



**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. 22/11**

**Date to Members: 10/06/11**

**Member's Deadline: 16/06/11 (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.



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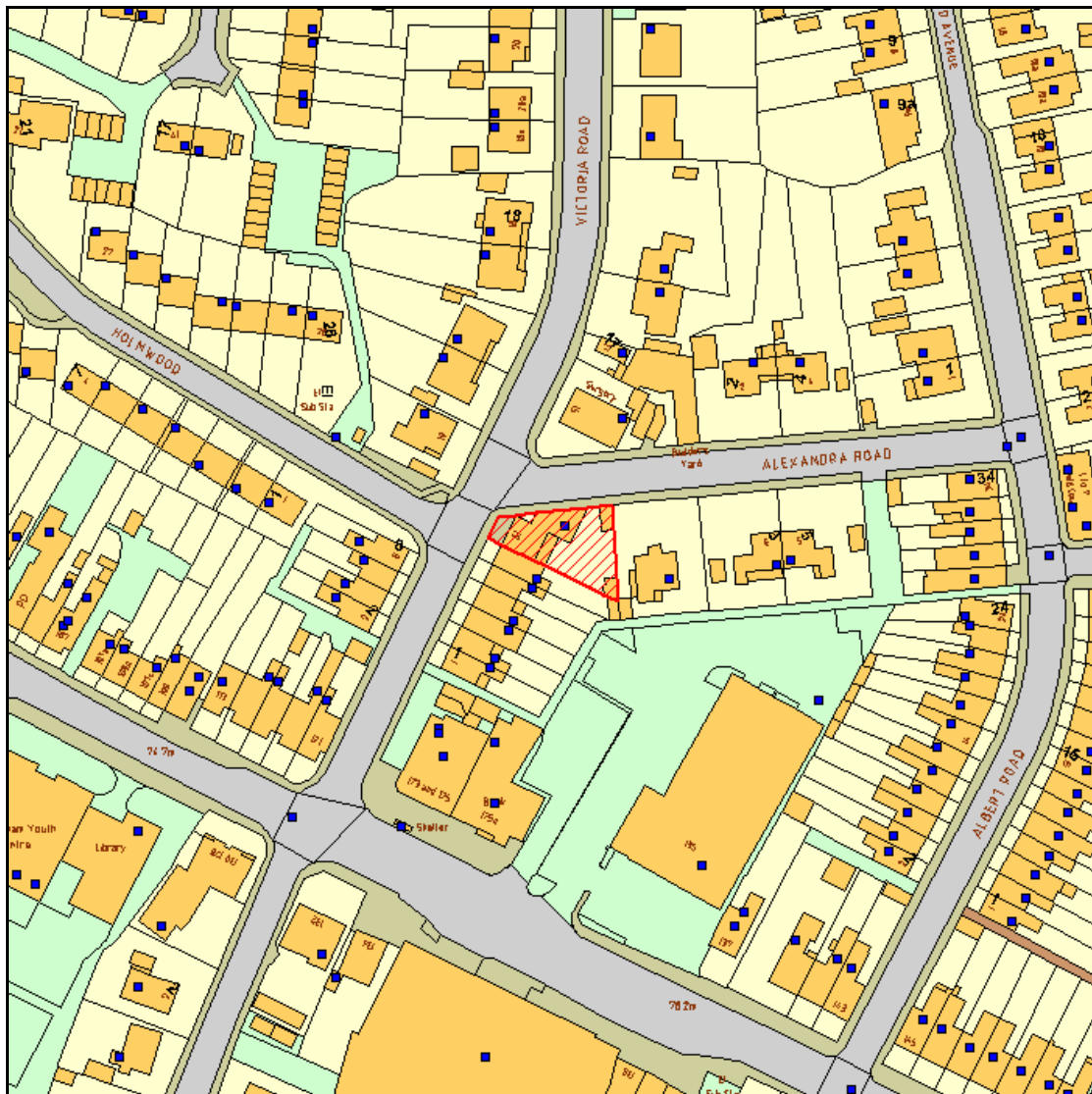
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# CIRCULATED SCHEDULE – 10 JUNE 2011

| ITEM NO. | APPLICATION NO | RECOMMENDATION          | LOCATION  | WARD                  | PARISH                               |
|----------|----------------|-------------------------|---|-----------------------|--------------------------------------|
| 1        | PK11/1255/F    | Approve with Conditions | 13 Victoria Road Hanham<br>South Gloucestershire BS15 3QQ                               | Hanham                | Hanham Parish Council                |
| 2        | PK11/1258/F    | Approve with Conditions | 2 London Road Warmley<br>South Gloucestershire BS30 5JB                                 | Siston                | Siston Parish Council                |
| 3        | PK11/1269/CLE  | Approve with Conditions | Tog Hill House Farm Freezing<br>Hill Lane Cold Ashton<br>South Gloucestershire BS30 5RT | Boyd Valley           | Doynton Parish Council               |
| 4        | PK11/1274/AD   | Approve                 | Mcdonalds Restaurant Ltd 38<br>West Walk Yate South<br>Gloucestershire BS37 4AX         | Yate Central          | Yate Town                            |
| 5        | PK11/1336/CLP  | Approve with Conditions | Court Farm Siston Court<br>Mangotsfield South<br>Gloucestershire BS16 9LU               | Siston                | Siston Parish Council                |
| 6        | PK11/1342/F    | Approve with Conditions | Pennymead Cattybrook Road<br>Mangotsfield South<br>Gloucestershire BS16 9NN             | Boyd Valley           | Pucklechurch Parish Council          |
| 7        | PK11/1478/CLP  | Approve with Conditions | 94 Milton Road Yate<br>South Gloucestershire BS37 5EH                                   | Yate North            | Yate Town                            |
| 8        | PT11/0960/F    | Approve with Conditions | 2 Old Aust Road Almondsbury<br>South Gloucestershire<br>BS32 4HJ                        | Almondsbury           | Almondsbury Parish Council           |
| 9        | PT11/1000/F    | Approve with Conditions | 10 Charles Avenue Stoke Gifford<br>South Gloucestershire<br>BS34 8LW                    | Stoke Gifford         | Stoke Gifford Parish Council         |
| 10       | PT11/1178/F    | Approve with Conditions | 50 Meadow Mead Frampton<br>Cotterell South<br>Gloucestershire BS36 2BE                  | Frampton<br>Cotterell | Frampton<br>Cotterell Parish Council |
| 11       | PT11/1200/F    | Approve with Conditions | Hambrook Court West Bristol<br>Road Hambrook South<br>Gloucestershire BS16 1RY          | Winterbourne          | Winterbourne Parish Council          |
| 12       | PT11/1201/LB   | Approve with Conditions | Hambrook Court West<br>Road Hambrook Bristol South<br>Gloucestershire BS16 1RY          | Winterbourne          | Winterbourne Parish Council          |

**CIRCULATED SCHEDULE NO. 22/11 – 10 JUNE 2011**

|                              |  |                     |                          |
|------------------------------|--|---------------------|--------------------------|
| <b>App No.:</b>              | PK11/1255/F  | <b>Applicant:</b>   | Mr Warr                  |
| <b>Site:</b>                 | 13 Victoria Road Hanham South<br>Gloucestershire BS15 3QQ  | <b>Date Reg:</b>    | 3rd May 2011             |
| <b>Proposal:</b>             | Erection of detached two storey<br>building to form 2no. self contained<br>flats with parking and associated<br>works. | <b>Parish:</b>      | Hanham Parish<br>Council |
| <b>Map Ref:</b>              | 364481 172304  | <b>Ward:</b>        | Hanham                   |
| <b>Application Category:</b> | Minor  | <b>Target Date:</b> | 21st June 2011           |



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 100023410, 2008. **N.T.S.** **PK11/1255/F**

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

This application has been forwarded to the Councils Circulated Schedule of applications as representations have been received raising concerns contrary to the Officer recommendation.

### **1. THE PROPOSAL**

1.1 The application site is situated centrally within the suburb of Hanham on the north side of the A431 (High Street). The site is broadly triangular in shape and is bounded by residential development to the south and east, abutting Victoria Road to the west and with vehicular access onto Alexandra Road to the north. The site comprises a large two storey Victorian end of terrace dwelling with single storey side addition and rear sun room.

The application site is situated within the urban area as defined in the adopted Local Plan.

1.2 The application proposes erection of detached two storey building to form 2no. self contained flats with parking and associated works.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPG13 Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design  
H2 Residential Development within the Urban Area  
H4 Development within Existing Residential Curtilages  
H5 Conversion of Buildings for Residential Use  
T8 Parking Standard  
T12 Transportation Development Control Policy

South Gloucestershire Core Strategy Pre Submission Publication Draft – March 2010

CS1 High Quality Design  
CS8 Improving Accessibility  
CS17 Housing Diversity

2.3 Supplementary Planning Guidance/Documents  
South Gloucestershire Design Checklist – August 2007

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

3.1 P93/4480 Change of use from retail shop to

residential use. external alterations to front elevation (Previous ID: K1355/2)  
Approved 15.11.1993

- 3.2 PK10/2569/F  
Erection of two storey side extension to facilitate the conversion of 1 no. dwelling to 4 no. flats.  
Refused 01.12.2010

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

- 4.1 Hanham Parish Council  
Objection, for reason:  
Over development -lack of amenity space.

4.2 Other Consultees [including internal consultees of the Council]

Drainage engineer – No objection, subject to condition for sustainable drainage system to be implemented.  
Sustainable Transport – No objection, subject to conditions for implementation of the parking scheme and details of surface materials.

#### **Other Representations**

- 4.3 Local Residents  
One letter of objection received from the occupiers of 2b Alexandra Road raising the following concerns:  
*'It is too small an area to accommodate the plans. This street is congested as it is with everyone parking using the high street. It is mainly bungalows and would look out of place.'*

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

- 5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for extensions to existing dwellings and erection of new dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. Policies H2 and H5 are also relevant which support in principle conversion of buildings to provide residential uses and policies T8 and T12 relate to parking standards and highway safety respectively.

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 then published December 2010. The South Gloucestershire Core Strategy Development Plan Document was



submitted to the Secretary of State on 31 March 2011. 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 Design

Policy D1 of the Local Plan requires all new development to be well-designed. The site is situated within a suburban residential context. No.13 is a traditionally constructed Victorian two storey end terraced dwelling. The application site occupies a position at the rear of no.13 currently used as garden and off street parking area and faces onto Alexandra Road. The site is situated close to the junction of Alexandra Road with Victoria Road and is therefore considered to be visually prominent.

The proposal is to erect a single two storey building to provide two flats. The building would be constructed from red brick at ground floor level with rendered finish to the first floor. The building would have a hipped roof shape and would be similar in design to the adjacent bungalow no.1 Alexandra Road. The proposal would replace an unsightly single storey elongated lean to addition abutting Alexandra Road and a further single storey extension behind which appears as a flat roofed addition when viewed from the highway. The building has been designed as a stand alone development abutting Alexandra Road following the grain of development in the street. The design and materials would be of good quality in keeping with the character of the existing adjacent dwellings, the street scene and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

The Government through advice in PPS3 supports a more efficient and sustainable use of land in sustainable locations. The site is situated close to public transport links and walking distance to local facilities. The site and development proposed are therefore considered to be sustainable in line with this advice. The amendments to PPS3 with the exclusion of private residential gardens from the definition of previously developed land were introduced in order to preserve the character of residential areas within urban contexts. In this case the land although formally gardens, has been developed and laid to hardstanding for vehicle parking. The importance of the application site as a contributor to the local character and distinctiveness has therefore been eroded over time through development. As such it is considered that sufficient weight cannot be afforded to 'garden grabbing' as a material consideration to demonstrate harm in this respect.

## 5.3 Highway matters

The proposal would provide two one bed flats, and the existing 3 bedroom dwelling no.13 would be retained. The accepted parking standard for this development is four off street spaces (one for each flat and 2 for the existing dwelling), which has been provided. The parking would be provided in front of the proposed building and would reverse onto or off the highway which is not a classified road. The parking proposed, turning arrangement and access are considered to be acceptable in this location. Therefore the proposal is considered to accord with policy T8 by providing sufficient parking within the site, and accord with policy T12 in relation to highway safety.

#### 5.4 Residential amenity

The proposal would have principle rooms with windows facing south towards the rear gardens of 1-11 Victorian Road. The proposed first floor windows in the rear (south west) elevation would be screened from the rear of nos 9 and 11 by the proposed internalised staircase which has been designed deliberately to provide a visual screen. The proposal would therefore not overlook much of the rear gardens of nos 1 to 11. The rear gardens of each of nos 1 to 11 are already overlooked in part by the adjacent dwellings and as such the proposal is considered not to result in significant additional overlooking to the rear gardens of the dwellings to the south. The bungalow to the east (no.1) has a rooflight in the side roofslope facing towards the application site. The application site is situated at a much lower ground level to no.1. The eaves of the bungalow no.1 Alexandra Road would be the same height as the cill level of the first floor windows of the proposal. The rooflight in the side roofslope of no.1 would be situated at a higher level than the first floor windows in the rear elevation of the proposal. No windows are proposed in the side elevations of the proposal. It is therefore considered that the proposal would not result in a material loss of privacy the adjacent occupiers.

The proposal would be situated a minimum of 5.5m from the rear elevation of no.13 and at an angle whereby this distance increases from front to rear. The proposal would be 5m in height and 8m in length on the north west elevation. The distance and angle of the proposed development are considered to be sufficient for there to be no significant compromise to the amenity of the future occupiers of no.13 in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development No.1 would be set back from the proposal at a distance of 4m. Therefore considering the rise in ground level from the application site to no.1 and the position of no.1, it is considered that the proposed development would not prejudice to the amenity of neighbouring occupiers at no.1 in terms of loss of privacy, daylight/sunlight, overshadowing or overbearing/bulky 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 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 its scale and position in relation to the adjacent dwellings, the proposed development 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 development has been designed to respect and maintain the massing, scale, proportions, materials and overall design and character of the street scene and surrounding area. The development therefore accords to Policy D1, H2 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 provision and access and egress onto a non classified road is considered to be acceptable. The proposal therefore accords to Policy T8 and T12 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. No windows shall be inserted at any time in the first floor of the north west (side) elevation of the property.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to occupation of any unit within the new building, off-street parking shall be provided as indicated on the submitted and approved plans and subsequently maintain thereafter for vehicle parking only.

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.

5. Prior to occupation of any unit within the building hereby approved the parking area shown on the approved plan shall be constructed using bound surface material the details of which shall be first submitted to and approved in writing by the Local Planning Authority.

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.

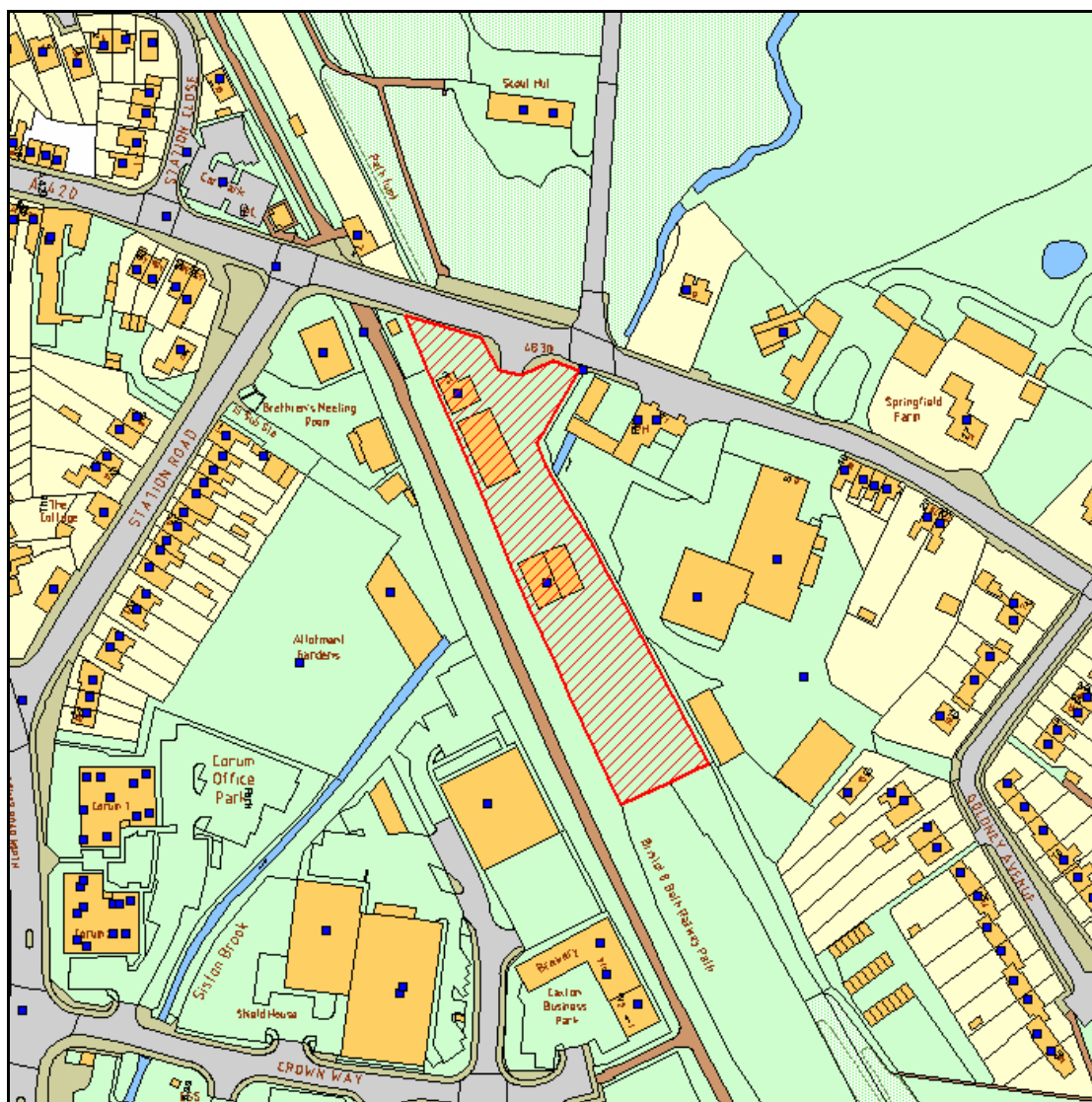
6. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts within the development shall be submitted for approval in writing to the Local Planning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

Reason

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

## CIRCULATED SCHEDULE NO. 22/11 – 10 JUNE 2011

|                              |   |                     |                       |
|------------------------------|---|---------------------|-----------------------|
| <b>App No.:</b>              | PK11/1258/F   | <b>Applicant:</b>   | Wolseley UK           |
| <b>Site:</b>                 | 2 London Road Warmley South<br>Gloucestershire BS30 5JB   | <b>Date Reg:</b>    | 20th April 2011       |
| <b>Proposal:</b>             | Demolition of existing brick 'trade counter' and office building to facilitate the erection of a two storey extension to existing storage building. | <b>Parish:</b>      | Siston Parish Council |
| <b>Map Ref:</b>              | 367148 173481   | <b>Ward:</b>        | Siston                |
| <b>Application Category:</b> | Minor   | <b>Target Date:</b> | 13th June 2011        |



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PK11/1258/F

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

An objection has been received which is contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a two storey extension to an existing storage building. This will entail the demolition of the existing brick trade counter and office building on this retail premises selling building products from a yard to the South of the A420. The site lies next to the Bristol/Bath cycle path, with its hedges on each side and its Grade II Listed Signal Box next to the A420 to the West of the site entrance. Along the eastern boundary is a stretch of the Dramway footpath.
- 1.2 The site itself currently contains three buildings enclosed by a tall wire mesh fence. The access is derived from the main road and leads into a deep, narrow site. The existing buildings are two metal storage sheds a two storey brick building in a prominent position at the front of the site.
- 1.3 The proposal is to demolish the existing two storey brick building which functions as a trade counter and office, to make way for a flush extension to the nearest storage building, which would replace the brick building as well as the space in between. The extension is intended to contain a shop area at ground floor, with toilets, an office and a canteen, with storage at first floor level.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS4 Economic Development  
PPS5 Heritage
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
T8 Parking Standards  
T12 Highway Safety  
E3 Employment Development  
L13 Listed Buildings  
L11 Archaeology  
  
South Gloucestershire Core Strategy -Submission Draft (December 2010)  
CS1 High Quality Design  
CS9 Built Heritage

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

- 3.1 K170/2 Change of use of hire depot to storage and distribution of timber and associated products Approved

|     |        |   |          |
|-----|--------|---|----------|
| 3.2 | K170/3 | Change of use of plant hire depot to builders merchants depot | Approved |
| 3.3 | K170/4 | Erection of building for the storage of timber                | Approved |
| 3.4 | K170/5 | Extension of existing storage shed                            | Approved |

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

4.1 Siston Parish Council  
No reply received

4.2 Other Consultees [including internal consultees of the Council]  
Public Rights of Way  
No objection in principle.

Open Spaces Society  
No reply received

The Ramblers Association  
No reply received

Conservation Officer

The site is located in close proximity to two locally listed buildings – the signal box associated with the dramway, and the Midland Spinner Public House. The proposal is to demolish a modern red brick building used as a sales centre for the builders merchants, and replace this with an extension to the existing metal storage shed which is located directly behind. The building to be demolished is of no architectural or historic significance. In my view the replacement structure will have no adverse impacts on the setting of the nearby locally listed buildings and I therefore have no objection.

Archaeology Officer

The site of the proposed development lies adjacent to the line of the Dramway, the last horse drawn tramway in England, a heritage asset of high importance, however the proposed development should have no impact of this asset, therefore, in this instance I have no Historic Environment comments

Technical Services

Flood mitigation measures are acceptable, subject to control under the Building Regulations.

Sustainable Transportation

The applicant is proposing to demolish the existing brick built 'trade counter' building and to replace it with a two storey extension on a slightly larger footprint in a similar location to the existing building.

There is no proposal for change of use and new building will continue to operate within the existing authorised planning use of the site.

Access to the site is from London Road and this will remain unchanged by the new building. From a traffic point of view, I do not anticipate any significant increase of traffic movements as the result of the proposed extension. Details of parking as submitted with the application show both staff and customer parking on site. Based on the applicant's evidence, I am also satisfied that there is adequate turning and manoeuvring space on site to ensure that vehicles visiting the site would be able to do so both entering and exiting the site access in forward gear and in safety.

There is an objection to the application on the basis that there is a lack of parking and turning/ manoeuvring for goods vehicles on site and, as such, vehicles often park on the pavement on the public highway, whilst unloading. In order to address this issue, I recommend that a planning condition is imposed so that all loading and unloading of vehicles associated with this site shall take place within the application site.

In view of all the above therefore, it is unreasonable to pursue any highway objections to this proposal but I suggest the following conditions:

- 1) Prior to the occupation of the new building, provide all parking and turning area in accordance with the submitted and approved plans and maintain [this](#) satisfactory thereafter.
- 2) All loading and unloading of goods and materials shall take place within the area edged red on the approved plan only.

#### 4.3 Local Residents

One letter of objection was received, citing the following concerns:

- The site is suffering from over-intensive use, lacking sufficient parking and turning facilities
- The pavements outside the site have been used as a display area for special offers
- Deliveries take place from off the site
- The new building will generate further traffic for 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. The main issues derive from policy E3 of the adopted Local Plan, which governs employment development within the urban area. This policy sets criteria to be met, which forms the headings below.

### 5.2 E3A: Will the proposal have unacceptable environmental effects?

The proposal is essentially a like for like replacement in terms of built form. The proposed extension would be slightly larger than the existing building, but is considered to be able to contain noise. Given the existing use of the site and the fact that the majority of the storage is in the open, the replacement building is not considered to make the current situation any worse in terms of its environmental effects. The absence of any evidence for such an effect means that the proposal accords with this criterion of policy E3.



- 5.3 E3B: Adequate Provision for Servicing and Delivery Requirements to preserve the amenities of surrounding areas and highway safety  
The exact nature of this proposal is worth re-iterating. The current use of the site is not considered to be affected through the erection of the proposed replacement building. Nor would the intensity of that use be altered materially. The proposal is not considered to increase traffic generations to the site. The existing level of parking on the site would be increased as a benefit of the revised layout and a condition below would ensure that car parking is retained for such a purpose. The turning facilities on site appear to be adequate and while it has been noted that some off-site deliveries occur, this is considered to be less likely to be so following the proposed rationalisation of the site. A further condition shown below would prevent deliveries to be taken on the site from vehicles parked outside it. Subject to these controls, it is considered that this policy criterion would be satisfied.
- 5.4 E3C: Residential Amenity  
The analysis under this criterion is considered to be largely the same as in paragraph 5.2 above. In this instance, it is noted that the site's location is not in a residential area, rather in a commercial context. The proposed extension to the existing building is not considered to have any adverse impact on existing levels of residential amenity and therefore criterion C of the policy is considered to be satisfied.
- 5.5 E3D: Effect on the character of the area  
The proposed extension to the existing building is considered to be more appropriate in terms of policy D1 Design and would rationalise and freshen up the most prominent part of this site. The character of the site is considered to be set by its commercial surroundings and there is considered to be no harm to visual amenity or character through this proposal.
- 5.6 E3E: Achieving maximum density  
It is considered that this proposal would achieve a virtual like for like replacement on the site and therefore the issue of density of development does not arise in this instance. No part of the site currently appears to be under-utilised.
- 5.7 Travel-Intensive Office Development  
This criterion does not apply to this proposal.
- 5.8 L13: Impact on Listed Building  
The Conservation Officer's comments in relation to the impact of the proposal on the nearby Grade II Listed signal box appear at 4.2 above. The proposal is not considered to have any adverse impact and accords with policy in this respect.
- 5.9 Other Issues  
The proposal is not considered to have any impact on the Dramway footpath, which borders the eastern side of the site and there would be no identified impact in terms of archaeology. The use of the footways outside the site for purposes which may compromise pedestrian safety is a matter for direct control by the Council's Highways department. In any event, these alleged

infringements take place outside the site and would not be directly affected by the proposed 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 The proposal would provide well-designed updated facilities to be located at the most prominent part of the site. It would also lead to re-organisation of the site's layout, providing additional parking. The proposal would not compromise existing levels of residential amenity, the character of the area, the nearby Listed Building, archaeological concerns, parking provision or highway safety and therefore accords with policies D1, E3, T8, T12, L11 and L13 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. Prior to the first occupation of the extension hereby approved, the off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided and thereafter retained for that purpose.

Reason

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

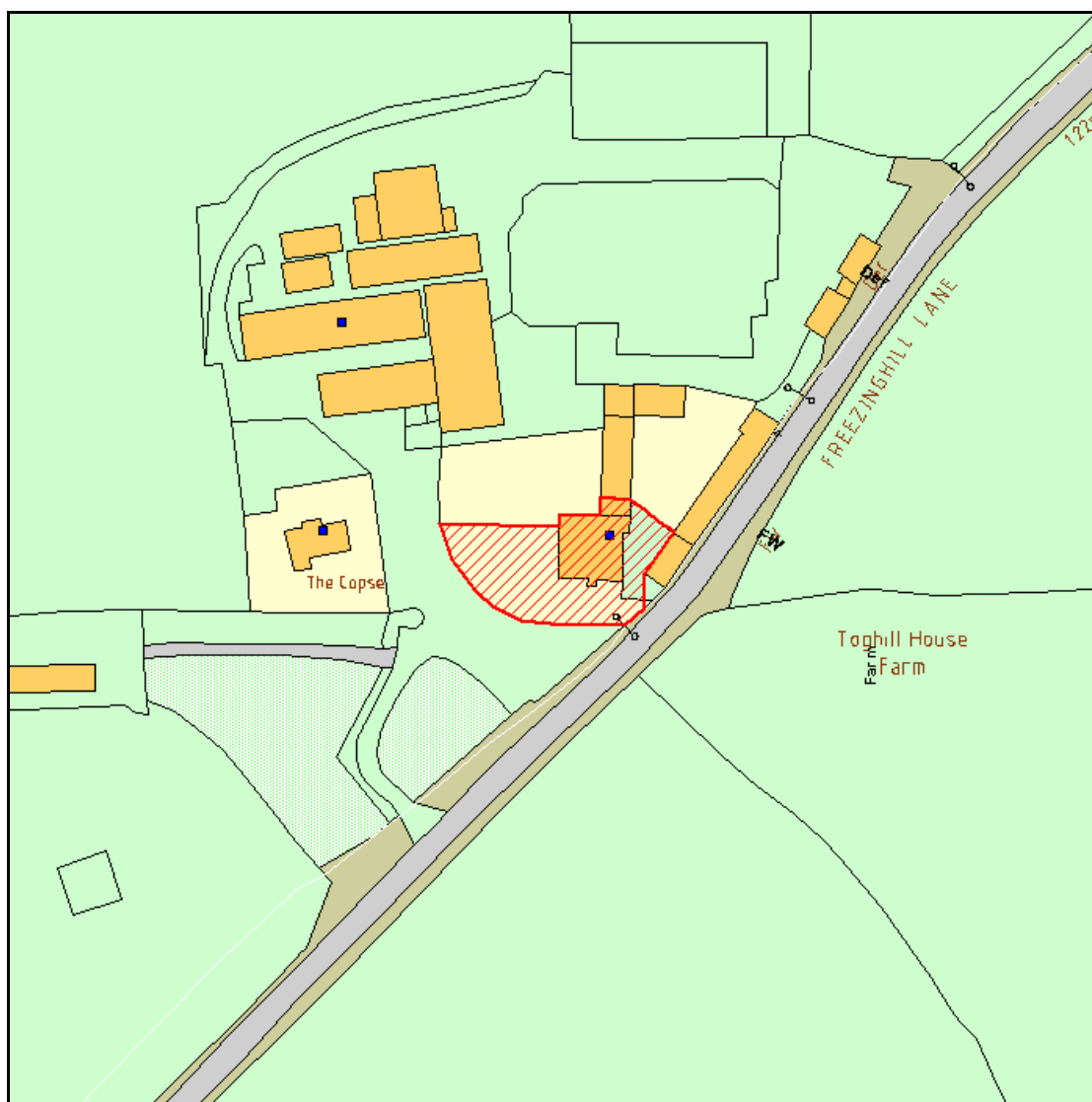
3. All loading and unloading of goods and materials shall take place within the red lined area of the approved plans.

Reason

In the interests of highway safety, and to accord with Policies E3 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 22/11 – 10 JUNE 2011

|                                  |   |                         |                           |
|----------------------------------|---|-------------------------|---------------------------|
| <b>App No.:</b>                  | PK11/1269/CLE   | <b>Applicant:</b>       | Mr D Bishop               |
| <b>Site:</b>                     | Tog Hill House Farm Freezing Hill Lane<br>Cold Ashton South Gloucestershire   | <b>Date Reg:</b>        | 3rd May 2011              |
| <b>Proposal:</b>                 | Application for Certificate of Lawfulness<br>of for existing use as dwelling house<br>as dwelling & for the provision of six<br>bedrooms for letting on a Bed &<br>Breakfast basis with guest dining room | <b>Parish:</b>          | Doynton Parish<br>Council |
| <b>Map Ref:</b>                  | 373066 172504   | <b>Ward:</b>            | Boyd Valley               |
| <b>Application<br/>Category:</b> | Minor   | <b>Target<br/>Date:</b> | 21st June 2011            |



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100023410, 2008.

N.T.S.

PK11/1269/CLE

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

This application has been forwarded to the Council's Circulated Schedule for Member consideration in accordance with the adopted scheme of delegation as the application is for a Certificate of Lawfulness.

### **1. THE PROPOSAL**

- 1.1 This is an application for a Certificate of Lawfulness to ascertain whether Toghill Farmhouse has been occupied as dwelling & for the provision of six bedrooms for letting on a Bed & Breakfast basis with guest dining room for more than 10 years from the date of this application.
- 1.2 The application site is situated on the edge of Tog Hill just south of the A420 between Wick and Cold Ashton. The site is bounded by open fields leading to the Tog Hill escarpment to the west, open fields to the south, fields leading to the A420 to the north and vehicular access onto Freezing Hill Lane to the east. The site comprises a large farm unit with a cluster of agricultural buildings to the north, the main farmhouse which is Grade II Listed on the east side and The copse a modern detached dwelling with agricultural tie towards the south west and access onto the highway at the southern edge.

### **2. POLICY CONTEXT**

- 2.1 Circular 10/97: Enforcing Planning Control: Legislative Provisions and Procedural Requirements.

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

- 3.1 P87/1829                      Erection of agricultural workers dwelling (Outline)  
Approved in outline 26.08.1987
- 3.2 P88/1480                      Erection of agricultural workers dwelling  
Full permission 01.06.1988
- 3.3 P89/1145                      Conversion of existing redundant barn to provide 4 tourist accommodation units; construction of new vehicular access.  
Approved 26.07.1990
- 3.4 P98/4078                      Conversion of part of barn to self-contained unit for holiday purposes and/or by staff employed at Toghill House Farm  
Approved 06.04.1996
- 3.5 P98/4080                      Erection of 13 self-catering holiday units (Outline)  
Refused 06.04.1998

- 3.6 PK10/3428/CLE Application for Certificate of Lawfulness for existing use as residential without compliance with agricultural occupancy conditions 2 and 3 attached to planning permission P88/1480.  
Issued 04.02.2011

#### 4. CONSULTATION RESPONSES

4.1 Doynton Parish Council

No response received

4.2 Other Consultees [including internal consultees of the Council]

Landscape Officer – No comment

Conservation Officer – No objection, however the works undertaken to convert the building for the b and b use may have required Listed Building Consent. As such the applicant is invited to submit details of the works that were undertaken, separately from this application, to ascertain if consent is required retrospectively.

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

- 5.1 In support of the application, the following information has been submitted:-

**Statutory declaration from David Bishop** (Owner of Toghill House Farm) - in which he states the following:

- He has owned the dwellings, buildings and land known as Toghill Farm House since 1975.
- In 1984 Mr Bishop and his wife set up 4 bedrooms as bed and breakfast accommodation with guest dining room.
- Subsequently 2 further bedrooms were used as b and b.
- The site was used at the time for pig rearing/breeding and Mrs Bishop ran the b and b business. The couple also ran a farm shop abutting Freezing Hill.
- In 1990 a single storey range of agricultural buildings were converted to form 4 self catering accommodation units.
- Between 1990 and 2000 three further cottages provide self catering accommodation and six additional bed and breakfast rooms in converted agricultural buildings. The farm shop was converted into 3 b and b rooms.
- In 1998 Listed Building Consent was granted for a conservatory to provide additional dining area.
- In 1998 the farm buildings and land to the north of the farmhouse and accommodation buildings enclosing the courtyard were converted to equine livery use.
- Since 1984 the farmhouse has been used for a mixed purpose providing 4 and then increased to 6 bedrooms used as b and b.

**Plans** - showing the ground, first and second floor of the Farmhouse and self-contained accommodation

**Copy of Brochure** referring to Accommodation at Toghill House Farm

**Copy of accounts** - for the period between Dec 2000 and March 2003 and letter from accountants Person May stating they have dealt with business accounts and tax returns for Mr and Mrs Bishop commencing 31.03.2003 and declaring to the best of their knowledge that the original farmhouse has been occupied as dwellinghouse and art b and b. A vast majority of the income has been derived from b and b accommodation, short term holiday lets, residential letting and commercial letting.

**Copies of bills** - Non-domestic of rates demand and Council tax Annual Bill for 2011/12.

## 5.2 The Relevant Test of the Submitted Evidence

Circular 10/97 makes it clear that the onus of proof is on the applicant, but that in determining applications for a Certificate of Lawfulness, the relevant test of the evidence is “the balance of probability” and not the more onerous criminal burden of proof, namely “beyond reasonable doubt”.

Thus, the Council must decide whether it is more probable than not that the submitted evidence shows that the use has continued for the 10 year period in question.

## 6. SUMMARY OF CONTRARY EVIDENCE

6.1 No opposing evidence has been received and the Council could find no evidence in opposition to the applicant’s claim.

## 7. EVALUATION

7.1 The evidence submitted in the business accounts shows that the farmhouse has been used for bed and breakfast accommodation from Dec 2000 to March 2003.

7.2 Evidence has been submitted in the form of a statutory declaration from the owner Mr Bishop declaring that the farmhouse has been used in part for bed and breakfast accommodation from prior to March 2003 to the present date. A further letter from the Accountants Pearson May corroborates this claim although this evidence does not take the form of a formal sworn statement and as such carries less weight.

7.3 Upon visiting the site it is clear that the building remains in use for the purpose claimed by the applicant, no evidence has been submitted to dispute any of the evidence submitted or to indicate that there were any breaks in the breach of planning control the subject of the applicant’s claim.

## 8. CONCLUSION

8.1 There is considered to be sufficient evidence weighing in favour of the applicant’s claim and no contradictory evidence has been received. Having assessed the evidence provided, it is considered that the applicant has shown it to be more probable than not that Toghill Farmhouse has been occupied as a

dwelling house and for the provision of six bedrooms for letting on a Bed & Breakfast basis with guest dining room for more than 10 years from the date of this application. Therefore it is considered that the Certificate should be issued.

## **9. RECOMMENDATION**

- 9.1 That the Council issue the Certificate of Lawfulness with a description as stated above.

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

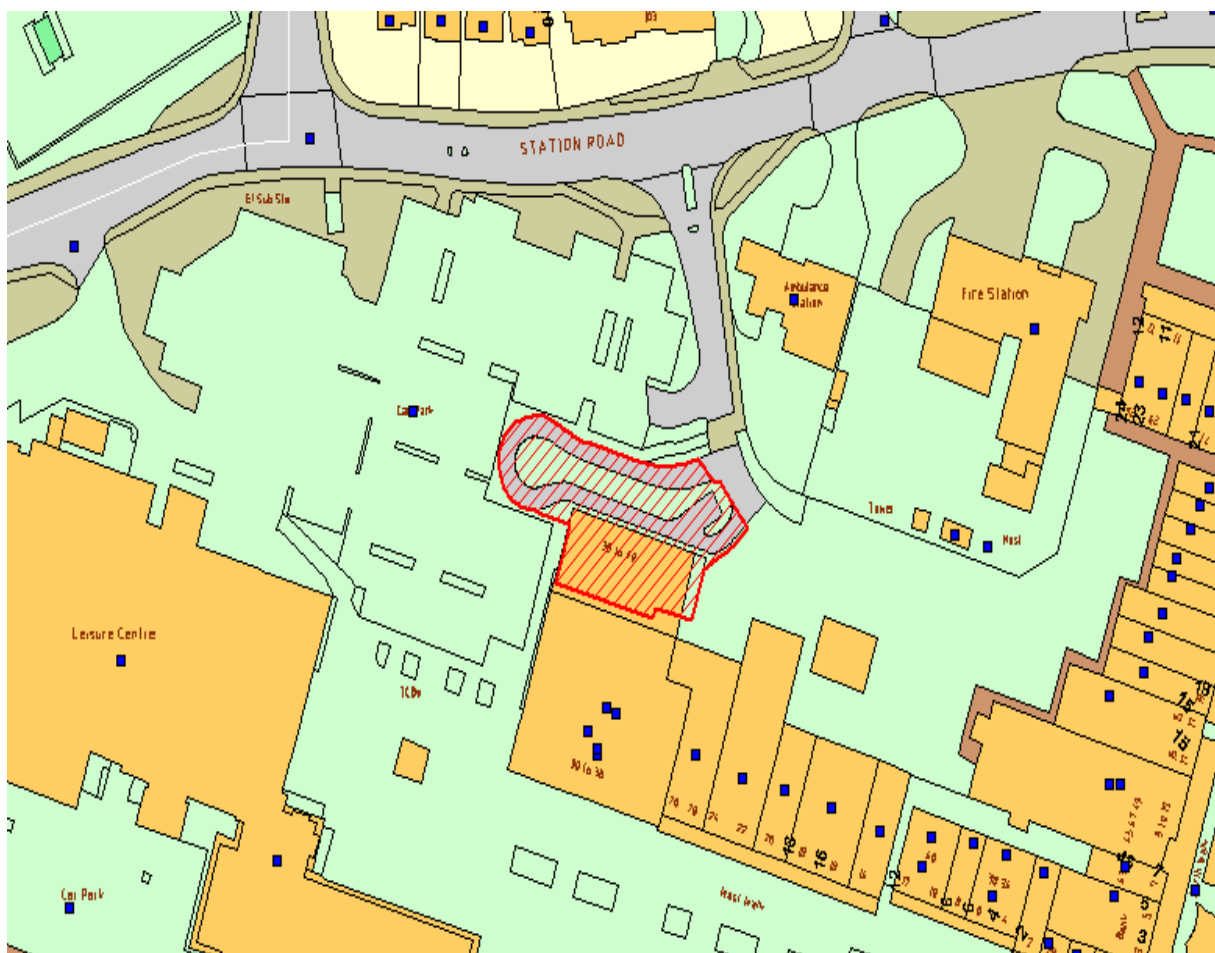
## **CONDITIONS**

1. There is considered to be sufficient evidence weighing in favour of the applicant's claim and no contradictory evidence has been received. Having assessed the evidence provided, it is considered that the applicant has shown it to be more probable than not that Toghill Farmhouse has been occupied as a dwelling house and for the provision of six bedrooms for letting on a Bed & Breakfast basis with guest dining room for more than 10 years from the date of this application. Therefore it is considered that the Certificate should be issued.



**CIRCULATED SCHEDULE NO. 22/11 – 10 JUNE 2011**

|                                  |  |                         |                         |
|----------------------------------|--|-------------------------|-------------------------|
| <b>App No.:</b>                  | PK11/1274/ADV  | <b>Applicant:</b>       | Mcdonalds<br>Restaurant |
| <b>Site:</b>                     | Mcdonalds Restaurant Ltd 38 West<br>Walk Yate Bristol South<br>Gloucestershire                                 | <b>Date Reg:</b>        | 28th April 2011         |
| <b>Proposal:</b>                 | Display of 4 no. static internally<br>illuminated signs and 5 no internally<br>illuminated static totem signs. | <b>Parish:</b>          | Yate Town Council       |
| <b>Map Ref:</b>                  | 371301 182504  | <b>Ward:</b>            | Yate Central            |
| <b>Application<br/>Category:</b> | Minor  | <b>Target<br/>Date:</b> | 23rd June 2011          |



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 100023410, 2008. **N.T.S.** **PK11/1274/ADV**

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

An objection has been received from Yate Town Council which is contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application is for Advertisement Consent for the display of 9 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 9 signs consist of 4 internally illuminated static signs and 5 internally illuminated static totem signs. All would be freestanding and relate to the drive-through area rather than the building itself. In eight instances, the proposed sign would replace an existing one, not all yet in place, approved under ref. no. PK11/0129/F, albeit slightly relocated. The reason for the relocation of these 8 signs is that the scheme to amend the building itself has been slightly amended and is subject of a permission for a non-material amendment, as detailed below. This proposal would therefore result in 8 consented signs being displayed in different positions, along with one additional sign.

### **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 internally illuminated signs         | Approved |
| 3.6 | PK11/0131/ADV | Illuminated signs on building          | Approved |
| 3.7 | PK11/1282/NMA | retain existing drive through facility | Approved |

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

4.1 Yate Town Council

Object to the increased number and dimensions of the signage, detracting from local visual amenity. The gateway sign shows 24 hour operation of the site, which is limited by condition to close at 23.00.

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

There is no transportation objection to the proposed signage.

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. Eight of the signs have already received consent, but in slightly different locations to those now approved. The change in position is considered to make no difference to the overall appearance of the site and has not attracted an objection on highway safety grounds. The following analysis therefore concentrates on the proposed additional sign.

5.2 Internally Illuminated static sign

An additional sign is proposed to stand between the two already approved to display the choice of meals on offer, the format of the sign would match the two already benefiting from advertisement consent. The change is sought in order to allow customers more time to make a decision before reaching the pay cabin, which is now being retained in its existing position. It is considered that this sign performs a necessary function to allow the site to operate effectively and the location of it is considered to be appropriate.

5.3 Other Issues

The cumulative impact of this proposal would be limited to the additional sign in the context of the loop transcribed by the access road and the level of signage already approved. It is not considered that the additional sign, particularly with regard to the existing level of freestanding signage on the site, would create any harmful cumulative impact.

With regard to the information carried by the sign, that the site is open 24 hours, this sign has been amended to omit the 24 hour opening information and substituted in the list of plans recommended for approval. With this measure it is considered that this issue is resolved.

#### **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.

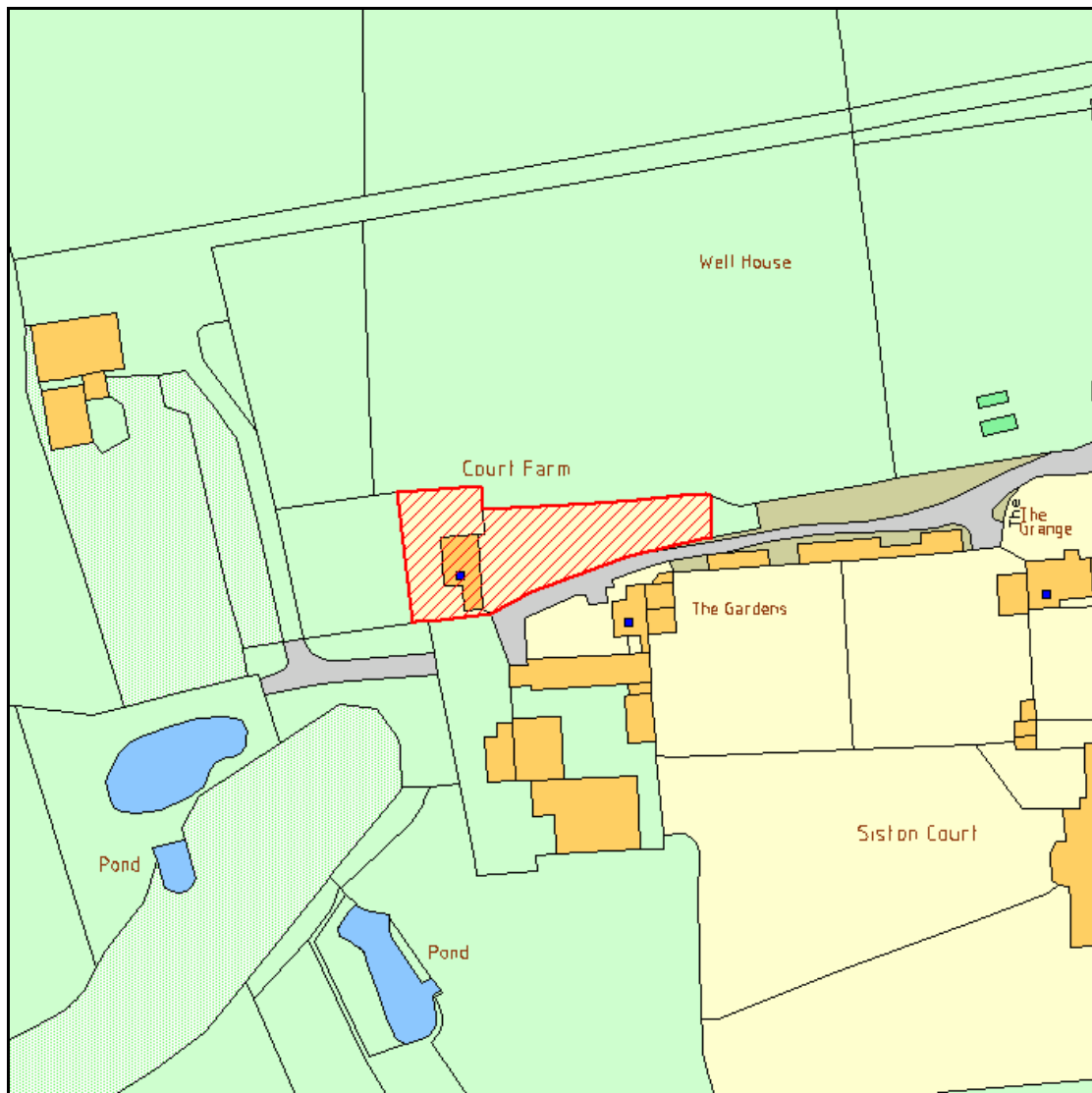
## **7. RECOMMENDATION**

- 7.1 That advertisement consent is granted.

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

## CIRCULATED SCHEDULE NO. 22/11 – 10 JUNE 2011

|                                  |  |                         |                          |
|----------------------------------|--|-------------------------|--------------------------|
| <b>App No.:</b>                  | PK11/1336/CLP  | <b>Applicant:</b>       | Mrs D Marshall           |
| <b>Site:</b>                     | Court Farm Siston Court Mangotsfield<br>South Gloucestershire  | <b>Date Reg:</b>        | 3rd May 2011             |
| <b>Proposal:</b>                 | Application for Certificate of Lawfulness<br>for the proposed erection of a single<br>storey rear extension. | <b>Parish:</b>          | Siston Parish<br>Council |
| <b>Map Ref:</b>                  | 368528 175420  | <b>Ward:</b>            | Siston                   |
| <b>Application<br/>Category:</b> | Minor  | <b>Target<br/>Date:</b> | 23rd June 2011           |



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100023410, 2008.

**N.T.S.**

**PK11/1336/CLP**

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

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

### **1. THE PROPOSAL**

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to the erection of a rear extension at Court Farm, Siston. The property is a detached dwelling and is located in the open countryside, within the Siston Conservation Area and the Bristol Bath Green Belt.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.
- 1.3 During the course of the application amended plans were requested to omit the two side extensions which were not considered to fall within the criteria set out in the General Permitted Development Order.

### **2. POLICY CONTEXT**

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

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

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

- 3.1 PK00/1157/F Alterations and extensions to existing dwelling  
Refused June 2000
- 3.2 PK00/2265/F Alterations and extensions to existing dwelling  
Approved February 2001
- 3.3 PK07/1141/F Erection of two storey side extension to north elevation, first floor side extension to south elevation and two storey and single storey rear extensions to provide additional living accommodation. Installation of 2no. dormer windows and 3no. rear balconies.  
Refused May 2007
- 3.4 PK07/3275/F Erection of two storey side and rear extensions to provide additional living accommodation. Installation of 2no. dormer windows and 3no. rear balconies.

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

4.1 Siston Parish Council  
No response received

4.2 Local Residents  
No response received

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

##### 5.1 Principle of Development

The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance.

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

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

##### **Class A.1**

(a) **As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**  
The property has a substantial rear garden, consequently the proposed conservatory would not exceed 50% of the total area of the curtilage.

(b) **The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**  
The maximum height of the proposal would sit beneath the existing eaves height of the main dwelling house. As such the proposal meets this criterion.

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

The entire proposal would sit lower than the eaves height of the main dwelling. The height to eaves of the proposed extension would reach 2.8 metres, in comparison, the height to eaves of the main dwelling measure 4.8 metres.

**(d) The enlarged part of the dwellinghouse would extend beyond a wall which—**

- (i) fronts a highway, and**
- (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;**

The proposed extension would be to the rear of the dwelling not on a principle or side elevation and not fronting a highway, as such the proposal accords with this criterion.

**(e) The enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
- (ii) exceed 4 metres in height;**

The host dwelling is a detached property. The proposed extension would be single storey and would extend a maximum of 4 metres in depth. Furthermore the proposed extension would have a maximum height of 3.4 metres.

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

The proposal is single storey.

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

The proposal would have a height to eaves of less than 3 metres and is also located over two metres away from any boundaries of the property.

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

- (i) exceed 4 metres in height**
- (ii) have more than one storey, or**
- (iii) have a width greater than half the width of the original dwellinghouse; or**

The proposal would extend off the rear elevation of the dwelling only.

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

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



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

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

**Class A.2**

**In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if:**

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

The site is location within article 1(5) land, as it is located within the Siston Conservation Area. The proposal is to the rear of the dwelling and is single storey as such the proposal meets this criterion.

**Conditions**

- (a) The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**  
The proposal would be finished in matching render, as such the works meet this criterion.
- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—**
  - (i) obscure-glazed, and**
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**

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

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

The proposal is single storey.

**6. CONCLUSION**

It is considered that the proposal does fall within one of the categories of development which are permitted development, and therefore planning permission is not required.

**7. RECOMMENDATION**

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

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

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

## CIRCULATED SCHEDULE NO. 22/11 – 10 JUNE 2011

|                              |  |                     |                             |
|------------------------------|--|---------------------|-----------------------------|
| <b>App No.:</b>              | PK11/1342/F  | <b>Applicant:</b>   | Mr M Drew                   |
| <b>Site:</b>                 | Pennymead Cattybrook Road<br>Mangotsfield South Gloucestershire<br>BS16 9NN  | <b>Date Reg:</b>    | 4th May 2011                |
| <b>Proposal:</b>             | Demolition of existing bungalow to facilitate the erection of 1 no. detached dwelling with associated works.<br>(Resubmission of PK10/2374/F). | <b>Parish:</b>      | Pucklechurch Parish Council |
| <b>Map Ref:</b>              | 367677 177054  | <b>Ward:</b>        | Boyd Valley                 |
| <b>Application Category:</b> | Minor  | <b>Target Date:</b> | 22nd June 2011              |



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**N.T.S.**

**PK11/1342/F**

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

An objection has been received, which is contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a replacement dwelling on Shortwood Hill. The settlement has no village development boundary and is therefore in the open countryside. The site also lies within the Bristol/Bath Green Belt. At present, the house on the site is a pebbledash and tile bungalow with low eaves but a high roof pitch. There is a garage between the dwelling and its northern boundary, which is demarcated by a 1.8 metre high fence, which separates the site from the blank (at first floor) side elevation of the adjoining house.
- 1.2 The shape of the site is unusual in that it is not regular, with part of the Shortwood Hill frontage taken up by a detached two storey dwelling. This house has windows at first floor level in its gable end, facing west and other facing north, looking over part of the site. This view is partially constricted by a mature hedgerow along this boundary. The site's Shortwood Hill and most of the Cattybrook Lane frontage is marked by a mature tree screen.
- 1.3 The proposal is to replace the existing bungalow with a dormer bungalow on a slightly larger footprint. The existing detached garage would be removed as part of the proposal.
- 1.4 This application has been submitted following the withdrawal of a similar scheme last year, which did not provide the necessary amount of information in justification of the demolition of the existing bungalow. An Appraisal of the Structural Condition of the existing bungalow has been submitted to accompany this application.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG2 Green Belt  
PPS3 Housing  
PPG14
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
GB1 Green Belt  
H3 Housing in the Countryside  
T8 Parking Standards  
T12 Highway Safety
- 2.3 Supplementary Planning Guidance  
Development in the Green Belt (adopted)

### 3. RELEVANT PLANNING HISTORY

- 3.1 PK09/5942/F Demolition of bungalow and erection of attached dwelling  
Withdrawn
- 3.2 PK10/0959/F Demolition of bungalow and erection of attached dwelling  
Withdrawn
- 3.3 PK10/2374/F Demolition of bungalow and erection of attached dwelling  
Withdrawn

### 4. CONSULTATION RESPONSES

- 4.1 Pucklechurch Parish Council  
No reply received

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

The applicant has provided an up-to-date mining report, which demonstrates that risks are very low for this site and no specific mitigation measures are necessary. An informative is recommended to be included on the decision notice.

Technical Services

No objection in principle, subject to the inclusion of a condition requiring a drainage plan.

Landscape Architect

No objection. The proposal would accord with policy L1 of the adopted Local Plan.

Building Control

I have reviewed the case file and would conclude that the report from John Filor Consulting is an accurate appraisal of the condition of the property. A Building Control Inspector has also visited the site and would agree that best value would be to demolish the property and rebuild.

Sustainable Transportation

Given the fact that the application relates to replacing an existing dwelling, which is to be demolished and on the basis that the existing vehicular access would be retained / used for the new dwelling then, there can be no highway objection to this planning application.

- 4.3 Local Residents

One letter of objection was received, citing the following concerns:

- Green Belt guidance requires that a replacement dwelling should have no greater impact on the openness of the Green Belt than the original building.
- Has the dwelling on site been abandoned?

- Is the dwelling beyond repair? Traditionally many buildings in the Green Belt require underpinning at considerable expense, but were required to be retained.
- Should the scheme be approved, would like to see the hedge mutually maintained at 2.7 to 3 metres height, measured from the garden of No. 5 Shortwood Hill
- The first floor window in the east elevation should be obscure glazed
- What type of natural stone is proposed for the dwelling?
- There are portacabins in the paddock next to the site – will further planning applications follow for this paddock?
- The garage has now been demolished

## 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. Policy H3 allows for replacement dwellings in the countryside, but the site also lies in the Green Belt and therefore attention must be paid to the impact of the proposal on the openness of the Green Belt. Prior to this is an assessment of whether the dwelling needs to be demolished. Finally, the design and transportation implications of replacing the existing dwelling are examined, as well as the impact on the residential amenity of surrounding occupiers. Subject to the issues examined at 5.2 and 5.3 the principle of development is acceptable. It should be noted that the existing garage on site has already been demolished and therefore the design of the replacement dwelling has been amended to reduce its volume to match that of the detached garage.

### 5.2 State of the existing dwelling

A report on the structural integrity of the existing dwelling has been submitted in support of the application. This has been assessed by Building Control and the consultation reply appears at 4.2 above. It is considered that the existing bungalow is not in a condition where repair and retention would be economically or practically viable and therefore it is considered that its retention cannot be insisted upon. The issue of whether the dwelling has been abandoned or not has been raised through the consultation process. Abandonment is a concept which is hard to prove when it comes to dwellings. Case Law does however usually involve long timescales and if any change of use from residential was to have occurred, it would have had to subsist for a 10 year period in order to be immune from Enforcement action. This bungalow was occupied as recently as March 2009, according to Council Tax records, therefore there is not considered to be a realistic case to be made that the dwelling has been abandoned and the use of the site is still considered to be residential. It is therefore considered that the dwelling could appropriately be replaced. The following analysis concentrates on the dwelling proposed to replace it.

### 5.3 Green Belt

The proposal does not represent inappropriate development in the Green Belt, by virtue of policy H3, which allows for replacement dwellings. However, due to

the site's Green belt location, the effect on the openness of the Green Belt needs to be examined. The current dwelling is a bungalow with heights to eaves and ridge at 2.9metres and 5.3 metres respectively. It is a long, low building, which, due to the site's location and perimeter landscaping is considered to have a minimal impact on the openness of the Green Belt. The proposed replacement dwelling, while being of a similar volume, has a second storey, with heights to ridge and eaves of 3.7 metres and 6.5 metres respectively, which is considered to increase its prominence, albeit on a smaller floorplate. Another effect of the replacement dwelling is to re-orientate it so that it faces Cattybrook Road. As such, it would be read against the row of two storey semi-detached dwellings in that road. Along with the retention of the existing boundary vegetation, this is considered to mitigate the increase in height of the replacement over the original dwelling. Because exercising permitted development rights in terms of extending the new dwelling could lead to the openness of the Green Belt ultimately being compromised, a condition below removes this ability. With regard to buildings within the curtilage, permitted development rights have also been removed and car parking is now shown to be in the open in order to preserve the openness of the Green Belt, as the garage on site has been demolished.

#### 5.4 Design and impact on street scene

The design of the proposed dwelling has taken on a traditional approach, with a prominent double gable facing Cattybrook Lane. The walls of the dwelling are proposed to be render, which would match the rest of the street, while detailing, such as the porch, bay front and chimneystack would be picked out in natural stone – pennant sandstone would be appropriate in this location. This is considered to meet the requirement of policy D1 to build on local distinctiveness and reinforces the licence of the corner location of the site to depart somewhat from those properties along the street. When viewed in the context of Shortwood Hill, the proposed dwelling is also considered to be appropriate in scale, materials and detailing to fit in with that varied street scene. A condition appears below ensuring that sample materials will be agreed, prior to commencement of development. It is considered that, subject to this, the design of the proposal would be an improvement on the existing dwelling, would enhance the street scene and accords with policy D1 of the adopted Local Plan.

#### 5.5 Effect on residential amenity

As noted above, the replacement dwelling would be located in close proximity to the row of houses in Cattybrook Lane. No. 1, the adjacent dwelling, has a blank side elevation at first floor level facing the position of the proposed dwelling. As the proposal and the rest of the street follows very similar front and rear building lines, it is considered that there would be no overbearing impact or unacceptable overlooking which would occur to the other properties in Cattybrook Lane through this proposal. No. 10 Shortwood Road is divided from the site by the boundary trees (conditioned below to be retained) and the road. It is considered that there will be no impact on residential amenity in this direction. No. 5, further up Shortwood Hill, shares a garden boundary with the site to its side garden. This dwelling has two windows at first floor level in its gable end, facing the site. The distance from these windows to the proposed dwelling is over 24 metres at the nearest point. At such a distance there is

considered to be no overbearing impact from the proposed dwelling and the distance is too great to result in intervisibility between habitable room windows. There is therefore considered to be no need to apply conditions regarding future windows or glazing details. It is considered that the proposed development would not have an adverse impact on existing levels of residential amenity in the site's vicinity.

#### 5.6 Transportation Issues

Since the proposal involves the use of the same access and would represent like for like replacement, generating a similar amount of traffic, no objection has been raised by Highways, as noted at 4.2 above. It is considered that there are no highways issues which vary significantly from the existing situation and therefore the proposal accords with policy T12 of the adopted Local Plan.

#### 5.7 Other Issues

The consultation process has raised two other issues which have not been analysed above. One is the request to ensure regular trimming of the hedge at a height to be agreed between neighbours. This is not for the planning system to proscribe and in any event, the hedgerow is not required for screening purposes between dwellings along this boundary, as noted in the previous paragraph. The condition below requiring retention of hedges and trees on site has been applied solely for landscape and design reasons. That said, the height of the relevant hedge could be agreed between neighbours, outside of the planning system. The other issues raised belong to a paddock and not the site itself, therefore play no part in the determination of this application.

### 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposal would result in a replacement dwelling on this site, to the benefit of the Cattybrook Road street scene and not harming the openness of the Green Belt, residential amenity, highway safety or the landscape. The proposal accords with policies GB1, H3, L1 and T12 of the adopted South Gloucestershire Local Plan.
- 6.3 The recommendation to grant/refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

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

### Reason

To ensure the replacement dwelling is not extended later, thereby negating the effects of it replacing a dwelling of a similar size, in order to preserve the openness of the Green Belt and to accord with Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

### Reason

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

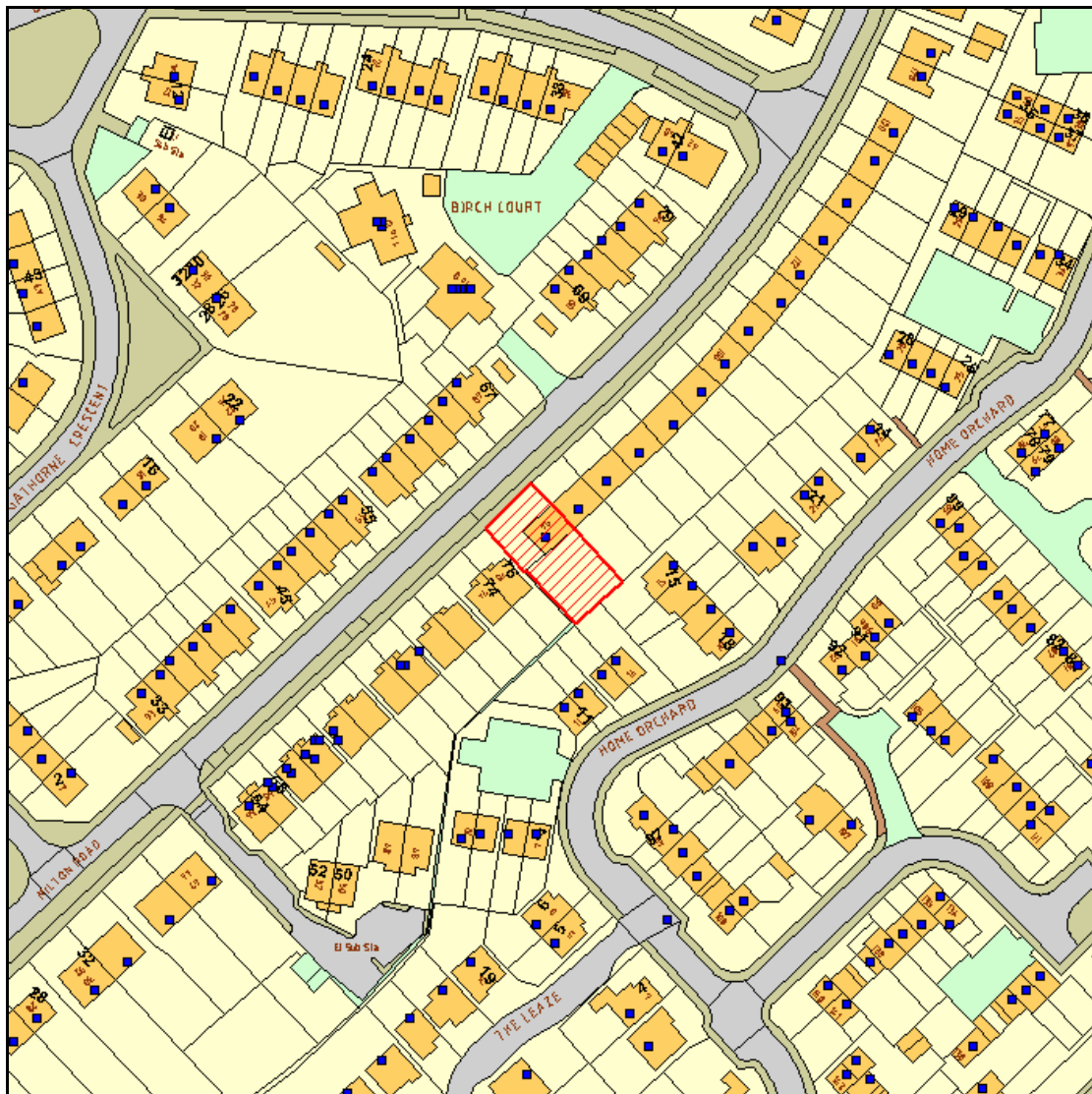
4. The existing trees and hedges along the boundary of the site shall be retained.

### Reason

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

## CIRCULATED SCHEDULE NO. 22/11 – 10 JUNE 2011

|                                  |  |                         |                   |
|----------------------------------|--|-------------------------|-------------------|
| <b>App No.:</b>                  | PK11/1478/CLP  | <b>Applicant:</b>       | Mr And Mrs Flay   |
| <b>Site:</b>                     | 94 Milton Road Yate South<br>Gloucestershire BS37 5EH  | <b>Date Reg:</b>        | 16th May 2011     |
| <b>Proposal:</b>                 | Application for the Certificate of<br>Lawfulness for the proposed erection of<br>single storey side and rear extension to<br>form additional living accommodation<br>and replacement pitch roof over<br>existing garage. | <b>Parish:</b>          | Yate Town Council |
| <b>Map Ref:</b>                  | 370953 182781  | <b>Ward:</b>            | Yate North        |
| <b>Application<br/>Category:</b> | Minor  | <b>Target<br/>Date:</b> | 15th July 2011    |



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**PK11/1478/CLP**

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

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

### **1. THE PROPOSAL**

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to the erection of a single storey rear extension and the installation of a pitched roof over the garage at 94 Milton Road, Yate. The property is a two storey end terrace dwelling and is located a residential area of Yate.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

### **2. POLICY CONTEXT**

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

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

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
No comments
- 4.2 Local Residents  
No response received

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

- 5.1 Principle of Development  
The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance.

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

- 5.2 The proposed development consists of the installation of a pitched roof over the existing garage and a rear extension to the garage. This development would fall under the criteria of *Schedule 2, Part 1, Class A*, of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (The enlargement, improvement or other alteration of a dwellinghouse). Developments which fail any of the following criteria would not be permitted:

**Class A.1**

- (a) **As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**  
The property has a substantial rear garden, consequently the proposed extensions would not exceed 50% of the total area of the curtilage.
- (b) **The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**  
The maximum height of the proposal would sit beneath the existing eaves height of the main dwelling house. As such the proposal meets this criterion.
- (c) **The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**  
The entire proposal would sit lower than the eaves height of the main dwelling. The height to eaves of the proposed extension would reach 2.4 metres, in comparison, the height to eaves of the main dwelling measure 4.8 metres.
- (d) **The enlarged part of the dwellinghouse would extend beyond a wall which—**  
(i) **fronts a highway, and**  
(ii) **forms either the principal elevation or a side elevation of the original dwellinghouse;**  
The proposed extensions would be to the side and rear of the dwelling. The side elevation of the application property doesn't front a highway, as such the proposal accords with this criterion.
- (e) **The enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
- (ii) exceed 4 metres in height;**

The host dwelling is an end terrace property. The proposed extensions would be single storey and would extend a maximum of 2.4 metres in depth. Furthermore the proposed extension would have a maximum height of 3.6 metres.

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

The proposal is single storey.

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

The proposal would have a height to eaves of less than 3 metres.

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

- (i) exceed 4 metres in height**
- (ii) have more than one storey, or**
- (iii) have a width greater than half the width of the original dwellinghouse; or**

The proposal roof and extension would extend off the side elevation of the dwelling and would be single storey, less than 4 metres in height and would have a width less than half the width of the original dwellinghouse.

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

- (i) The construction or provision of a veranda, balcony or raised platform,**
- (ii) The installation, alteration or replacement of a microwave antenna,**
- (iii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
- (iv) An alteration to any part of the roof of the dwellinghouse.**

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

#### **Class A.2**

**In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if:**

- (a) It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles :**
- (b) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**

- (c) **The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.**

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

#### **Conditions**

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

The proposal would be finished in matching brick and roof tiles, as such the works meet this criterion.

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

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

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

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

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

The proposal is single storey.

## **6. CONCLUSION**

It is considered that the proposal does fall within one of the categories of development which are permitted development, and therefore planning permission is not required.

## **7. RECOMMENDATION**

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

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

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

## CIRCULATED SCHEDULE NO. 22/11 – 10 JUNE 2011

|                              |  |                     |                               |
|------------------------------|--|---------------------|-------------------------------|
| <b>App No.:</b>              | PT11/0960/F  | <b>Applicant:</b>   | Mr E Khan                     |
| <b>Site:</b>                 | 2 Old Aust Road Almondsbury Bristol<br>South Gloucestershire BS32 4HJ    | <b>Date Reg:</b>    | 5th April 2011                |
| <b>Proposal:</b>             | Erection of 2no. detached dwellings<br>with access and associated works. | <b>Parish:</b>      | Almondsbury<br>Parish Council |
| <b>Map Ref:</b>              | 361069 184518  | <b>Ward:</b>        | Almondsbury                   |
| <b>Application Category:</b> | Minor  | <b>Target Date:</b> | 26th May 2011                 |



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**PT11/0960/F**

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

This application appears on the Circulated Schedule as representations were made contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of 2no. detached dwellings with access and associated works.
- 1.2 The site is part of a disused quarry and currently forms part of the land adjoining the existing property known as 'Little Quarry' (2 Old Aust Road) which is in the same ownership as the proposed development site. The application site forms a corner plot near the junction with Gloucester Road (the A38) and is sited within the Almondsbury settlement boundary which is 'washed over' by the Green Belt.
- 1.3 Since 1989, due to a series of renewals of consent, this plot of land had benefited from planning permission for 1no. detached dwelling. When the last application for renewal expired in 2009, an outline application was made (PT09/1002/O) for 1no. detached dwelling which was refused as the proposal failed to meet minimum density requirements and was unacceptable on highways grounds.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

|       |                                    |
|-------|------------------------------------|
| PPS1  | Delivering Sustainable Development |
| PPG2  | Green Belts                        |
| PPS3  | Housing                            |
| PPG13 | Transport                          |
| PPG14 | Development on Unstable Land       |

#### **2.2 Development Plans**

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

|     |  |
|-----|--|
| D1  | Achieving Good Quality Design  |
| EP1 | Environmental Pollution  |
| GB1 | Development within the Green Belt  |
| H2  | Proposals for Residential Development within the Defined Settlement Boundaries |
| H4  | Development within Existing Residential Curtilage                              |
| L1  | Landscape Protection and Enhancement   |
| L5  | Open Areas within Defined Settlements  |
| L9  | Species Protection   |
| T8  | Parking Standards  |
| T12 | Transportation Development Control Policy for new Development                  |



## Emerging Development Plan

### Core Strategy Proposed Changes Submission Publication 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

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

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

- 3.1 P89/1121 – Erection of detached dwelling and garage. Construction of new vehicular and pedestrian access. Approved 08/03/1989.
- 3.2 P94/1118 – Erection of detached dwelling and garage. Construction of new vehicular and pedestrian access (renewal of planning permission P89/1121). Approved 09/03/1994.
- 3.3 P99/1217 - Erection of detached dwelling and garage. Construction of new vehicular and pedestrian access (renewal of planning permission P89/1121). Approved 12/04/1999.
- 3.4 PT04/1317/REP – Renewal of permission P99/1217 for erection of detached dwelling and garage. Approved 27/05/2004.
- 3.5 PT09/1002/O – Erection of 1no. detached dwelling with all matters reserved. Refused 27/07/2009.

### **4. CONSULTATION RESPONSES**

#### 4.1 Almondsbury Parish Council

Almondsbury Parish Council would like to object to Planning Application PT11/0960/F on the grounds of overdevelopment and access to the property. Although would not object, at this stage, to one property.

#### 4.2 Other Consultees

##### Archaeology

No objection.

##### Environmental Protection

No objection subject to conditions relating to land contamination and construction working hours.

#### Ecology

No objection subject to conditions.

#### Drainage

No objection subject to condition.

#### Structural Engineer

No objection.

#### Transportation

No objection subject to condition.

### **Other Representations**

#### 4.3 Local Residents

Three letters of objection were received from local residents, raising the following concerns:

- Increased run off as a result of development will cause flooding
- Proposed shared drive could be hazardous as vehicles sometimes enter Old Aust Road at speed
- Proposed house on plot 2 would break building line on Old Aust Road
- Properties would overlook and lead to loss of privacy for neighbouring properties
- Cars parked on street obstruct road, could cause issues for emergency vehicles
- Two dwellings represents over-development of the site
- Service tunnel under Old Aust Road in danger of collapsing

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application site is situated within the Bristol north fringe urban area, as shown on the South Gloucestershire Local Plan Proposal Maps (Adopted) January 2006. PPS3 (Housing), the Joint Replacement Structure Plan and Policies H2 and H4 of the Local Plan allows for new residential development within settlement boundaries and the curtilages of dwellings. On this basis the proposed development would be acceptable in principle.

5.2 PPS3 expects schemes to make an effective use of the site by achieving the maximum density compatible with the sites accessibility, environmental

constraints, and its surroundings. The expectation under Policy H2 of the Local Plan states that all developments will achieve a minimum density of 30 dwellings per hectare.

- 5.3 Notwithstanding this policy context in June 2010 the Coalition Government issued a Ministerial Statement under the title of *'New Powers for Local Authorities to Stop 'Garden Grabbing'*. The Ministerial Statement has raised some important points regarding the design and density of new residential development. Firstly the statement reiterated the need to ensure that residential development does not result in the overdevelopment of neighbourhoods, the loss of green space, and impact upon local character. These matters can be reasonably resisted on the basis of existing policies (D1, L5, H2, and H4) within the South Gloucestershire Local Plan.
- 5.4 The second point relates to the requirement in PPS3 for all new residential developments to achieve the national indicative density target of 30 dwellings per hectare. This policy objective was reflected in Policy H2(b) of the South Gloucestershire Local Plan which stated that the maximum density compatible with the sites location should be achieved, but with an expectation that it will achieve a minimum density of 30 dwellings per hectare. The Ministerial Statement has removed the requirement for new residential development to achieve the national indicative minimum density, and thus very limited weight should be given to Policy H2(b).
- 5.5 The remaining advice in PPS3 states *"Good design is fundamental to using land efficiently..."* (Para. 48) and *"Careful attention to design is particularly important when chosen local strategy involves intensification of the existing urban fabric. However when well designed and built in the right location, it can enhance the character and quality of an area"* (Para. 49). *"Density is a measure of the number of dwelling that can be accommodated on a site or in an area. The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment."* (Para. 50)
- 5.6 On this basis in this application the need to achieve an efficient use of land is still an important material consideration. However this need should be carefully balanced against the requirement to consider the character of the area and whether the proposal is good quality design. Policy D1 of the South Gloucestershire Local Plan recognises this, and density is one of the design factors that this policy requires to be assessed.

#### 5.7 Density

As mentioned in section 1.3 of this report, application PT09/1002/O for the erection of 1no. detached dwelling on the site was refused as it failed to meet the minimum density requirements of Policy H2(b) of the Local Plan. Aside from not meeting the minimum density figure quoted in the policy criterion of '30 dwellings per hectare' it was considered in this application that the site was capable of a higher density scheme owing to the size of the plot and capability

of the access to serve more than 1no. dwellinghouse. At the pre-application stage a proposal for 3no. dwellings was looked at however the site is constrained by its former use as a quarry as it is set over two very distinct levels. As a consequence it is considered that a proposal for 2no. detached dwellings would result in the maximum density compatible with the sites accessibility, environmental constraints, and its surroundings being achieved.

## 5.8 Design

Old Aust Road runs north from the A38 and also incorporates The Quarries to the south, directly opposite 2 Old Aust Road. The site itself has boundary screening in the form of leylandii trees on the boundary with the A38 and the southern end of Old Aust Road. This former quarry site has a substantial cliff face running through the middle of the site from the north east of the site to the west. This has had the effect of splitting the site onto two levels, with the southern half of the site approximately 2.3 metres higher than the north side.

There are a mixture of housing types, displaying a variety of materials in the locality. The Quarries has a fairly uniformed appearance in that a lot of stonework is on view along with slate tiles. But these properties are set down from the application site and somewhat out of view. The existing property (no. 2) is of a fairly traditional design displaying white render with timber window and door frames. In view of the range of properties available to see in the locality, this leaves a fairly 'open palette' in terms of prospective designs that could be achieved on the proposal site.

A new shared private driveway is to be formed off Old Aust Road providing access to both new dwellings and a turning area. Both proposed properties are situated to the north of this shared drive and have elevations facing in a southerly direction. This will help maximise the efficiency of the solar panels proposed and both properties also have some garden space to the south.

Both properties will 'sit' on the quarry cliff face, making use of the topography of the site. The eaves height of plot 2 will be similar to that of no. 2 Old Aust Road, though by virtue of the three storey nature of the properties (incorporating mono pitch roofs) and the split ground levels the overall height of the properties will be higher. Particularly plot 1 at the rear, though this will largely be hidden from Old Aust Road by plot 2. Nevertheless, in terms of overall size, massing and scale the new properties will be in keeping with other properties located off Old Aust Road. Both new properties also have single and double storey aspects to them due to the ground levels. The land on the application site also falls away from the A38 and this will soften the impact of the new dwelling. Nevertheless it was felt that from an urban design point of view it was important to have a frontage with the A38 and this is provided for by the garden for plot 2 and also the south west and south east facing elevations of plot 1.

The style of the new properties is modern, incorporating mono pitch roofs. The external facing materials, as stated in the Design & Access Statement, consist of white render, pre-finished Arboretum green timber cladding and grey slate tiles. The garage doors are to be stained timber. Given the lack of a clear homogenous type of design or strong vernacular in the local area, the design of

the new properties is considered acceptable. There is use of timber boarding, slate tiles and render in the locality. The proposal also includes some sustainability benefits in the form of solar panels on the roofs. The new properties will also incorporate rainwater harvesting, air source heat pumps and be insulated to Code Level 3 (for sustainable homes) and include hot water under floor heating.

Overall, the new properties are considered to be of a good quality design, in line with Policy D1 of the Local Plan and would represent an appropriate addition to the surrounding area.

#### 5.9 Green Belt

Policy GB1 of the Local Plan allows for 'limited infilling' within the boundaries of settlements. The application site is relatively small and lies within the established Almondsbury settlement boundary and therefore the proposal for 2no. new dwellings can be considered as 'limited infilling'. The proposal is therefore acceptable in Green Belt terms.

#### 5.10 Residential Amenity

Due to the orientation of the proposed dwellings on the development site, there would be no direct overlooking into habitable room windows of no. 2 Old Aust Road. There are some windows on the west facing elevation of plot 2 however these are set back from the furthest forward wall on this elevation which impedes views across Old Aust Road. In any event the nearest properties on the other side of the road are at least 20 metres away and there is substantial screening in the form of 5 m + high vegetation on the western side of the road. There is therefore not considered to be any adverse loss of privacy to neighbouring occupiers. In terms of overbearing impact, it is considered that the main issue here would be the impact of plot 1 on the rear garden of no. 2 Old Aust Road. It is accepted that there may be some loss of light into this area, however due to the high bank that already exists to the rear (east) of this property the area already receives little light. No. 2 Old Aust Road also benefits from having garden space to the front and side (north).

A condition will be attached to the decision notice limiting construction working times to sociable hours in order to protect neighbouring residents amenity.

#### 5.11 Transportation

The Council's Highways Engineer is satisfied that the proposed access incorporates adequate visibility splays which can be achieved by cutting back foliage within the highway verge and the adjacent site frontage. The access is wide enough to allow vehicles to pass and an acceptable level of parking had been provided. Vehicles may have to reverse some distance to turn from the garage associated with plot 1 though such a manoeuvre is considered to be inconvenient rather than unsafe. A condition will be attached to the decision notice requiring the visibility splays be implemented prior to first occupation of the dwellings.

## 5.12 Environmental Issues

### Landscaping

On the boundary with Old Aust Road a single species laurel is proposed to replace the existing hedgerow. This laurel will also form the boundary of the garden to the south of the site associated with plot 2. The leylandii trees which border the highways verge next to the A38 have already been thinned and the Council's Landscape Officer does not deem them worthy of retention. A 2 m high acoustic fence is proposed here in order to keep noise levels to an acceptable level for occupiers of the new properties. No specific details have been provided of this on plan and so a condition will be attached requiring further details.

### Drainage

No drainage details have been submitted as a part of the scheme and so a condition will be attached to the decision notice requiring further information be submitted.

### Land Contamination

The historical use of the site as a former quarry and filled ground means that there is a potential for land contamination to be present and as such a condition will be attached to the decision notice requesting a ground investigation and risk assessment be carried out prior to the commencement of development.

### Ecology

The site is generally of low ecological value, having been cleared in the recent past. A small area of habitat was considered to have some potential for reptiles (slowworms) and the submitted ecological report makes recommendations to address this; and to provide nesting opportunities for local breeding birds. Conditions will therefore be attached to the decision notice in pursuance of these details.

### Archaeology

This area has been subject to quarrying and it is therefore unlikely that significant archaeological structures and deposits have survived on the site; therefore there is no objection to the application.

## 5.13 Other Matters

Concern was raised by a local resident regarding the permissible weight limit Old Aust Road will take without causing the service tunnel and road to collapse near the junction with the A38. The Council's Structural Engineer has commented that the structure itself is in a reasonable condition and will be able to support all normal construction and use vehicles. Therefore there is no objection on these grounds.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- 6.3 The recommendation to grant permission is for the following reasons:
1. The proposed layout has been configured to allow a form of development that would be in keeping with the general pattern of residential development within the locality. The proposal also represents 'infill development' within the Green Belt. As such, the proposal would be compliant with Planning Policies D1 (Achieving Good Quality Design in New Development), GB1 (Green Belt), H2 (Residential Development) and H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.
  2. The proposal would provide an appropriate level of density having regard to the site, its location and accessibility. As such, the proposal is considered to be compliant with the requirements of planning policy H2 (Residential Development) of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of PPS3.
  3. The proposal would not cause any significant adverse impact to residential amenity. The proposal is therefore considered to accord with Planning Policies H2 (Residential Development) and H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.
  4. The proposal is considered to be acceptable in highway safety terms and compliant with Planning Policies T8 (Parking Standards) and T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
  5. The proposal has considered all environmental issues associated with the site and there are no constraints to granting planning permission on this basis. The proposal is therefore considered to accord with Planning Policies EP1 (Environmental Pollution) and L9 (Species Protection) of the South Gloucestershire Local Plan (Adopted) January 2006.

## 7. RECOMMENDATION

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

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

## **CONDITIONS**

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

Reason

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

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

Reason

To minimise disturbance to neighbouring occupiers and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Development shall be carried out in accordance with the procedures as outlined in section 7.5.2 of the ecology report by Michael Woods Associates dated May 2011 should slowworms/reptiles be found on site.

Reason

To protect the wildlife and the ecological interests of the site, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of development, details of a scheme to erect a series of bird nesting boxes on the external walls of the 2no. new dwellinghouses are to be agreed in writing with the Council, to include locations, types and materials. Development shall be carried out in accordance with the agreed details.

Reason

To protect the wildlife and the ecological interests of the site, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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



6. Prior to the first occupation of the 2no. dwellinghouses hereby approved the vehicular access and associated visibility splays shall be constructed in accordance with the approved plans. There shall be no obstruction to visibility exceeding 1 metre in height within the splayed areas.

Reason

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

7. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatment(s) to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall include details of the proposed acoustic fencing and be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area and to protect the amenity of occupiers of the new properties and to accord with Policies D1, L1 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of development a desk study should be carried out to determine whether there is any land contamination of the site. Details of how the development will mitigate any potential risks of land contamination should also be clarified and agreed in writing with the Local Planning Authority.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 22/11 – 10 JUNE 2011

|                              |   |                     |                              |
|------------------------------|---|---------------------|------------------------------|
| <b>App No.:</b>              | PT11/1000/F   | <b>Applicant:</b>   | Miss S Woodhead              |
| <b>Site:</b>                 | 10 Charles Avenue Stoke Gifford South<br>Gloucestershire BS34 8LW   | <b>Date Reg:</b>    | 19th April 2011              |
| <b>Proposal:</b>             | Change of use of amenity land to residential curtilage. Erection of single storey side and rear extensions to provide additional living accommodation. (Resubmission of PT10/3479/F). | <b>Parish:</b>      | Stoke Gifford Parish Council |
| <b>Map Ref:</b>              | 362096 179906   | <b>Ward:</b>        | Stoke Gifford                |
| <b>Application Category:</b> | Minor   | <b>Target Date:</b> | 10th June 2011               |



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**PT11/1000/F**

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

The application is circulated as a result of an objection to the application which is contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The proposal seeks planning permission to erect a single storey rear extension and conservatory at the rear of this end of terrace house and for the erection of a side extension which would intrude on amenity land outside of the curtilage of the dwelling. It is also proposed to change the use of some of the amenity land which runs down the side of the house to domestic garden and to enclose this using close boarded fencing.
- 1.2 The house is currently finished in brick and tiles and it is proposed to match these in the proposed development.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving good quality design in new development  
L1 Landscape protection and enhancement  
H4 Development within existing residential cartilages, including extensions and new dwellings.  
T8 Parking standards  
T12 Transportation development control policy for new development
- 2.4 South Gloucestershire Core Strategy Proposed Changes Dec 2010  
CS1 Design
- 2.4 Supplementary Planning Document  
South Gloucestershire Design Checklist (adopted)  
South Gloucestershire Council adopted planning guidelines- Trees on Development Sites

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

PT10/3479/F Change of use of amenity land to residential curtilage. Erection of single storey side and rear extension to provide additional living accommodation. Refused 2011 due to the amount of the amenity land being enclosed.

### **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
No objection

#### 4.2 Other Consultees

##### Tree Officer

No objection subject to a condition relating to tree protection measures during the construction process.

##### Other Representations

#### 4.3 Local Residents

One objection received from the owner of the attached house in relation to the following points;

- ◆ The proposed kitchen wall will deprive the neighbouring property of daylight, particularly in the winter. Loss of solar input to the house.
- ◆ Overbearing, loss of amenity and loss of outlook
- ◆ Concern about parking and traffic issues.

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

Extensions to residential dwellings are generally acceptable subject to guidance set out in Policies D1 and H4 of the Local Plan. As such the main issues to consider are the implications of the development for neighbours and the appearance of the proposal in relation to the existing house and surrounding area. In addition matters of transport and whether sufficient garden area would be retained are relevant issues to consider. In this case the visual amenity of the enclosure of land is a relevant consideration under policy L1 and D1 of the Local Plan.

#### 5.2 Residential amenity

Policy H4 seeks to protect the neighbour from overbearing proposals or proposals which overlook neighbouring properties. The rear extension is proposed to be located on the boundary with the attached terraced house and the elevation facing the attached neighbour features no windows. As such privacy would be secured. The three metres deep extension, when taken with the set forward of the attached house, would create a 4m deep extension which, given that it is located on the boundary might potentially have an overbearing impact on the amenity of the neighbouring property. However the attached neighbour has a conservatory across the rear of their property and as such there is considered to be negligible impact on that property. Furthermore as the proposed kitchen is located directly north of the neighbour there would be negligible loss of day or sunlight into the neighbouring house.

Policy H4 also seeks to ensure that there is adequate amenity space retained for the existing dwelling. In this case sufficient amenity space would be retained at the dwelling and in fact this application also seeks to extend that areas.

With regards to the side extension there are no affected neighbours and the proposed extension would not affect the amenity of the users of the pathway.

As such there would be no material harm to neighbours.

### 5.3 Visual Amenity & Design

Policy D1 seeks to ensure that such proposals are acceptable in appearance. The form and materials of the extensions proposed reflect the form and materials of the house and as such the proposed extensions are considered to be acceptable in design terms.

The enclosure of part of the amenity land to the rear of the proposed side extension is considered acceptable and overcomes the refusal of permission on the previous application where the whole area was proposed to be enclosed. This is because sufficient amenity are now remains to retain the open character of the adjoining pedestrian route and this also retains the visual link between Charles Avenue and Sandringham Road. The amount of fencing would be similar to that existing already and this would conserve the amenity of the landscape and would be in compliance with policies L1 and D1.

### 5.4 Trees/landscaping

In the area of land situated to the side of the existing property, there are three existing trees. A young mountain ash is situated at the front of the property, this should be unaffected by the proposed development and is intended to be retained.

There is a hawthorn on the edge of the land adjacent to the public footpath which will be removed to accommodate the development. This tree is relatively small and offers little visual amenity to the area.

At the western end of the strip of land is a semi mature Norway Maple. This tree exhibits good form and is a significant feature of the landscape and should be retained in accordance with South Gloucestershire Council adopted policy L1. This tree is the subject of a recent Tree Preservation Order.

The proposed extension works will be situated outside the root protection area (RPA) of the Norway maple as defined in BS5837:2005, therefore the construction of foundations should have minimal impact on the health of the tree. Post holes for the relocated fence will be dug by hand in accordance with an email received from the applicant on 24 May 2011 and detail of the protective fencing proposed received on 23 May 2011.

To ensure there is no compaction of the soil or contamination within the root protection area (RPA) of the tree, protective fencing should be erected in accordance with BS5837:2005 prior to the commencement of any works and maintained for the duration of the development. The applicant has confirmed this and a condition could adequately deal with this matter if planning permission were granted.

### 5.5 Transportation

There would be a total of two parking spaces on the frontage with a further substandard length garage space shown to be maintained. As such the proposal complies with the Councils maximum parking spaces and the substandard garage can provide for cycle parking.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- a. The proposal has been designed to be in keeping with the character of the area taking into account the design, siting, height and materials of the existing house and surrounding area – Policies H4 and D1 South Gloucestershire Local Plan (adopted) January 2006; South Gloucestershire Design Checklist SPD.
- b. The proposal would not materially harm the residential amenities of neighbouring properties by reason of loss of privacy or natural light, or by being overbearing - Policies H4 and D1 South Gloucestershire Local Plan (adopted) January 2006.
- c. The parking facilities maintained complies with the Councils parking requirements - Policies T7 and T8 South Gloucestershire Local Plan (adopted) January 2006.
- 6.2 The recommendation to refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That planning permission is GRANTED for the reasons set out below.

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

## **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 works shall not be commenced until the tree protection fencing as shown on Root Protection Fence Line Plan received by the Local Planning Authority on 23 May 2011 has been erected on site. There shall be no machinery or materials stored within the fencing zone as outlined on that plan nor machines used within that area. The new post holes for the fence within this area shall all be dug by hand in accordance with the applicants email dated 24 May 2011.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

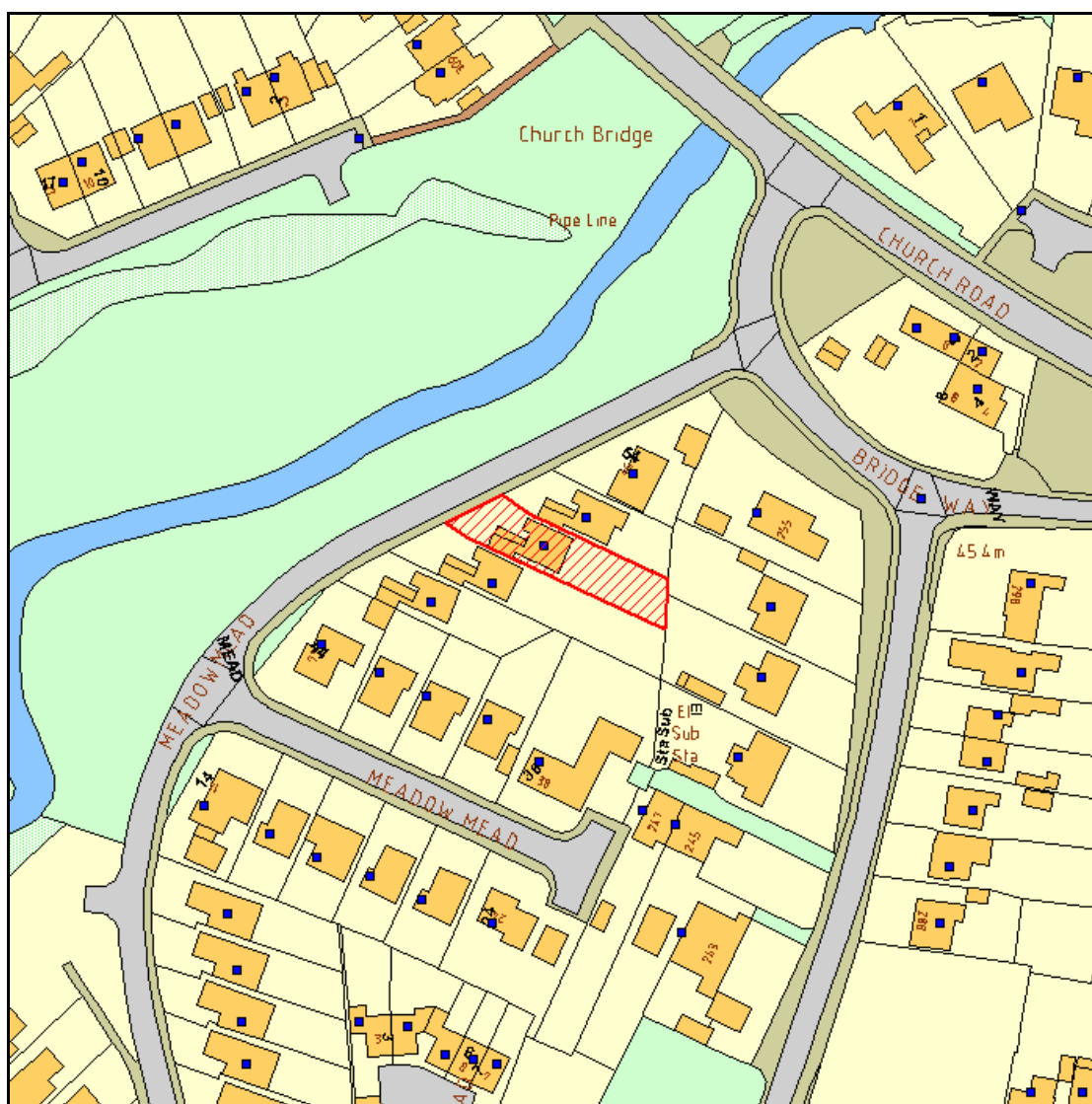
3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 22/11 – 10 JUNE 2011

|                                  |   |                         |                                      |
|----------------------------------|---|-------------------------|--------------------------------------|
| <b>App No.:</b>                  | PT11/1178/F   | <b>Applicant:</b>       | Mr P Draisey                         |
| <b>Site:</b>                     | 50 Meadow Mead Frampton Cotterell I<br>South Gloucestershire BS36 2BE   | <b>Date Reg:</b>        | 13th April 2011                      |
| <b>Proposal:</b>                 | Erection of two storey rear extension<br>and single storey front extension to<br>provide additional living<br>accommodation | <b>Parish:</b>          | Frampton Cotterell<br>Parish Council |
| <b>Map Ref:</b>                  | 366737 181827   | <b>Ward:</b>            | Frampton Cotterell                   |
| <b>Application<br/>Category:</b> | Householder   | <b>Target<br/>Date:</b> | 6th June 2011                        |



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PT11/1178/F



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

This application is circulated as a result of the objection from the parish council.

### **1. THE PROPOSAL**

- 1.1 This full application relates to the erection of a two storey extension to the rear of the existing chalet bungalow. The proposal facilitates a third bedroom and enlarged living area. The proposal also includes a small single storey extension at the front of the house and the extension sideways of the garage to provide an interior garage width of 3m. The chalet bungalow is currently finished in brick and this is proposed on the extension along with matching roof tiles. It is also proposed to replace the existing cladding with cedar boarding.
- 1.2 The chalet bungalow is a detached property on the edge of the Green belt and within the Frampton Cotterell/Winterbourne/Coalpit Heath settlement boundary. Vehicular access is to the front of the site. .

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H4 Development Within Existing Residential Curtilages,  
Including Extensions and New Dwellings  
T12 Transportation Development Control Policy for New  
Development
- South Gloucestershire Core Strategy Proposed Changes Version  
(December 2010)  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) Aug 2007

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cottrell Parish Council  
Objection – the size of the proposed development is out of keeping with the surrounding properties.
- 4.2 Local Residents  
None received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

### 5.2 Design

The property is one of a run of four similarly designed and staggered detached properties. Each property has a flat roofed garage in front of the chalet bungalow which is linked to the house. The application has been amended during its course to retain the flat roof appearance of the garage as this is more characteristic of this row of properties. The proposed ground floor extension to the front of the chalet bungalow is a simple extension to the existing form of the bungalow at a location set back behind the forward projecting garage. This would have a shallower pitch than the existing bungalow but would not detract from the general form of the property nor be prominent on the streetscene. The rear two storey extension covers only part of the rear elevation and the extension mimics the two storey extension already in position at No 52. There are modest differences but the location form and design of the extension is considered to be acceptable in design terms.

In respect of materials the extension is proposed to be roofed and the walls finished in matching brick with the exception of the replacement of the cladding with cedar cladding. This is an acceptable proposal.

### 5.3 Residential amenity

The proposals would not be detrimental to the amenity of the neighbouring properties, due to the staggered nature of the houses and the provided that the high level side windows in the rear extension are conditioned appropriately there will be no loss of amenity to neighbours.

### 5.4 Transportation

Off street parking for two vehicles would be provided. The application is therefore in accordance with the development plan and is acceptable.

## 6. CONCLUSION

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

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

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

1. The proposed works due to there design, size and location are considered to be acceptable in terms of visual and residential amenity. The proposals would therefore accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and H4 (Development within Existing Residential Curtilages, Including Extensions and New Dwellings) of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The proposal has no impact in highway safety terms. As such the proposal is considered to be compliant with Planning Policy T12 (Transportation Development Control Policy) of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

7.1 Planning permission be granted subject to the conditions attached to the decision notice.

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

## **CONDITIONS**

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

Reason

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

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

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy D1 and 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 side elevations of the extension hereby permitted, and the high level windows shown in the proposed extension shall have cill levels above 1.7m above their respective floor levels.

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. 22/11 – 10 JUNE 2011

|                              |  |                     |                                |
|------------------------------|--|---------------------|--------------------------------|
| <b>App No.:</b>              | PT11/1200/F  | <b>Applicant:</b>   | Dr D Boone                     |
| <b>Site:</b>                 | Hambrook Court West Bristol Road<br>Hambrook South Gloucestershire | <b>Date Reg:</b>    | 18th April 2011                |
| <b>Proposal:</b>             | Erection of rear conservatory.<br>(Resubmission of PT10/1372/F).   | <b>Parish:</b>      | Winterbourne<br>Parish Council |
| <b>Map Ref:</b>              | 364162 179044  | <b>Ward:</b>        | Winterbourne                   |
| <b>Application Category:</b> | Householder  | <b>Target Date:</b> | 8th June 2011                  |



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100023410, 2008.

**N.T.S.**

**PT11/1200/F**

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

The application is circulated due to the comments of the Winterbourne Parish Council

### 1. **THE PROPOSAL**

- 1.1 This application relates to the erection of a conservatory at the rear of the is two storey semi-detached house.
- 1.2 The application site is a large, grade II listed property and as such a listed building application runs concurrently with this application. The site is located within the Hambrook Conservation Area, Hambrook Settlement Area and is also located in the Green Belt.

### 2. **POLICY CONTEXT**

#### 2.1 **National Guidance**

- PPS1 Delivering Sustainable Development
- PPS5, Planning for the Historic Environment and PPS5  
Historic Environment Planning Practice Guide March 2010
- PPG2 Green Belt

#### 2.2 **Development Plans**

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

- D1 Achieving Good Quality Design in New Development
- L12 Conservation Areas
- L13 Listed Buildings.
- H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- T12 Transportation Development Control Policy for New Development
- GB1 Green Belt

#### **Core Strategy (Submission Draft) December 2010**

- CS1 High Quality Design

#### 2.4 **Supplementary Planning Guidance**

- South Gloucestershire Design Checklist (Supplementary Planning Document)  
Adopted 2007

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

- 3.1 PT02/1125/F Construction of 2.2m wall along new access on boundary.  
Approved
- 3.2 PT10/1186/LB Erection of rear conservatory Withdrawn
- 3.3 PT10/1372/F Erection of rear conservatory withdrawn
- 3.4 PT11/1201/LB Erection of rear conservatory. (Resubmission of  
PT10/1186/LB).

#### 4. CONSULTATION RESPONSES

##### 4.1 Winterbourne Parish Council

No response received in relation to this planning application however, the Winterbourne Parish Council objected to the corresponding application for listed building consent PT11/1201/LB giving the reason as 'more detail of the conservatory should be given since it is within the Green Belt'.

##### Other Consultees

##### 4.2 Conservation officer

No Objection – comments are incorporated below.

##### Other Representations

##### 4.3 Local Residents

No objection

#### 5. ANALYSIS OF PROPOSAL

##### 5.1 Principle of Development

In assessing applications for residential extensions, policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006) is particularly relevant. Extensions are normally permitted provided they respect the massing, scale, overall design and character of the existing property and street scene and would not prejudice amenities of nearby occupiers, highway safety or the retention of adequate private amenity space. In this case the site is also located in a conservation area and is a listed building and as such policies L12 and L13 need to be satisfied. The proposal is also in the Green Belt where national guidance and South Gloucestershire Local Plan Policy GB1 seeks to ensure that only limited extensions will be permitted which does not result in disproportionate additions over and above the size of the original building. .

##### 5.2 Green Belt

The site is located in the green belt and also within the settlement area of the village. The proposal is modest in scale and is considered to be a limited extension to the house. As such it is considered that the conservatory is not disproportionate and is an appropriate form of development which will not detract from the openness of the Green Belt.

The matter of Green Belt has been raised by the Parish council in the context of the detail of the proposal. The detailing of the proposal is considered further in paragraph 5.4.

##### 5.3 Residential Amenity

The conservatory is located some sixteen metres from the rear elevation of the attached house which is situated at right angles to the subject property. There are ground level windows in that rear elevation which are obscure glazed and would be unaffected by the proposed conservatory. Other properties are

located too far away from the proposal to be affected. As such the amenity and privacy of neighbours is maintained.

#### 5.4 Impact on Listed Building

Hambrook Court West is a grade II listed building, originally listed in 1952. It was converted into two self-contained dwellings after having been previously used as a nursing home. Hambrook Court West was further extended in the late 1980s with the construction of the single storey extension and integral garage. It is an imposing two and half storey building, seven bays wide with the two outer most bays projecting forward giving a symmetrical design to the principal elevation. The south facing elevation is rendered, scribed in imitation of ashlar, with projecting quoins and window surrounds. The windows are 20<sup>th</sup> century sashes and the roof is hipped with imitation slate. The rear, north facing elevation by contrast is far less formal, with limited and irregular window openings giving it a more robust and understated appearance. The render is modern painted roughcast, also emphasising the lower status side of the building.

This application follows the withdrawal of a previous application for a conservatory which, due to its design, scale, size and detailing was considered inappropriate and harmful to the character and significance of the listed building.

The design has been modified and improved and the size of the structure reduced, giving it better proportions and less of a boxy appearance. The dominating gable has also been reduced in size and width. The scale, form and design is now acceptable in principle. Details showing the proposed construction and finish of the conservatory have been submitted. The sections now illustrate the construction of the conservatory and are acceptable. The glazing bar has been modified following previous comments and advice but it still needs improvement to ensure that it gives the impression of being an integrated traditional bar, not a smaller applied bar that is added as an afterthought. The revised bar design applies to all of the casements (fixed and opening) as well as the main doors and this needs to be agreed before any development commences. In terms of colour, it is proposed to match the main house joinery but the potential appearance of a pure brilliant white conservatory on this historic building will give a harsh and clinical appearance to the structure and it is better to seek a more subtle colour that respects the historic character and significance of the listed building. Both of these items can be secured via condition.

#### 5.5 Impact on Hambrook conservation area.

Policy L12 seeks to preserve or enhance the character or appearance of the conservation area. As such any proposal should demonstrate that the size, form position, scale, materials, design, colour and detailing have proper regard to the distinctive character and appearance of the conservation area. Policy L13 seeks to preserve the setting of listed buildings. In this case the conservatory will have a neutral effect on the conservation area.



## 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 proposal has been designed to be in keeping with the character of the area taking into account the design, siting, height and materials of the existing listed house and surrounding conservation area – Policies L12, L13, H4 and D1 South Gloucestershire Local Plan (adopted) January 2006; South Gloucestershire Design Checklist SPD.

Through positioning and design the proposals will not harm the amenities of neighbouring properties by reason of loss of privacy or natural light - Policies H4 and D1 South Gloucestershire Local Plan (adopted) January 2006.

The proposal represents a proportionate extension that constitutes appropriate development in the Green Belt – Policy GB1 South Gloucestershire Local Plan (adopted) January 2006; Development in the Green Belt SPD.

- 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 is granted subject to the conditions set out below.

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

## **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. Notwithstanding the submitted information, large scale details of the following (in respect of which approval is expressly reserved) shall be submitted to the Council for approval before the relevant parts of the work are commenced.
- a. Glazing Bar (to be used in windows and doors)

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections. The works shall be constructed exactly in accordance with the details so approved.

Reason:

In order that the development serves to preserve the architectural and historic interest of the listed building, in accordance with Policy L13 of the South Gloucestershire Local Plan and section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at Planning Policy Statement 5.

3. No development shall take place until a sample of the colour and finish for the external joinery has been supplied and agreed in writing by the local planning authority.

Reason:

In order that the development serves to preserve the architectural and historic interest of the listed building, in accordance with Policy L13 of the South Gloucestershire Local Plan, section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at Planning Policy Statement 5.

4. The colour, type and texture of the rendered finish to the external walls of the proposed extension and new garden walls shall match that of the existing building.

Reason:

In order that the development serves to preserve the architectural and historic interest of the listed building, in accordance with Policy L13 of the South Gloucestershire Local Plan, section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at Planning Policy Statement 5.

## CIRCULATED SCHEDULE NO. 22/11 – 10 JUNE 2011

|                              |  |                     |                                |
|------------------------------|--|---------------------|--------------------------------|
| <b>App No.:</b>              | PT11/1201/LB   | <b>Applicant:</b>   | Dr D Boone                     |
| <b>Site:</b>                 | Hambrook Court West Bristol Road<br>Hambrook South Gloucestershire | <b>Date Reg:</b>    | 18th April 2011                |
| <b>Proposal:</b>             | Erection of rear conservatory.<br>(Resubmission of PT10/1186/LB).  | <b>Parish:</b>      | Winterbourne<br>Parish Council |
| <b>Map Ref:</b>              | 364162 179044  | <b>Ward:</b>        | Winterbourne                   |
| <b>Application Category:</b> | Minor  | <b>Target Date:</b> | 8th June 2011                  |



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**N.T.S.**

**PT11/1201/LB**

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

The application is circulated due to the comments of the Winterbourne Parish Council

### **1. THE PROPOSAL**

- 1.1 This application for listed building consent relates to the erection of a conservatory at the rear of the is two storey semi-detached house.
- 1.2 The house is a large, grade II listed property. A planning application runs concurrently with this application which deals with the planning policy issues of the proposed conservatory.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1 Delivering Sustainable Development  
PPS5, Planning for the Historic Environment and PPS5  
Historic Environment Planning Practice Guide March 2010

#### **2.2 Development Plans**

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

D1 Achieving Good Quality Design in New Development  
L12 Conservation Areas  
L13 Listed Buildings.

#### **Core Strategy (Submission Draft) December 2010**

CS1 High Quality Design

#### **2.4 Supplementary Planning Guidance**

South Gloucestershire Design Checklist (Supplementary Planning Document)  
Adopted 2007

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

- 3.1 PT02/1125/F Construction of 2.2m wall along new access on boundary.  
Approved
- 3.2 PT10/1186/LB Erection of rear conservatory Withdrawn
- 3.3 PT10/1372/F Erection of rear conservatory withdrawn
- 3.4 PT11/1200/F Erection of rear conservatory. (Resubmission of PT10/1372/F).

### **4. CONSULTATION RESPONSES**

#### **4.1 Winterbourne Parish Council**

Winterbourne Parish Council objects to this application for listed building consent giving the reason as 'more detail of the conservatory should be given since it is within the Green Belt'.

4.2 Conservation officer  
No Objection – comments are incorporated below.

4.4 Local Residents  
No objection

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

This is a listed building application and as such the issues to be considered relate solely to the impact on the conservatory on the host listed building. Other planning issues are considered in the concurrent planning application referenced PT11/1200/F, also circulated with this report.

### 5.3 Impact on Listed Building

Hambrook Court West is a grade II listed building, originally listed in 1952. It was converted into two self-contained dwellings after having been previously used as a nursing home. Hambrook Court West was further extended in the late 1980s with the construction of the single storey extension and integral garage. It is an imposing two and half storey building, seven bays wide with the two outer most bays projecting forward giving a symmetrical design to the principal elevation. The south facing elevation is rendered, scribed in imitation of ashlar, with projecting quoins and window surrounds. The windows are 20<sup>th</sup> century sashes and the roof is hipped with imitation slate. The rear, north facing elevation by contrast is far less formal, with limited and irregular window openings giving it a more robust and understated appearance. The render is modern painted roughcast, also emphasising the lower status side of the building.

This application follows the withdrawal of a previous application for a conservatory which, due to its design, scale, size and detailing was considered inappropriate and harmful to the character and significance of the listed building.

The design has been modified and improved and the size of the structure reduced, giving it better proportions and less of a boxy appearance. The dominating gable has also been reduced in size and width. The scale, form and design is now acceptable in principle. Details showing the proposed construction and finish of the conservatory have been submitted. The sections now illustrate the construction of the conservatory and are acceptable. The glazing bar has been modified following previous comments and advice but it still needs improvement to ensure that it gives the impression of being an integrated traditional bar, not a smaller applied bar that is added as an afterthought. The revised bar design applies to all of the casements (fixed and opening) as well as the main doors and this needs to be agreed before any development commences. In terms of colour, it is proposed to match the main house joinery but the potential appearance of a pure brilliant white conservatory on this historic building will give a harsh and clinical appearance to the structure and it is better to seek a more subtle colour that respects the historic character and significance of the listed building. Both of these items can be secured via condition.

#### 5.4 Other matters

The Parish Council raised concern about the detailing of the conservatory in relation to its impact on the Green Belt but the purpose of a Listed building application is to consider only the impact of the proposal on the listed building and as such the impact on the green belt is not considered here.

### 6. CONCLUSION

6.1 The recommendation to refuse listed building consent has been taken having regard to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

7.1 That planning permission is granted subject to the conditions set out below.

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

### CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. Notwithstanding the submitted information, large scale details of the following (in respect of which approval is expressly reserved) shall be submitted to the Council for approval before the relevant parts of the work are commenced.

a. Glazing Bar (to be used in windows and doors)

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections. The works shall be constructed exactly in accordance with the details so approved.

Reason:

In order that the development serves to preserve the architectural and historic interest of the listed building, in accordance with Policy L13 of the South Gloucestershire Local Plan and section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at Planning Policy Statement 5.

3. No development shall take place until a sample of the colour and finish for the external joinery has been supplied and agreed in writing by the local planning authority.

Reason:

In order that the development serves to preserve the architectural and historic interest of the listed building, in accordance with Policy L13 of the South Gloucestershire Local Plan, section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at Planning Policy Statement 5.

4. The colour, type and texture of the rendered finish to the external walls of the proposed extension and new garden walls shall match that of the existing building.

Reason:

In order that the development serves to preserve the architectural and historic interest of the listed building, in accordance with Policy L13 of the South Gloucestershire Local Plan, section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at Planning Policy Statement 5.