated that at weekends there are no aerobic sessions and therefore the noise generation is not as great. Furthermore, background noise in the vicinity of the site has increased following the recent housing development to the south. In light of the conditions already imposed, officers are satisfied that the proposed Saturday opening hours would be acceptable. In this regard the proposal would be in accordance with Policies LC3 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

## 5.8 Highway Issues

The Gym is already well served by the parking provision within the site. Furthermore as the site lies within the heart of the urban area, it is highly accessible on foot, by bicycle or public transport. The applicant has stated that on Saturdays, the other units within the site do not open so that even more parking space would be available. The proposal therefore accords with Policies LC3, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

## 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. Consideration has been given to the impact of the proposal on residential amenity in terms of increased noise and disturbance and is considered to accord with Policies LC3 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
  2. Consideration has been given to the transportation impacts of the proposal which is considered to accord with Policies LC3, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

7.1 That planning permission be granted subject to the conditions listed on the Decision Notice and the relevant condition varied to read as follows:

*The use hereby permitted shall not be open to customers outside the following hours: 09.00 to 21.00 Monday to Friday; 10.00 to 14.00 hours on Saturdays and Sundays and 10.00 to 20.00 hours on Bank Holidays*

Reason

*To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies LC3 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*

**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. Noise from the use hereby approved, assessed in accordance with BS4142 1990, shall not exceed a rating level of 48db (A) at any time, measured at or beyond the boundary of any residential property.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies LC3 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. The use hereby permitted shall not be open to customers outside the following hours: 09.00 to 21.00 Monday to Friday; 10.00 to 14.00 hours on Saturdays and Sundays and 10.00 to 20.00 hours on Bank Holidays

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies LC3 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

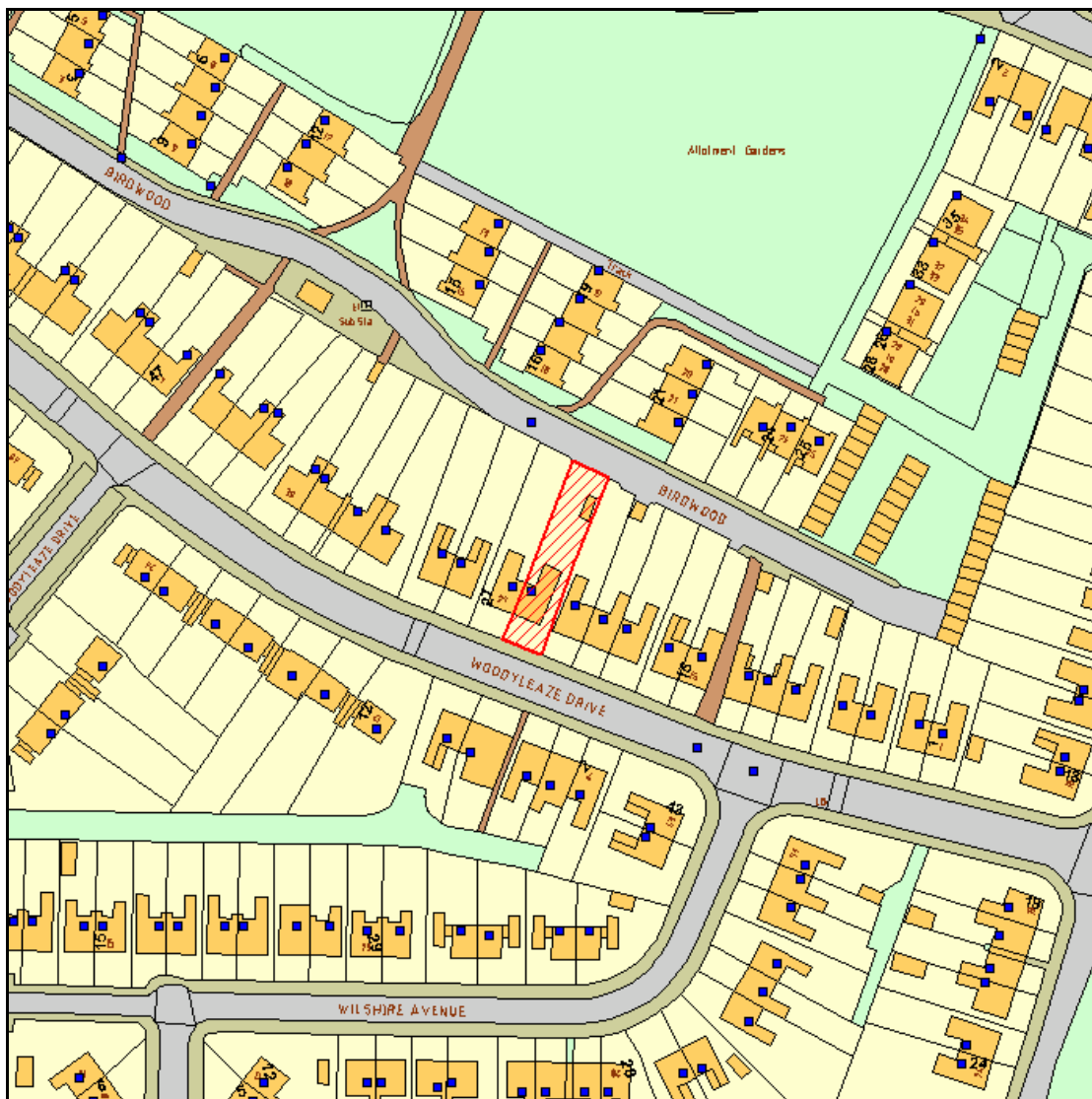
4. All windows serving the use hereby permitted shall remain in a closed position whilst the gymnasium is in use.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies LC3 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

**CIRCULATED SCHEDULE NO. 09/11 – 4 MARCH 2011**

<b>App No.:</b>	PK11/0197/F	<b>Applicant:</b>	Mrs K Rashley
<b>Site:</b>	25 Woodyleaze Drive Hanham Bristol South Gloucestershire BS15 3BX	<b>Date Reg:</b>	24th January 2011
<b>Proposal:</b>	Erection of single storey side porch to facilitate the conversion of existing dwelling to form 2no. self contained flats with associated works. (Resubmission of PK10/3244/F)	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	364756 172463	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th March 2011



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 100023410, 2008. **N.T.S.** **PK11/0197/F**

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

The following report has been recommended for submission to the Circulated Schedule following objections being received from local residents.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a single storey side porch to facilitate the conversion of an existing dwelling to form 2 No. self contained flats with associated works.
- 1.2 The application site is a semi-detached dwelling situated in the residential area of Hanham. The property is bounded to the front by Woodyleaze Drive and to the rear by Birdwood. To facilitate access to the first floor flat a porch would be erected to the east side of the property. The porch would measure 1.75 metres by approximately 2 metres and with a height to ridge of approximately 3.4 metres. It is proposed that the ground floor flat would have use of the rear garden and the parking space therein. The first floor flat would have off-street parking provision off Woodyleaze Drive to the front of the existing property. This flat would not have its own garden provision.
- 1.3 Revised plans were requested from the agent giving details of the off-street parking for the ground floor flat and the access to the rear garden from the ground floor flat. These were duly received by the Council.
- 1.4 This is a re-submission of application PK10/3244/F which was withdrawn due to its large size.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPG13 Transport  
Ministerial Statement 9<sup>th</sup> June 2010

#### 2.2 Development Plans

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

D1 Achieving Good Design in New Development  
H2 Proposals for Residential Development within the Existing Urban Area  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
H5 Residential Conversion  
T7 Cycle Parking  
T8 Maximum Parking Standards  
T12 Transportational Development Control



South Gloucestershire Core Strategy, Submission Draft December 2010

CS1 High Quality Design

CS5 Location of Development

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK10/3244/F           Erection of single storey rear and side extension and side porch to facilitate the conversion of existing dwelling to form 2 no. self contained flats with associated works  
Withdrawn               7<sup>th</sup> January 2011

**4. CONSULTATION RESPONSES**

4.1 Hanham Parish Council

No comments on the application

4.2 Other Consultees

Sustainable Transport

No objection to the principle of conversion but it is suggested that the parking to the rear is too removed from the dwellings and unlikely to be used. A suggestion is that the vehicular crossing to the front is extended to accommodate two parking spaces, one for each dwelling.

Coal Authority

No comments

**Other Representations**

4.3 Local Residents

Three letters of objection have been received and are summarised below:

- We feel it will add to the detrimental effect on street parking. We have noticed with other sites in the street which have been converted into flats already, with similar proposals there has not be enough parking for the vehicles
- We object to the principle and Council Strategy of allowing flats as one part of a block of two-three house to the detriment of the other 'houses'
- Still not happy about family homes being turned into flats as it is bound to have a negative affect on the surrounding properties

- Objection in principle to local, regional and national policies that seek to increase the proportion of smaller dwellings, such as flats, by the dubious means of converting semi-detached housing stock. Disagrees that a precedent as been set by other properties in Woodyleaze Drive
- Contrary to findings of John Herrington Housing Needs survey 2003 (updated in 2007), market for flats in South Gloucestershire is becoming saturated
- Lack of Good Quality Design - Design of first floor flat is flawed – proposed living room will be adjacent to bedroom of next door property
- Loss of my amenity/Privacy – proposed living room of first floor flat will overlook neighbour's garden thus constituting a severe loss of privacy
- Future noise nuisance – concerned about general increase in noise levels and in particular the transmittance of sound through party wall.
- Side porch and possible right of way – historically a lane serving as a public right of way ran between No. 23 and 25 Woodyleaze Drive.
- Conversion of front garden - Concern regarding flooding due to run-off when front garden converted to hard standing for first floor flat parking
- Parking issues – dropped kerb will be required to accommodate parking space to front, thereby losing the parking space on the road in front of the dropped kerb. This therefore does not address any increased parking need. Parking to the front of the property will impair the amenity of the ground floor flat by restricting their view, right to light and also affect the amenity from my property
- The amenity space suggested for use by the first floor flat is being covered with a new Sports Hall facility and an associated car park negating its use as amenity space

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the Urban Area. The provision of mixed and balanced communities is also supported. The South Gloucestershire Local Plan (adopted) 2006 (para 8.26) seeks to *‘increase the proportion of smaller dwellings, reflecting the projected growth in one person households and the existing disproportionate provision of smaller dwellings in South Gloucestershire’*. There is therefore, no principle objection to flats in the area. The property is an existing residential unit, lying within the urban area and as such the proposed conversion can be determined under Policy H5 of the South Gloucestershire Local Plan (adopted) 2006. Policy H5 permits the conversion of existing houses into smaller units of residential accommodation subject to the following criteria:

### 5.2 **A. Would not prejudice the character of the surrounding area; and**

The locality is entirely residential in character with several additions and alterations to existing properties. The area is made up of properties of mixed unit size including several other flat conversions in the nearby vicinity. There will be little change to the external appearance of the application site save for the addition of a small porch to the east side of the property to facilitate the conversion. The proposal relates to a semi-detached two storey spar rendered

property. The property benefits from brown tiles on its hipped roof which extend over a porch/roof covering the ground floor bay window and front door. Similar tiles also cover an existing single storey rear extension. The proposed side porch would measure approximately 3.5 metres square and is considered to be of an appropriate standard in design which reflects the overall style of the existing property and the character of the surrounding area. The proposed roof materials for the porch would match those of existing property.

### 5.3 **B. Would not prejudice the amenities of nearby occupiers; and**

The existing property is a three bedroom semi detached dwellinghouse. The proposal would retain its existing residential use, merely creating two 1no. bedroom flats one at ground floor and one at first floor level. It is unlikely that the number of people occupying the building would significantly increase. Plans indicate that adequate bin storage and cycle storage would be available within the site for both flats.

Concerns have been raised regarding loss of privacy due to overlooking the neighbouring property from the proposed lounge at first floor level. The garden in question is already overlooked from existing first floor windows and officers consider that some overlooking of neighbouring property in a densely populated urban area is to be expected. As a result officers do not consider that a significant loss of privacy would occur.

With regard to potential noise nuisance, there is always the possibility of transmission, which could affect residential amenity. However, the conversion works would need to comply with Building Regulations which require high standards regarding the reduction of transmitted noise. Subject to the necessary building regulations approval being granted, it is not considered that there is likely to be any issues of noise transmission sufficient to warrant the refusal of the application.

### 5.4 **C. Would identify an acceptable level of off-street parking; and**

The proposal would result in two separate residential units on the site. There is an existing vehicular access to the rear off Birdwood and this would remain unaltered to serve the ground floor flat. As part of the proposal the applicant would create an off-street parking space to the front of the property to serve the first floor flat.

It is noted by both planning and highway officers that the parking space to serve the ground floor flat is quite a distance from the flat, at the end of the garden. Ideally this space would be located closer to the flat to increase its usability. However, consideration must be given to the fact that this is an existing parking space and is the only off-street parking space available to serve the existing dwelling. In addition, other functioning garages and off-street parking areas serving properties on Woodyleaze are in evidence along and accessible from Birdwood. It is noted that if the proposed area to the front were extended two parking spaces could be created. However, officers consider that this degree of development to the front would be out of keeping with the character of the property and area.

Given the above, the provision of one off-street parking space for each flat is considered to be acceptable and the distance to the parking space alone is not sufficient to warrant refusal of the application.

Furthermore, given the proposed single parking space to the front and parking provision to the rear, the amount of parking complies with the South Gloucestershire Council parking standards and thereby is considered acceptable.

The amount of parking space created for the vehicle to the front of the property is over 5 square metres and plans indicate the surface would be of gravel. A condition will be placed on the decision notice to ensure the materials used and design comply with a Sustainable Urban Drainage System (SUDS). The Council's StreetCare Department would need to be consulted to create the dropped kerb but full planning permission would not be required as the property fronts onto an unclassified road

The view from next door will not be impeded by the parking space as the property sits above the road level. It will not affect the amount of light going into the property. A right to a view is not a material consideration in any planning application and cannot be covered here.

**5.5 D. Would provide adequate amenity space; and**

Plans show that adequate private and usable amenity space would be provided at the rear to serve the ground floor flat. Whilst no amenity space is provided for the first floor flat, given that this is a one bedroom flat, it is considered that there would be no expectation to provide amenity space for a property of this size, as it is unlikely to attract families.

**5.6 E. (In the case of buildings not previously used for residential purposes) the property is located within the existing urban areas and the boundaries of settlements as defined on the proposals map.**

The building has been previously used for residential purposes.

**5.7 Other matters**

- The report written by the John Herrington Housing Needs survey 2003 (updated in 2007), is not relevant to a scheme of this size
- The Council's records do not show any public right of way having existed on the site

**5.8 Having regard to all of the above, officers are satisfied that on balance, all of the criteria attached to Policy H5 are met.**

## 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) With the exception of the addition of the side porch, the conversion would not result in a major alteration to the appearance of the property. As such it is not considered to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords with Policy H4, H5 and D1 of the South Gloucestershire Local Plan (adopted) 2006.
  - b) The proposal has been assessed and deemed that the appearance will respect and maintain the character of the street scene and surrounding area. The development therefore accords with Policy D1, H5 and H4 of the South Gloucestershire Local Plan (adopted) 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
  - c) The proposal would incorporate an acceptable level of off-street parking and would result in an acceptable level of highway safety from the site in accordance with Policies T8 and T12 of the South Gloucestershire Local Plan (adopted) 2006
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

- 7.1 That the application be **APPROVED** subject to the following conditions

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

### CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason  
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies (L17/L8/EP1) of the South Gloucestershire Local Plan (Adopted) January 2006.

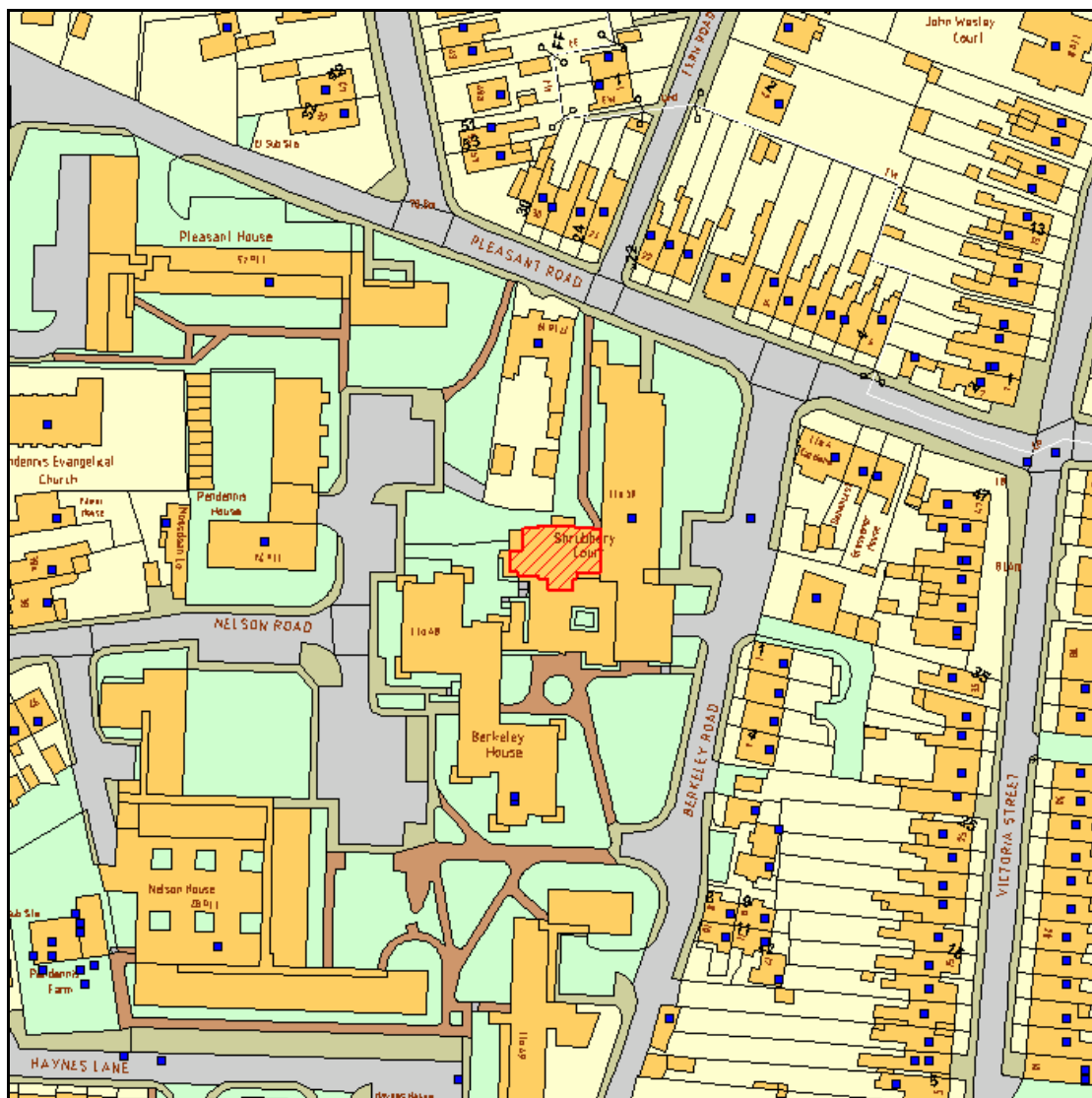
3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

**CIRCULATED SCHEDULE NO. 09/11 – 4 MARCH 2011**

<b>App No.:</b>	PK11/0210/F	<b>Applicant:</b>	Mr M Haines
<b>Site:</b>	Shrubbery Court RSM Berkeley Road Staple Hill Bristol South Gloucestershire	<b>Date Reg:</b>	25th January 2011
<b>Proposal:</b>	Change of use of existing wardens flat (class C2) to office (class B1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)	<b>Parish:</b>	None
<b>Map Ref:</b>	364837 176125	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st March 2011



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 100023410, 2008. **N.T.S.** **PK11/0210/F**

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

Objections were received which contradict the officer recommendation.

### **1. THE PROPOSAL**

1.1 This application seeks planning permission for the change of use of a warden's flat to an office. The flat is on the ground floor of Shrubbery Court, a three storey block of flats operated by Merlin Housing Society. It fronts Berkeley Road, which has bungalows on the other side of it and parking restrictions in the form of double yellow lines. The site is walking distance from Staple Hill town centre.

1.2 Parking for Shrubbery Court is within a basement car park. The applicant's agent has stated that this car park is underused.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG3 Housing

2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
LC4 Community Facilities  
D1 Design  
T7 Cycle Parking  
T8 Parking Standards  
T12 Highway Safety

South Gloucestershire Core Strategy Pre-submission Publication Draft (March 2010)

CS1 High Quality Design

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

3.1 None

### **4. CONSULTATION RESPONSES**

4.1 Parish/Town Council  
Unparished area

4.2 Other Consultees [including internal consultees of the Council]  
Sustainable Transportation

The proposed works involve internal alterations and change of use of a vacant wardens' accommodation from residential to office use. It is considered that there would be little or no transportation implication arising from this change of use.

It is acknowledged however, that some local residents have commented on the parking and mobility access within the site boundary and expressed concerns that the space available at the moment could be used by the people using Shrubbery Court. It must be highlighted that the control of parking facilities



within the site (i.e. car parking arrangement and who can or can not use such spaces) is entirely a private matter and this can be controlled by the “Management committee” of the building. The internal parking arrangement is not a highway issue and as such it can not be used to refuse this planning application.

In view of the above therefore, there are no highway objections to this proposal.

## **Other Representations**

### **4.3 Local Residents**

Four letters were received, two not objecting to the proposal, but the others objecting, citing the following concerns:

- Do not wish to see parking under the windows of flats due to heat, fumes and noise in the summer
- Parking problems in the locality – there are only 5 spaces and one for disabled and ambulances in front of Shrubbery Court with a further 4 and 1 disabled space for 1A Berkeley. Meetings and activities result in those places being taken up
- Merlin staff should use the underground car park
- Safety issues for elderly pedestrians with traffic around the site

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

This application stands to be assessed against the policies listed above, in the light of all material considerations. In the absence of a policy which retains residential uses, the loss of the warden’s flat is acceptable in principle. It therefore falls to be examined whether the proposed use is acceptable in policy terms in this location. Policy LC4 applies. With this in mind, further information on the operating of the office was sought. This confirmed that the office would be used as a ‘hub’ to serve Merlin’s sites in the Kingswood area, with four full time and two part time staff based there in normal office hours.

### **5.2 Residential Amenity**

Policy LC4 requires at criterion B that proposals should not unacceptably prejudice residential amenity. The warden’s flat is at present used around the clock and the proposal would lead to an intensified use of the site, but within normal office hours. In any event it is considered that this would not have any effect upon existing levels of residential amenity and that criterion B of policy LC4 is satisfied.

### **5.3 Transportation**

Criteria C and D of policy LC4 require that there would not be unacceptable transportation effects arising from the proposal and that it would not generate unacceptable levels of on street parking. It has been identified that the basement car park at Shrubbery Court is underused and that this area would be used for the staff car parking generated by the proposal. On that basis it is considered to be unlikely, even with the maximum staff car parking generated by the office, that there would be no overspill parking in surrounding streets as a result of the proposal. Indeed, the site is in a sustainable location on the edge of the town centre (as required by criterion A of policy LC4) and therefore is

accessible by bus as well, not to mention access by foot and cycle. The arrangement of the basement car park is a management issue for Merlin, but in terms of traffic generation, the proposal is considered to accord with policy LC4 in that adequate on site parking is available to serve the proposed office.

#### 5.4 Other Issues

Criterion C of policy LC4 requires that the proposal would not cause unacceptable environmental effects. The proposed change of use is not considered to have such an impact and the only such issues which have been raised through the consultation process relate to the use of the basement car park, which could be used for parking at any time outside planning controls, but within the control of the management of the site. A condition has been appended below limiting the use of the office to Merlin in order to avoid the possibility that the site could be sold off in future to some user independent of Shrubbery Court. The assessment above has been made in terms of the use of the office being ancillary to the sheltered housing function of the building and the surrounding buildings in Merlin's control and the condition would confirm this.

### 6. **CONCLUSION**

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

6.2 This proposal would provide an on site facility for Shrubbery House and the nearby sheltered housing in the form of a hub office to provide for the needs of local residents, without compromising residential amenity and providing adequate on site parking to accord with policies LC4, T8 and T12 of the adopted South Gloucestershire Local Plan.

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

### 7. **RECOMMENDATION**

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

**Contact Officer: Chris Gosling**  
**Tel. No. 01454 863787**

### **CONDITIONS**

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

Reason

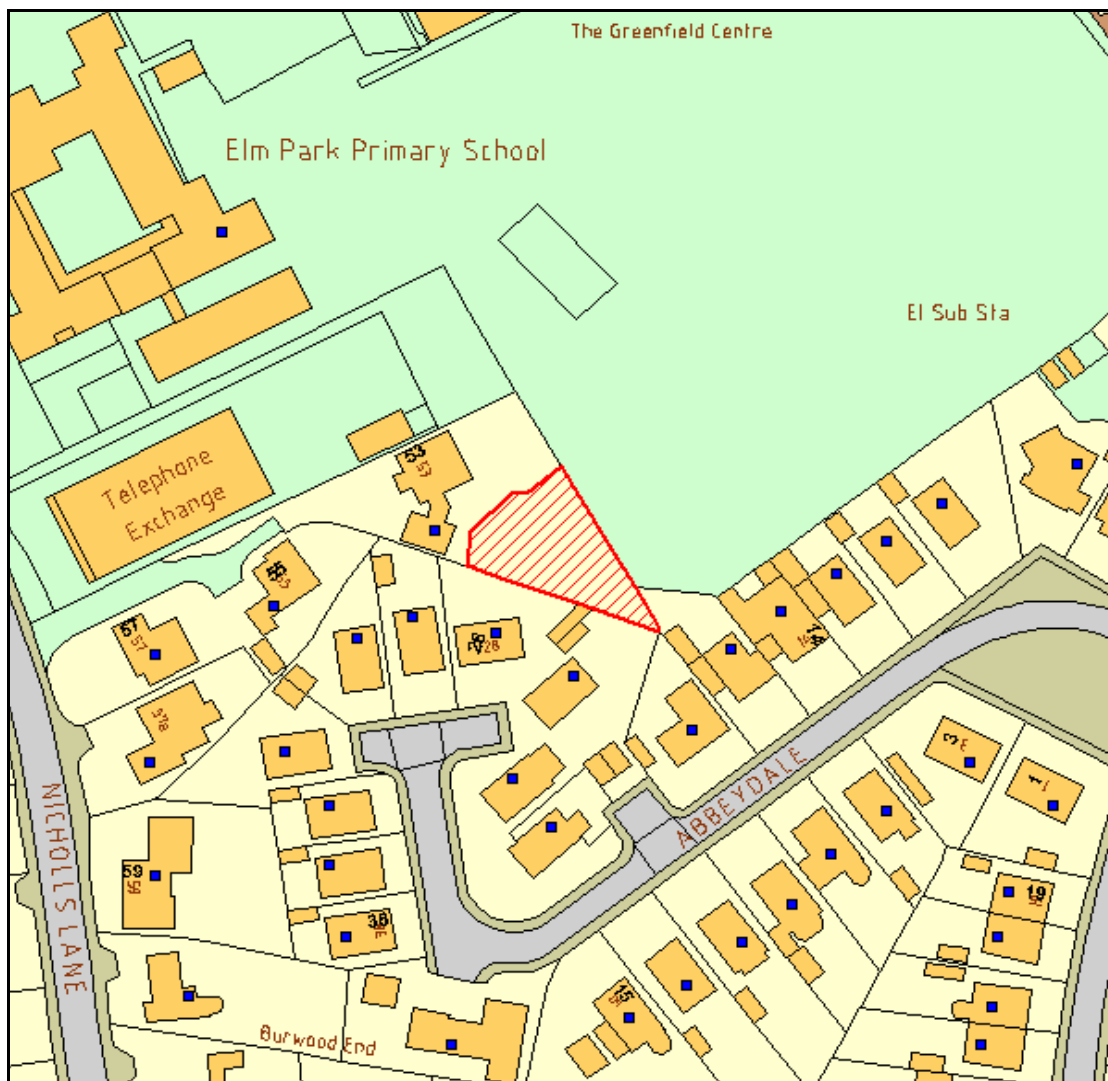
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The use of the office hereby approved shall be restricted to the provision of Sheltered Housing Service within South Gloucestershire, currently provided by Merlin Housing Society Ltd.

Reason. Use of this site independent of the provision of housing services would lead to increased parking demand which may not be able to be provided in the locality. To accord with policy LC4 of the adopted South Gloucestershire Local Plan.

**CIRCULATED SCHEDULE NO. 09/11 – 4 MARCH 2011**

<b>App No.:</b>	PT11/0023/RVC	<b>Applicant:</b>	Mr L Rickards
<b>Site:</b>	53A Nicholls Lane Winterbourne South Gloucestershire BS36 1NF	<b>Date Reg:</b>	17th January 2011
<b>Proposal:</b>	Variation of condition 1 attached to previously approved planning permission PT10/2204/RM dated 12 November 2010 to reduce the height of the boundary treatment along the south eastern part of the site to 1.94 metres.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365435 180889	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	11th March 2011



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

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 the variation of condition 1 attached to previously approved planning permission PT10/2204/RM dated 12 November 2010 to reduce the height of the boundary treatment along the south eastern part of the site to 1.94 metres.

1.2 The site relates to a detached dwelling house recently built within the curtilage of no. 53 Nicholls Lane under applications PT08/1899/O and PT10/2204/RM. The application site is located within a well established residential area within the Winterbourne settlement boundary. The boundary treatment along the south eastern part of the site is already in situ in the form of a 1.94 m high boarded fence.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPG18	Enforcing Planning Control

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

Policy 1	Sustainable Development Objectives
Policy 2	Location of Development
Policy 33	Housing Provision and Distribution

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

D1	Achieving Good Quality Design in New Development
H2	Proposals for Residential Development Within the Existing Urban Area and Defined Settlement Boundaries
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
L1	Landscape Protection and Enhancement
L17 & L18	The Water Environment
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

#### **2.4 Emerging Development Plan**

Core Strategy Proposed Changes Version (December 2010)

CS1	High Quality Design
CS5	Location of Development
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

## 2.5 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

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

- 3.1 PT08/0889/O - Erection of 1 no. dwelling (Outline) with access to be determined. All other matters reserved. Refused 09/05/2008.
- 3.2 PT08/1899/O - Erection of 1 no. dwelling (Outline) with access to be determined. All other matters reserved. Approved 30/01/2009.
- 3.3 PT09/6043/RM – Reserved matters application for erection of 1 dwelling – appearance, landscaping, layout and scale. Approved 12/02/2010.
- 3.4 PT09/6104/F - Erection of detached garage. Approved 10/02/2010.
- 3.5 PT10/2204/RM - Erection of 1 no. dwelling with appearance, landscaping, layout and scale to be determined. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT08/1899/O). (Amendment to previously approved scheme PT09/6043/RM). Approved 12/11/2010.

### 4. **CONSULTATION RESPONSES**

#### 4.1 Winterbourne Parish Council

Objection: The Planning Permission Condition should be enforced and the height of the boundary treatment should be 2.5m.

#### 4.2 Other Consultees

##### Transportation

No objection.

#### **Other Representations**

#### 4.3 Local Residents

No response.

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

#### 5.1 Principle of Development

Planning consent has already been given for the new dwelling under applications PT08/1899/O and PT10/2204/RM and construction has been completed and the building occupied. The applicant seeks to reduce the height

of the boundary treatment along the south eastern boundary and this is acceptable subject to design and impact upon residential amenity under Policies D1 and H4 of the Local Plan.

#### 5.2 Assessment of Proposal

Condition 1 attached to previously approved planning permission PT10/2204/RM required the height of the boundary treatment along the south eastern boundary to be 2.5 m in height in order to protect the residential amenities of no. 53A Nicholls Lane and no. 16 Abbeydale. The applicant has submitted a statement with the application stating that both the applicant and neighbour at no. 16 Abbeydale had concerns about the height of the fence and the impact it would have on their fairly small gardens. As a consequence, instead of a 2.5 m high fence being erected, a 1.8 m boarded fence was put up that due to ground levels sits at a total of 1.94 m in height. It is considered that the fence now in situ maintains its purpose of protecting the residential amenity of the aforementioned dwellings whilst also not having any adverse visual impact. The proposal therefore complies with the criteria set out in Policies D1 and H4 of the Local Plan and permission for the variation of condition should be granted.

### 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) The proposal would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers and has been designed to respect and maintain the scale, 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.

### 7. RECOMMENDATION

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

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

## **CONDITIONS**

1. Within 2 months of the date of decision a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details. For the avoidance of doubt the proposals shall include a boundary/screening treatment along the south eastern part of the site (adjoining the dwellings in Abbeydale) to achieve at least 1.94 metres in height (when measured from the site ground level). Thereafter the agreed boundary treatment shall be implemented within 3 months and retained as such thereafter with the agreed planting to be implemented within the first subsequent planting season.

### Reason

To protect the character and appearance of the area, to protect the amenities of neighbouring occupiers and to accord with Policies D1, H2, H4 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.



**CIRCULATED SCHEDULE NO. 09/11 – 4 MARCH 2011**

<b>App No.:</b>	PT11/0259/HED	<b>Applicant:</b>	Mr C Hicks
<b>Site:</b>	Priestpool Farm Ingst Road Olveston South Gloucestershire	<b>Date Reg:</b>	27th January 2011
<b>Proposal:</b>	Removal of hedgerow between field no 3315 and 4513	<b>Parish:</b>	Aust Parish Council
<b>Map Ref:</b>	359523 188103	<b>Ward:</b>	Severn
<b>Application Category:</b>		<b>Target Date:</b>	23rd March 2011



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

This application appears on the Circulated Schedule following the receipt of comments that are contrary to Case Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks to removal hedgerow between agricultural fields no 3315 and 4513. The application is to remove a hedgerow between two agricultural fields to facilitate the conversion from grazing to arable.
- 1.2 The application site consists of an intensively managed hedge separating two agricultural fields at the junction of Ingst Road and Aust Road north of the village of Olveston. The site is not covered by any statutory or non-statutory nature conservation designations.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
The Environment Act 1995  
The Hedgerow Regulations 1997.

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Aust Parish Council  
No comments.
- 4.2 Ecologist  
No objection, subject to the following informatives:

If nesting/breeding birds are present, to avoid any potential offences under the Wildlife & Countryside Act 1981 (as amended) or CROW Act 2000 (L9), removal of vegetation should only take place outside the nesting season (generally speaking, this is between March and August inclusively, although it will vary according to seasonal temperatures).

As a positive contribution to local biodiversity, and to off-set the loss of vegetation through removal of the hedgerow, consideration could be given to planting a corner of the field with mixed native shrub/tree species (a 'copse'); or to filling existing gaps ('gap-planting') in the existing roadside hedges using a mixture of the same species.

4.3 Campaign to Protect Rural England

In principle CPRE (Campaign to Protect Rural England) is opposed to the removal of hedgerows but in this instance it offers no objection to the removal of the much depleted hedgerow between Field 3315 and Field 4513. This would enable the farmer concerned to farm the land more effectively as arable land rather than pasture. However, we would like to see planting at the field headland or margins to compensate for the removal of species habitat along the line of the hedge in question.

4.4 Local Residents

None received.

**5. ANALYSIS OF PROPOSAL**

5.1 Background

This Hedgerow Removal Notice is submitted in accordance with the Hedgerow Regulations 1997. A Hedgerow Removal Notice is not a planning application and the removal of a hedge cannot be classed as development under the provision of the Town & Country Planning Act (as amended) 1990. However, it falls to the Local Planning Authority to carry out an appropriate assessment of a hedge that is subject to a submitted Hedgerow Removal Notice.

5.2 Under the terms of the Hedgerow Regulations, the Local Planning Authority is allowed 42 days in which to assess the removal. During this period the Local Planning Authority must either serve a Hedgerow Retention Order, or advise that the subject hedgerow cannot be classed as an 'important' hedgerow in accordance with the Hedgerow Regulations. The purpose of such an assessment is purely a technical exercise, and conditions cannot be attached to finding that a hedgerow is not 'important' as defined in the Regulations.

5.3 Assessment

The Hedgerow Regulations 1997 is the primary piece of legislation governing the protection of hedges in the UK. Whilst protecting certain 'important' hedgerows, it also allows for the removal of a hedge or part of a hedge to be exempt from these statutory provisions, provided that the works are for certain purposes specified under the Regulations.

5.4 These exemptions include:-

To make a new opening in substitution for an existing one which gives access to land (provided the original opening is planted to compensate with a suitable mix of native shrub species); or

To obtain access to land where another means of access is not available or is available only at a disproportionate cost.

It is considered that none of these exemptions apply with regard to this application.

5.5 The hedge is 'gappy' and intensively managed, being cut to a height of some 3m or so and predominantly consisting of hawthorn. It has no associated features or ground flora. Given all this, it is considered that it would not qualify as 'important' under the provisions of the Hedgerow Regulations 1997. As such there is no objection to the removal of the subject hedgerow.

5.6 It is acknowledged that CPRE have suggested that the Local Planning Authority secures compensatory planting. Whilst PPS9 on Biodiversity and Geo-conservation requires that, where appropriate, local authorities should seek biodiversity gain within planning applications, the Hedgerow Regulations include no such provisions. The sole requirement for re-planting is under the exemptions, where a new opening is being made to substitute for an existing one, which does not apply in this instance. Accordingly, it is recommended that an Informative is attached suggesting that, to off-set the loss of vegetation on site, gaps in the existing roadside hedges are filled with mixed native shrub species; or that a copse of mixed native shrub species is planted in a corner of the field. Nevertheless, the Local Planning Authority cannot enforce the applicant to carry out these works.

## 6. **CONCLUSION**

6.1 For the reasons given above, it is considered that the subject hedgerow would be exempt from the need to be tested for 'importance' under the terms of the Hedgerow Regulations. Therefore the Local Planning Authority cannot serve a Hedgerow Removal Notice in this instance.

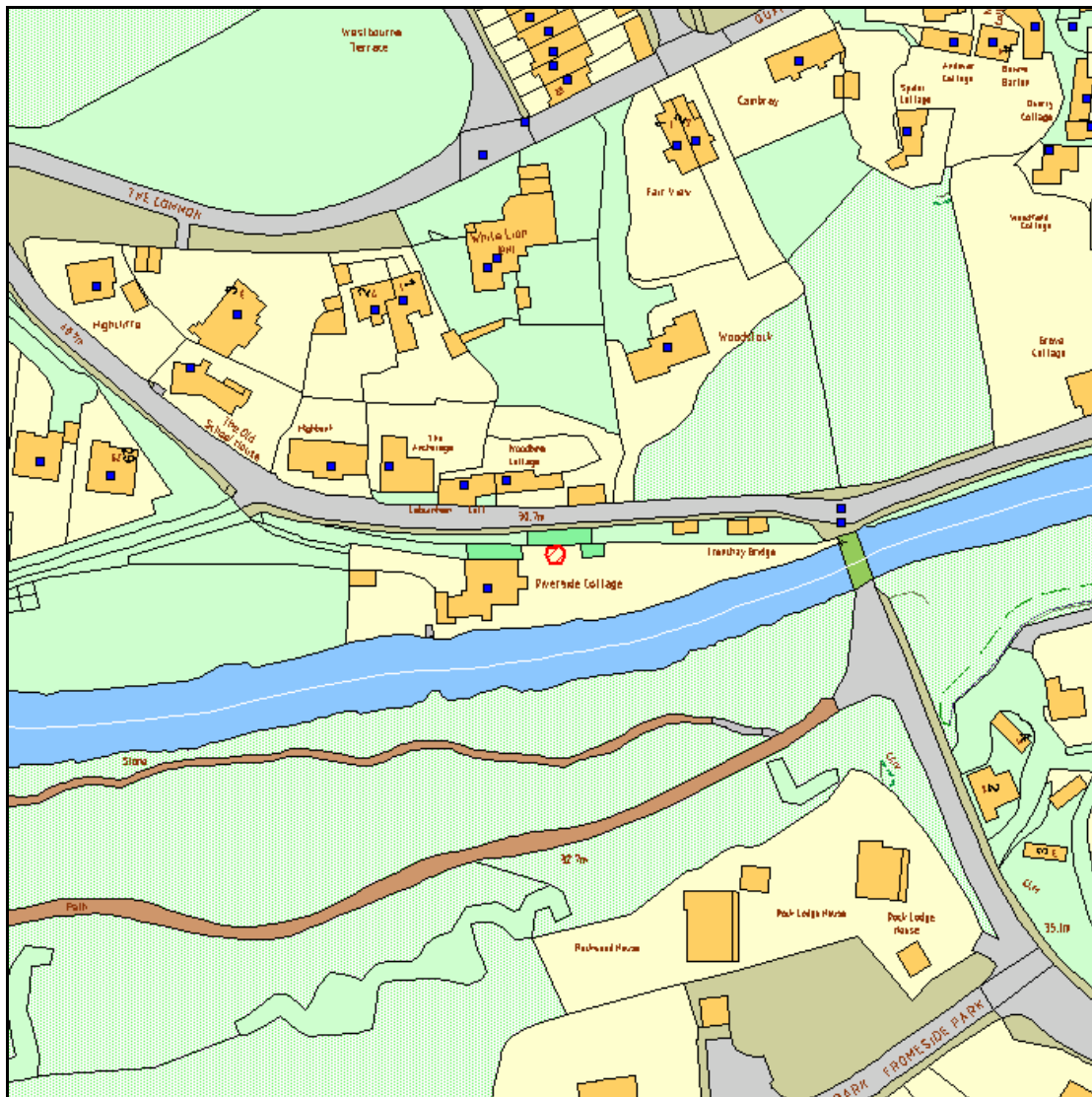
## 7. **RECOMMENDATION**

7.1 **NO OBJECTION** to the removal of subject hedgerow.

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

**CIRCULATED SCHEDULE NO. 09/11 – 4 MARCH 2011**

<b>App No.:</b>	PT11/0364/TCA	<b>Applicant:</b>	Mr Fields
<b>Site:</b>	Riverside Cottage Pearces Hill	<b>Date Reg:</b>	7th February 2011
<b>Proposal:</b>	Frenchay Bristol South Gloucestershire Works to reduce 1no. Bay tree by 30% situated within Frenchay Conservation Area	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	363917 177210	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>		<b>Target Date:</b>	16th March 2011



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 100023410, 2008. **N.T.S.** **PT11/0364/TCA**

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

This application has been referred to the Council's Circulated Schedule due to objections received from Winterbourne Parish Council and contrary to Officer's recommendation. Members should however be aware that the Local Planning Authority only has 6 weeks to determine applications for works to trees within conservation areas that are not covered by a TPO. If this application is referred to the DC(West) Planning Committee the application will become time expired and the applicant will be able to undertake the works in any event. Accordingly, this report is circulated for information purposes.

### **1. THE PROPOSAL**

- 1.1 This application seeks approval to reduce a large Bay tree adjacent to north boundary wall by 30% at Riverside Cottage, Pearces Hill, Frenchay. The River Frome runs along the entire rear curtilage and the site lies within the Frenchay Conservation Area.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS5	Planning for the Historic Environment

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

L1	Landscape Protection and Enhancement
L12	Conservation Areas

#### 2.3 Supplementary Planning Guidance

The Frenchay Conservation Area SPD (Adopted)

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

- 3.1 PT00/0160/TCA Works to trees situated within Frenchay Conservation Area.  
No objection 21 February 2000.
- 3.2 PT04/0320/TCA Works to Willow tree – reduce height and spread and re-shape.  
No objection 20 February 2004.
- 3.3 PT06/2274/TCA Various tree works.  
No objection 4 September 2006.
- 3.4 PT10/2888/TCA Various tree works.  
No objection 18 November 2010.

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

4.1 Winterbourne Parish Council

Object to the proposal on the grounds that 30% is too much.

4.2 Tree Officer

No objection.

#### **Other Representations**

4.3 Local Residents

No response received.

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

5.1 Principle of Development

Under the Planning (Listed Buildings and Conservation Areas) Act 1990, it is recognised that trees can make a special contribution to the character and appearance of a conservation area. This Act makes special provision for trees in conservation areas, which are not the subject of a Tree Preservation Order. Under Section 211, subject to a range of exceptions, planning permission is required for proposals to cut down, top or lop a tree in a conservation area. The purpose of this requirement is to provide the Local Planning Authority an opportunity to consider bringing any tree under their general control by making a TPO in respect of it. When considering whether trees are worthy of protection in conservation areas, the visual, historic and amenity contribution of the tree(s) should be taken in to account.

5.2 Consideration of Proposal

The Council's Tree Officer has assessed the tree and considers the application to be acceptable. The Bay tree is not highly visible from the surrounding area and would not fulfil the criteria for a Tree Preservation Order. No objection is therefore raised to the proposal.

#### **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 to the proposed tree works.

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