



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

**CIRCULATED SCHEDULE NO. 41/11**

**Date to Members: 21/10/11**

**Member's Deadline: 27/10/11 (5pm)**

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

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

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **by email within five working days of the publication of the schedule (by 5pm)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee**

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

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

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

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

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

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

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

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

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

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

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

# CIRCULATED SCHEDULE - 21 OCTOBER 2011

| ITEM NO. | APPLICATION NO | RECOMMENDATION          | LOCATION   | WARD                                  | PARISH                                   |
|----------|----------------|-------------------------|--|---------------------------------------|--|
| 1        | PK11/1401/O    | Approve with Conditions | Land At Rear Of 69 Westerleigh Road Yate South Gloucestershire BS37 4BN              | Yate Central                          | Yate Town                                |
| 2        | PK11/1761/F    | Approve with Conditions | Oxleaze Toghill Lane Doynton South Gloucestershire BS30 5TE                          | Boyd Valley                           | Doynton Parish Council                   |
| 3        | PK11/2228/F    | Approve                 | The Buthay Inn 15 High Street Wickwar South Gloucestershire GL12 8NE                 | Ladden Brook                          | Wickwar Parish Council                   |
| 4        | PK11/2455/F    | Approve with Conditions | 12 Piper Road Yate South Gloucestershire BS37 5SY                                    | Yate North                            | Yate Town                                |
| 5        | PK11/2517/F    | Approve with Conditions | 1 Old Lane Emersons Green South Gloucestershire                                      | Emersons                              | Mangotsfield Rural Parish Council        |
| 6        | PK11/2625/F    | Approve with Conditions | 50 Church Road Kingswood South Gloucestershire                                       | Kings Chase                           | None                                     |
| 7        | PK11/2735/F    | Approve with Conditions | 31 North View Staple Hill South Gloucestershire BS16 5RU                             | Downend                               | Downend And Bromley Heath Parish Council |
| 8        | PK11/2775/F    | Approve with Conditions | Land Adj To 11 Almond Way Mangotsfield South Gloucestershire BS16 5QL                | Rodway                                | None                                     |
| 9        | PK11/2807/CLP  | Approve with Conditions | 188 Badminton Road Downend South Gloucestershire BS16 6NP                            | Downend                               | Downend And Bromley Heath Parish Council |
| 10       | PK11/2846/F    | Approve with Conditions | 40 Beaufort Avenue Yate South Gloucestershire BS37 5BN                               | Yate North                            | Yate Town                                |
| 11       | PT11/2550/R3F  | Deemed Consent          | St Chads Patchway C Of E Primary School Cranham Drive Patchway South Gloucestershire | Bradley Stoke Central And Stoke Lodge | Patchway Town Council                    |
| 12       | PT11/2711/F    | Refusal                 | 371 Church Road Frampton Cotterell South Gloucestershire BS36 2AQ                    | Frampton Cotterell                    | Frampton Cotterell Parish Council        |
| 13       | PT11/2772/F    | Approve with Conditions | 10 Broncksea Road Filton Bristol South Gloucestershire BS7 0SE                       | Filton                                | Filton Town Council                      |
| 14       | PT11/2813/F    | Approve with Conditions | 5 St Marys Way Thornbury South Gloucestershire BS35 2BH                              | Thornbury North                       | Thornbury Town Council                   |
| 15       | PT11/2929/ADV  | Approve with Conditions | Almondsbury Forge Works Ltd 6Sundays Hill Almondsbury South Gloucestershire BS32 4DS | Almondsbury                           | Almondsbury Parish Council               |
| 16       | PT11/3003/F    | Approve with Conditions | 32 Cumbria Close Thornbury South Gloucestershire                                     | Thornbury South And Alveston          | Thornbury Town Council                   |

## CIRCULATED SCHEDULE NO. 41/11 – 21 OCTOBER 2011

|                              |   |                     |                   |
|------------------------------|---|---------------------|-------------------|
| <b>App No.:</b>              | PK11/1401/O   | <b>Applicant:</b>   | Mr J Ducker       |
| <b>Site:</b>                 | Land At Rear Of 69 Westerleigh Road<br>Yate Bristol South Gloucestershire<br>BS37 4BN | <b>Date Reg:</b>    | 4th August 2011   |
| <b>Proposal:</b>             | Erection of 10 (maximum) dwellings<br>(Outline) with all matters reserved.            | <b>Parish:</b>      | Yate Town Council |
| <b>Map Ref:</b>              | 370869 182184   | <b>Ward:</b>        | Yate Central      |
| <b>Application Category:</b> | Major   | <b>Target Date:</b> | 2nd November 2011 |



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100023410, 2008. **N.T.S.** **PK11/1401/O**

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

Objections have been received, contrary to the officer recommendation.

### **1. THE PROPOSAL**

1.1 The proposal seeks outline planning permission for residential development for up to 10 dwellings on land rear of No. 69 and 69A Westerleigh Road. The area of the site is approximately 0.23 hectares. All matters are reserved. The long, flat site lies to the rear of two houses fronting Westerleigh Road. It is bounded to the north by the side and rear gardens of properties in Blakeney Mills, to the East by school playing fields and to the South by a new estate of bungalows. Plans, which are indicative only, have been submitted showing nine houses on the site: Consisting of two semis and terraced rows of three and four. There are two significant ash trees within the site which are covered by a Tree Preservation Order.

1.2 Previous outline planning permission (PK04/2176/REP) was granted for the renewal of P97/1393 for the same development. Later, planning permission PK08/0743/O renewed the permission again.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1 Delivering Sustainable Development  
PPG3 Housing  
PPG13 Transport  
PPG14 Unstable Land  
PPG24 Noise  
Draft National Planning Policy Framework

#### **2.2 Development Plans**

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

D1 Achieving Good Quality Design  
L1 Landscape Protection and Enhancement  
L9 Species Protection  
L18 The Water Environment – Sustainable Drainage System  
EP1 Environmental Pollution  
T7 Cycle Parking  
T8 Parking Standards  
T12 Highway Safety  
H2 Residential Development  
H4 Residential Development within existing curtilages  
H6 Affordable Housing  
LC2 Provision of Education

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

CS5 Location of development  
CS16 Housing density

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

3.1 P85/2560 Residential Development on approximately 0.25 ha of land (Outline)  
Approved 1985

- 3.2 P94/2693 Residential Development (Outline)  
Dismissed at appeal 1996
- 3.3 P97/1393 Residential Development (Outline)  
Approved 2001
- 3.4 PK04/2176/REP Residential Development (Outline)  
Approved 2005
- 3.5 PK08/0743/O Residential Development (outline) Renewal of permission  
Approved 2008

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

4.1 Yate Town Council  
No objection

4.2 Coal Authority  
The coal mining report submitted with the application concurred with the Coal Authority's records and shows historic unrecorded shallow workings may have taken place on the site. No objection is raised in principle, but a condition is recommended requiring submission of a Coal Mining Risk Assessment in support of a Reserved Matters application.

Wessex Water  
No objection

Technical Support (Drainage)  
No objection – recommend condition requiring drainage details

Sustainable Transport  
I have reviewed the documentation attached to this application for the extension of existing outline planning permission (PK08/0743/O) for up to 10 dwellings at the rear of 69 Westerleigh Road, Yate. There have been no previous highway objections, although access arrangements have required some legal challenges in the past, and this application has been approved in principle for some time.

An indicative layout of the site is attached to the application which does not detail parking or swept path analyses into or out of the site and these will need to be agreed before Reserved Matters consent is given. The following advice should be given to the applicant to ensure that that the vehicular movements around the site can be adequately accommodated.

South Gloucestershire Council have the following vehicle and cycle parking policies for residential developments:- T7 and T8. In addition, refuge and fire appliances need to be able to turn within the curtilage of the site, to help preserve the exiting highway arrangements.

Community Services  
Due to the size of the proposed development, no contributions would be justifiable.

### Affordable Housing

The proposal falls underneath the present requirement for provision of affordable housing.

### Children and Young People Department

There is projected surplus capacity at local primary and secondary schools and therefore no contribution towards education is required.

### Tree Officer

The final design should respect the trees on the site and incorporate them. No objection in principle at this outline stage.

## **Other Representations**

### 4.3 Local Residents

5 letters of objection were received, citing the following concerns:

- Do not know whether the dwellings will be houses, flats or bungalows
- Anything over one storey will look into Woodrush Heath
- Access to the site should not be allowed into the site through Woodrush Heath as the road is too narrow and the access with Westerleigh Road would be dangerous for further vehicles
- Woodrush Heath is designed for occupants over 50
- Drainage and highway adoption have not been completed for Woodrush Heath
- Density of development, at 10 dwellings, is too high
- If permission is approved, no access should be provided from Woodrush Heath until that road has been surfaced
- Using Woodrush Heath for construction traffic would worsen its condition and lead to access problems for residents
- What impact would arise if the site is accessed from Woodrush Heath as there is only a temporary road surface at present

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Since the previous approval, there have been limited developments in policy. The changes that have occurred are however significant: locally, the draft Core Strategy has been produced; nationally, the revision of PPS3 has removed the national indicative minimum density of development and the National Planning Policy Framework has been published in draft form, benefiting currently from limited weight. The site still remains within the residential boundary of the area. Policy H2 of the adopted South Gloucestershire Local Plan remains in place. Taking these factors into account, the principle of the residential development remains unchanged.

### 5.2 Density

The proposal is in outline form, the applicant however submitted an illustrative plan, which shows that site can accommodate 10 dwellings and this would be the maximum number of dwellings proposed.

It is considered that this would be an efficient use of the land. At the upper limit in accordance with current guidance in PPS3, the use of the land would be more efficient than at any lower amount. The site is approximately 20 metres wide and 86 metres long. This shape and the proximity of adjacent properties, built since this scheme was last approved would affect the detailed layout but not necessarily the possible number of dwellings that can be accommodated within the site.

### 5.3 Residential Amenity

The site is sufficiently large enough and distant from the nearest residential properties to accommodate dwellings and it is considered that the proposal in this form would not significantly adversely affect residential amenity, subject to sensitive positioning of windows. The layout, scale and appearance of the dwellings remains to be determined under reserved matters but would be subject to the Council's adopted design guidelines. The objections which have been received on design issues, such as the scale of the proposed dwellings are dealt with appropriately at the Reserved Matter stage. The design and access statement envisages two storey development with ridge heights limited to a maximum of 8.5 metres, but points out that since all matters are reserved, this would be a matter for the subsequent Reserved Matters application, should this application be approved. It should be noted that the application is in outline form, with all matters reserved. With careful design at the Reserved Matters stage, it is considered that there is no reason to impose a limited of 8.5 metres on the development in order to preserve residential amenity as such a limitation would not be the only method of achieving that aim. Therefore, in a general review of the conditions, despite this condition being employed before, it is not considered to meet the test for conditions that it is necessary has been removed from this the conditions listed below.

### 5.4 Transportation Implications

This current proposal again seeks to renew the outline planning permission to which historically there have been no highways objections. The implication from the Woodrush Heath development is that there could be access to the site from the South. Previous applications have included a condition that access shall be obtained from Blakeney Mills and not Westerleigh Road. To achieve access from a southerly direction there would have to be agreement with the neighbouring landowner, whereas the access from Blakeney Mills would be off a public highway right up to the site, as pointed out in the Design and Access Statement. While this would accord with the prescriptive condition appended to previous planning permissions, this is an outline application and means of access is not disclosed at this stage, leaving it for later consideration. It is not considered necessary to limit the means of access at this stage to a particular point, but the previous condition has been retained in order to prevent an access being formed via Westerleigh Road. This measure would allow for flexibility of the Reserved Matters layout to facilitate efficient use of land in accordance with PPS3. Given the circumstances with the two potential accesses, however, it would appear to be more straightforward and practical to use the Blakeney Mills access point as this would not involve having to come to an agreement with any third party.



### 5.5 Drainage Issues

The Council's Drainage Engineer has no objection to the principle of the development subject to the submission of and approval of a full scheme of drainage incorporating sustainable drainage principles.

### 5.6 Landscaping Implications

The site contains areas of dense scrub and woodland with a number of mature trees, mainly Ash and Sycamore. There is no detailed tree survey included with the application to allow an accurate assessment.

A tree survey has previously been required by condition and that approach has again been taken with this proposal. If outline planning permission is granted, a tree survey and a full landscaping scheme would remain to be assessed under determination of the subsequent Reserved Matters application.

### 5.7 Ecological Implications

The application site consists of an overgrown area of rough grassland and scrub vegetation, to the immediate rear of No. 69 Westerleigh Road and abutting a sport field to the south. It does not encroach upon or adjoin any local nature conservation designation. This has not changed since the previous approval.

The overgrown, semi-natural habitat on site is increasingly rare in an urban context and the mix of scrub and rough grassland constitutes potentially valuable habitat for a range of animals, including badgers, birds, slowworms and a variety of insects. In this instance, the site should be surveyed by a suitably qualified person for badgers and slowworms. It is considered that this issue could be dealt with through the appropriate planning condition shown below, brought forward from the previous permission.

### 5.8 Affordable Housing

Policy H6 of South Gloucestershire Local Plan (Adopted) January 2006 seeks an element of subsidised affordable housing on all new housing developments of 15 or more dwellings or 0.5 hectare or more, irrespective of the number of dwellings. At a maximum of ten dwellings the proposal therefore falls outside the above-mentioned threshold.

### 5.9 Unstable Land

The information supplied with the application makes clear that there was likely to have been some unrecorded surface working on this site in the past. On the basis that underground working is likely unlikely to have occurred at the edge of the mineral deposits, a condition shown below requiring further investigation is considered to be sufficient and has been agreed with the applicant's agent. Details would have to be submitted prior to the commencement of development and the relevant condition below would ensure that remediation is taken place before the development commences.

### 5.10 Education

There is projected surplus capacity at both primary and secondary schools within the area of the proposed development. For this reason it is not

requested the developer make an education contribution for this application site.

#### 5.11 Community Services

The proposal does not specify the number of dwellings within the site. The proposal is for no more than 10 dwellings. Officers therefore do not feel that financial contribution towards community services would be justified. It is however recommended that a condition be imposed, limiting the development to no more than 10 units, brought forward from the previous planning permission.

#### 5.12 Other Issues

While the neighbouring residential development at Woodrush Heath carries a condition limiting use for the over 50's there is considered to be no reason why this site should be placed under a similar limitation. The previous permissions have not been constrained in such a manner and these decisions are material considerations in the determination of this application. Woodrush Heath is a private road and therefore its surfacing is the responsibility of the owners. A recent site visit has revealed that it has been block-paved. Only its junction with Westerleigh Road will require adoption. A review of the previous conditions has been carried out in the light of changing requirements from legislation. Unnecessary conditions have been removed and others brought together to simplify the decision notice and meet the tests of the conditions Circular.

### 6. CONCLUSION

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

6.2 The proposed development would deliver up to a maximum of ten dwellings on a sustainable site within walking distance of Yate Town Centre, within the defined urban area. Subject to detailed design to be secured through a Reserved Matters application, the proposal would not have an adverse impact on residential amenity, transportation concerns, highway safety, ecology, landscape and tree protection or drainage concerns. The proposal is considered to accord with policies L1, T12, H2, L9, EP1, L17 and L18 of the adopted South Gloucestershire Local Plan.

6.3 The decision 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 outline planning permission is approved subject to the following conditions:

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

## **CONDITIONS**

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

### Reason

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

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

### Reason

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

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

### Reason

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

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

### Reason

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

5. The development hereby approved shall be limited to no more than 10 (ten) residential units only.

### Reason

Any more than 10 units would necessitate negotiation and a legal agreement to secure appropriate funding for the needs generated by the development for public open space, and any more than 14 units would necessitate negotiation on affordable housing in accordance with Policy H6 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The details to be submitted pursuant to Condition 1 above shall include a detailed ecological survey report, in respect of (i) The identification, through site survey, or protected wildlife species (including badgers and slowworms) and/or their habitat at present (as designated under the Wildlife and Countryside Act 1981 (as amended) and the Badger Act (1992), (ii) The protection as required, of wildlife species, and/or their habitat referred to under (i) above and as identified through the site survey. The survey shall be carried out by a qualified person. The approved measures shall be implemented in full unless the Local Planning Authority gives written consent to any variation.

Reason

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

7. The details to be submitted pursuant to Condition 1 above shall include a detailed tree survey report and the survey shall be carried out by a qualified person.

Reason

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

8. No development shall take place until drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

9. The hours for deliveries and construction work on site shall be restricted to 0730 to 1800 Monday to Friday and 0730 to 1300 Saturday and no working shall take place on Sundays or Public Holidays, unless with the prior written consent of the Local Planning Authority.

Reason

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

10. No development shall take place until a site investigation of the nature and extent of any land instability has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any land instability issues are found resulting from, for example past mining activity, during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before development begins. If during the course of development,

any unexpected hazards are found which have not been identified in the site investigation, additional measures for their remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.

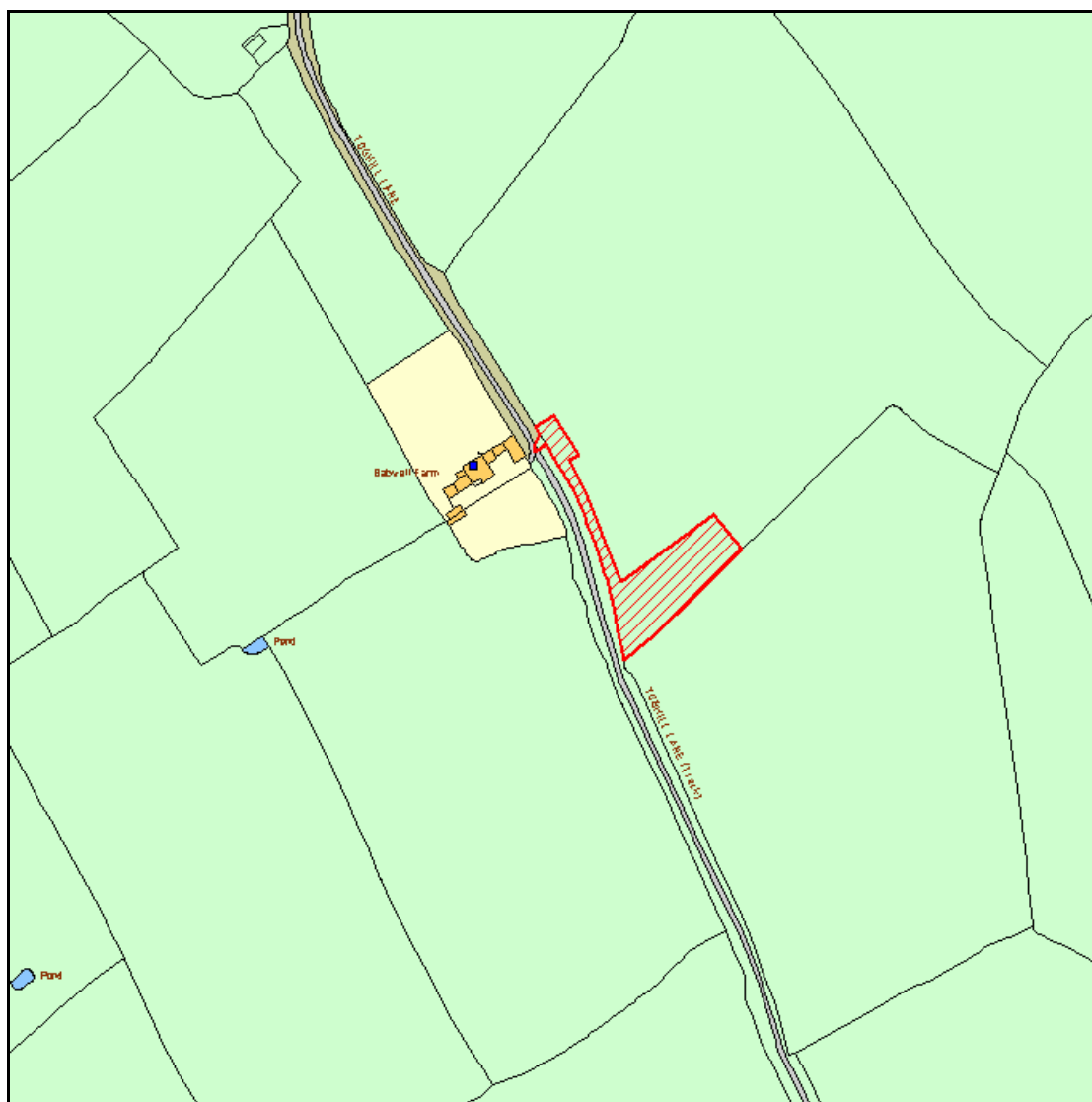
#### Reason

To ensure that risks from land instability and mining related hazards to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public in accordance with PPG14 and policy EP7 of the adopted South Gloucestershire Local Plan.

**CIRCULATED SCHEDULE NO. 41/11 – 21 OCTOBER 2011**

|                              |  |                     |                        |
|------------------------------|--|---------------------|------------------------|
| <b>App No.:</b>              | PK11/1761/F  | <b>Applicant:</b>   | Golden Valley Paddocks |
| <b>Site:</b>                 | Oxleaze Toghill Lane Doynton Bristol South Gloucestershire                                 | <b>Date Reg:</b>    | 5th July 2011          |
| <b>Proposal:</b>             | Installation of concrete yard, retaining walls and 2 no. feed hoppers.<br>(Retrospective). | <b>Parish:</b>      | Doynton Parish Council |
| <b>Map Ref:</b>              | 372291 173258  | <b>Ward:</b>        | Boyd Valley            |
| <b>Application Category:</b> | Minor  | <b>Target Date:</b> | 16th November 2011     |

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**N.T.S.**

**PK11/1761/F**

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

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

Members may recall that the application previously appeared on Circulated Schedule no. 34/11 – 2 Sept 2011. However during the course of circulation, it came to light that the submitted red edged location plan was in fact inaccurately drawn and should have extended further to the north-west. As such the application was withdrawn from the Circulated Schedule.

A revised, accurate red edged location plan was subsequently submitted and a further round of consultations conducted. Given that this is a retrospective application for the retention of the concrete yard, retaining walls and 2 feed hoppers, officers are content that the inaccurate plan has not prejudiced the original determination of this proposal.

### **1. THE PROPOSAL**

- 1.1 This a retrospective application for the retention of 2no. feed hoppers and associated installation of a concrete yard and retaining walls at Oxleaze, Doynton. The development is required in connection with a proposed duck egg production enterprise to form part of the applicant's larger existing duck egg production enterprise located at sites in North Somerset and Bitton.
- 1.2 The site is located to the south of the village of Doynton, within the open countryside, Bath & Bristol Green Belt and the Cotswold Area of Outstanding Natural Beauty. The applicant states that the site is 14.53 hectares in area and is currently laid to pasture. The site is accessed via a track (Toghill Lane) out of Doynton, which is also a Restricted Byway; this track also serves Babwell Farmhouse, which is located opposite the site, and to the west of the track and main access to Oxleaze.
- 1.3 The silos/hoppers are located just to the west of an existing agricultural building/barn recently granted permission under prior notification (see PK09/1413/PNA). The hard-standings have already been laid around the barn and up to the access; the retaining walls have been erected along the southern and western edges of the yard.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

- |      |  |
|------|--|
| PPS1 | Delivering Sustainable Development     |
| PPS7 | Sustainable Development in Rural Areas |

#### **2.2 Development Plans**

##### **Joint Replacement Structure Plan (Adopted Sept. 2002)**

- Policy 1 - Sustainable Development Objectives.
- Policy 2 - Location of Development.
- Policy 16 – Green Belt

## Policy 17 - Landscape Areas AONB.

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

|        |  |
|--------|--|
| D1     | Achieving Good Quality Design in New Development |
| L1     | Landscape Protection and Enhancement             |
| L2     | Cotswold Area of Outstanding Natural Beauty      |
| L12    | Conservation Areas                               |
| L13    | Listed Buildings                                 |
| L17&18 | The Water Environment                            |
| GB1    | Development within the Green Belt                |
| EP1    | Environmental Pollution                          |
| EP2    | Flood Risk and Development                       |
| T8     | Parking Standards                                |
| T12    | Transportation Development Control Policy        |
| E9     | Agricultural Development                         |

### South Gloucestershire Core Strategy, Submission Draft Dec. 2010

|     |                          |
|-----|--------------------------|
| CS1 | High Quality Design      |
| CS9 | Managing the Environment |

### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.

South Gloucestershire Landscape Character Assessment as adopted Aug 2005. Landscape Character Area 6:- Pucklechurch Ridge & Boyd Valley.

Development in the Green Belt (SPD) Adopted June 2007.

## 3. RELEVANT PLANNING HISTORY

- 3.1 PK09/1413/PNA - Prior notification of the intention to erect an agricultural building.  
No objection 24 Aug 2009.
- 3.2 PK11/1765/F - Siting of temporary agricultural workers dwelling for the period of three years.  
Refused 12 August 2011 for the following reasons:
- Functional need not demonstrated.
  - Visually intrusive feature in the landscape and Green Belt.
  - Visually intrusive feature to detriment of the natural beauty of the Cotswolds AONB.

### Enforcement History

- 3.3 COE/08/0735 - Erection of huts on concrete bases, in field opposite farm.  
Closed
- 3.4 COE/09/0511 - Sub-division of land and creation of accesses.  
Closed



- 3.5 COE/09/0419 - Created new access, cut down hedge & trees, put in water supply.  
Closed

#### **4. CONSULTATION RESPONSES (including internal consultees of the Council)**

4.1 Doynton Parish Council

Objects on the following grounds:

- These proposals should have been included in the application for the barn.
- The applicant has changed the nature of the enterprise stated in the application for the barn.
- Adverse impact on the Cotswolds AONB.
- Such applications will lead to a dwelling house on the site.

4.2 Public Rights Of Way (PROW)

No objection.

4.3 Landscape Officer

No objection subject to a detailed planting plan being submitted and agreed.

4.4 Listed Buildings Officer

No objections

4.5 The Open Spaces Society

No response

4.6 The Ramblers Association

No response

4.7 Technical Support Street Care

No objection

#### **Other Representations**

4.8 Local Residents

4no. letters of objection have been received, the concerns raised are summarised as follows:

- There is an ulterior motive to obtain a house in the countryside.
- Adverse impact on residential amenity.
- Adverse impact on AONB.
- Adjacent to footpath.
- Additional traffic in lane.
- Local community not consulted.

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

5.1 Principle of Development

The proposal seeks to regularise unauthorised development on agricultural land in the open countryside. Policies D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and CS1 of the South Gloucestershire Core

Strategy Submission Draft Dec. 2010 seek to secure good quality designs in new development. Policy E9 permits agricultural 'buildings' subject to criteria discussed below. Policy L1 seeks to conserve and enhance the character, distinctiveness, quality and amenity of landscapes. More specifically Policy L2 seeks to preserve or enhance the natural beauty of the Cotswolds AONB. In the first instance however the scheme must be considered in relation to the latest Green Belt Policy contained in PPG2 and reflected in Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

## 5.2 Green Belt Issues

PPG2 confirms that the most important attribute of Green Belts is their openness. There is a general presumption against development which would be harmful to Green Belt objectives, other than for the purposes set out in Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. Within the Green Belt the construction of new buildings for agriculture is not inappropriate and is therefore by definition not harmful to the Green Belt. Although not buildings as such, officers are satisfied that the development, the subject of this application, is associated with an agricultural building and is reasonably necessary for the purposes of agriculture, and can therefore be assessed as such under this policy.

## 5.3 Impact on the Landscape and Cotswolds AONB

The site lies to the south of the village of Doynton within gently sloping fields. The extensive hard-standing, retaining walls and feed hoppers cover a substantial area of ground and this, combined with the large agricultural building and stoned access and parking area, are significant within the landscape. The agricultural building is visible from the Cotswold Way, which runs along the escarpment to the east of the site. The site is also visible from the approach along Toghill Lane via the wide site access, however the roadside hedgerow helps to screen direct views along the remainder of this boundary and the hoppers are to some extent hidden behind the large agricultural building. Furthermore the retaining walls are set down within the site below the level of the surrounding fields. The hoppers are 5.4m high and 2.85m wide and constructed from light green GRP material, which is translucent to allow the farmer to see how much feed is left in the hopper. Such hoppers are to be found on many farms within the countryside.

5.4 The fields surrounding the building have been subdivided and contain duck houses and mobile poultry units. The supporting information states that all the existing hedges will be retained and enhanced; however no information confirming new planting proposed has been submitted. There are many opportunities to introduce planting within the site, by planting native hedgerows, copses and supplementary planting to the roadside hedgerow, however nothing is indicated on the plans.

5.5 The visual impact of the development on this site needs to be assessed cumulatively and officers conclude that the overall visual impact within the landscape is significant. The mobile poultry units however do not require planning permission and the Barn is already authorised. Notwithstanding this, it is acknowledged that the concrete yard, hoppers and retaining walls could be made acceptable in visual terms if new planting is undertaken to provide

mitigation. Officers consider that this can reasonably be secured by condition. Subject to an acceptable scheme of planting being secured and implemented within the next available planting season, there are no objections in landscape terms. The proposal therefore accords with Policies L1, L2 and GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.6 Conservation Issues

The application site is sufficiently distant from the boundary of the Doynton Conservation Area to have no impact on its character or setting. There are no views of the site from within the Conservation Area due to the topography and the presence of various field boundaries. The proposal therefore accords with Policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.7 Transportation Issues

The hard-standing areas provide adequate turning and parking facilities on the site. The existing lane is utilised for what is already an agricultural use of the land. The lane is shared by only one other property i.e. Babwell Farmhouse. With no objections from the Council's Transportation Officer the proposal is considered to accord with Policies T8, T12 and E9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. *(It should be stressed that the actual access into the site does not require planning permission and is not therefore part of the development proposal covered by this application. The applicant already has lawful access over the track leading to the site).*

5.8 Impact Upon Residential Amenity

Babwell Farmhouse lies approximately 100m away to the west and there is a reasonable amount of high vegetation between the house and the hoppers. Given the position and orientation of the farmhouse and its distance from the application site, officers do not consider that the development would result in a significant adverse impact for the occupiers of the farmhouse. In this respect the proposal would accord with Policy E9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.9 Environmental Issues

The loose hardcore for the hard-standing areas provide a sustainable form of drainage on the site. The hoppers do not result in any adverse environmental impacts as they are only used to contain feed for the poultry. The proposal therefore accords with Policies EP1, EP2, L17, L18 and E9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.10 PROW

The access track is a restricted by-way but is not designated as a major recreational route within the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. Traffic along the lane is relatively light and the development the subject of this application would not directly affect the PROW, neither would it significantly affect the amenity for users of the lane. Subject to standard informatives relating to PROW there are no objections to the scheme.

### 5.11 Other Concerns Raised

Of the concerns raised that have not been addressed above:

- An application relating to the stationing of a mobile home on the site was the subject of a separate application PK11/1765/F (Refused) and does not form part of this retrospective application.
- Consultations were carried out in accordance with the Council's Statement of Community Involvement. This included consultation with neighbours, the Parish Council and the posting of a site notice at the site for all to see.

## 6. CONCLUSION

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

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

1. Consideration has been given to the proposal's scale and design and is considered to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Submission Draft Dec 2011.
2. The scheme is not considered to adversely affect residential amenity in terms of loss of outlook or overbearing impact and therefore accords with Policies D1 and E9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
3. The proposal would have no adverse highway implications in accordance with Policy E9, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
4. Subject to a condition to secure an appropriate scheme of planting, the development would not adversely affect any features of the landscape and accords with Policy L1 and GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
5. Subject to a condition to secure an appropriate scheme of planting, the development would preserve the character and appearance of the Conservation Area in accordance with Policy L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
6. Subject to a condition to secure an appropriate scheme of planting, the natural beauty of the Cotswolds AONB would not be compromised in accordance with Policy L2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
7. Subject to a condition to secure an appropriate scheme of planting, the visual amenity of the Green Belt would not be compromised, the proposal therefore accords with Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
8. The development is for the purposes of agriculture and is not therefore inappropriate within the Green Belt and therefore accords with Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

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

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

1. Within 28 days of the date of this permission, a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

#### Reason 1

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

#### Reason 2

To screen the development and to conserve and enhance the natural beauty of the Cotwolds AONB to accord with Policy L2 of the South Gloucestershire Local Plan (Adopted) January 2006.

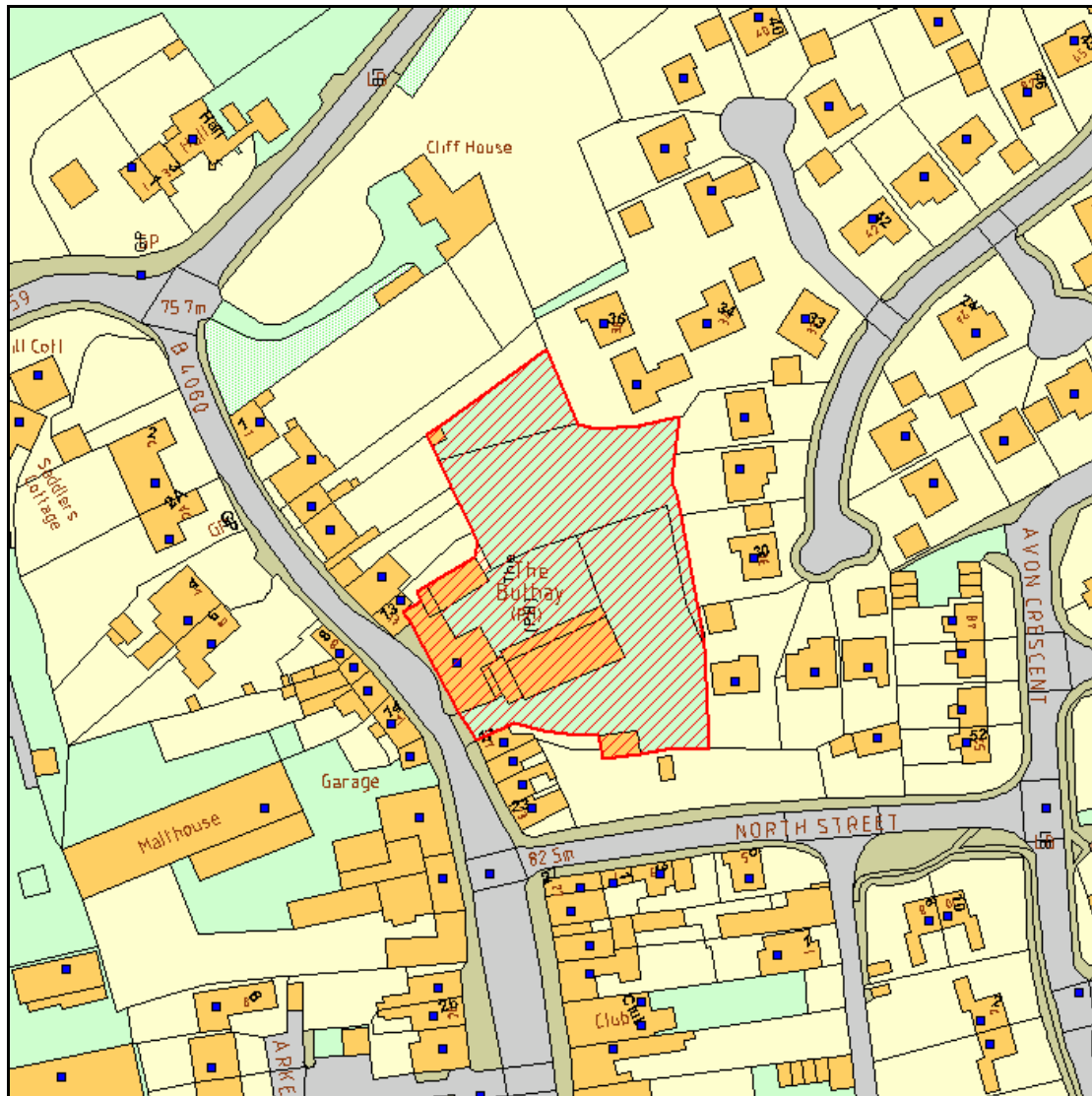
#### Reason 3

To screen the development and to protect the visual amenity of the Green Belt to accord with Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 41/11 – 21 OCTOBER 2011**

**App No.:** PK11/2228/F  
**Site:** The Buthay Inn 15 High Street  
 Wickwar Wotton Under Edge  
 South Gloucestershire  
**Proposal:** Erection of play equipment.  
 (Retrospective).  
**Map Ref:** 372387 188607  
**Application Category:** Minor

**Applicant:** The Buthay Inn Ltd  
**Date Reg:** 5th September 2011  
**Parish:** Wickwar Parish Council  
**Ward:** Ladden Brook  
**Target Date:** 28th October 2011



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 100023410, 2008. **N.T.S.** **PK11/2228/F**

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

This application has been referred to the circulated schedule due to the receipt of several letters of objection from local residents and an objection raised by Wickwar Parish Council

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full retrospective planning permission for the erection of play equipment located in the grounds of The Buthay Inn, 15 High Street, Wickwar. The wooden play equipment is a fort design with towers, ladders and slides linked by elevated bridges and tunnels. The floor levels of the bridges and towers are approximately 1.6 metres above floor level, with the maximum height of the proposal being approximately 3.4 metres.
- 1.2 The application site is located within a residential area of Wickwar, within the Wickwar Conservation Area. The play equipment is located to the rear of the Buthay Inn within the pub garden and adjacent to the car parking area.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS5 Planning for the Historic Environment
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
L12 Conservation Areas  
T12 Transportation Development Control  
LC4 Proposals for Education and Community Facilities within the Existing Urban Area  
L15 Buildings and Structures which make a Significant Contribution to the Character and Distinctiveness of the Locality.
- South Gloucestershire Core Strategy -Submission Draft (December 2010)  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.

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

There have been several applications for extensions and alterations in the past, the most relevant application is detailed below.

- 3.1 P95/1556                      Erection of children's play equipment in the grounds of pub.  
Approved June 1995

## 4. CONSULTATION RESPONSES

### 4.1 Wickwar Parish Council

Wickwar Parish Council objects to this application due to the fact that the height of the equipment overlooks houses at the rear of the car park. Furthermore, Please also note that some of the comments on the Design Access Statement were not accurate:

- i) There was no equipment for sometime previous to this application*
- ii) 70 metres to the nearest property, is opening not accurate.*

### 4.2 Sustainable Transport

No objections.

### 4.3 Conservation Officer

No objections.

### 4.4 Archaeology Officer

No objections.

## Other Representations

### 4.5 Local Residents

Five letters of objection have been received from local residents raising the following concerns:

- Play equipment too high resulting in loss of privacy
- Direct line of sight into bedrooms, kitchens, lounges, dining room and conservatory of neighbouring properties
- Line of sight exacerbated by elevation of land
- Retrospective application showing disregard to laws
- Installation of play equipment was 19<sup>th</sup> April and not the date stated on the application.
- Elevated platform results in noise disturbance
- Location of play area adjacent to the car park is dangerous for children
- No supervision of children – they play on top of turrets
- No site plan, play area enclosure is estimated to be 61 and 70sq metres
- Previous play equipment P95/1556 was much smaller and in a different location.
- Previous play equipment was removed approximately 4 years ago and did not effect privacy
- Query the need for a play area
- Question why Cotswold District Council have prepared the design and access statement
- Play equipment should be no higher than the present 2 metre high regulation
- Smaller play area closer to the pub would be acceptable
- Planning officer waved at resident in nearby house when on play equipment
- Disagree with conservation officers comments, the proposal has been built to last many years.



- Play equipment does not meet EN1176 the European standard for the safety of play equipment. Exceeds the guidance of 3 metres for over 5's and 1.6 metres for under 5's.
- Does not meet recommendations for clearance areas and impact absorbency.
- No age restrictions on the equipment
- Health and safety issues due to the height and design
- There should be a risk assessment in place and a copy of the public liability insurance for the equipment
- There should be clear signs erected for the safe use of the equipment and appropriate age limits imposed
- The design and access statement is clearly for an application submitted to Cotswold district Council and has little or no relevance to the current application.
- Design and access statement inaccurate and misleading.
- Anomalies in the design and access statement as follows:
  - Previous play equipment was removed years ago
  - 70 metres from any adjacent property is incorrect, its only 30 metres from some properties
  - Needs of families in the village were already addressed by play equipment at the King George V playing fields in the village
  - Never offered any consultation or opportunity to discuss the play equipment
  - Natural wood does not blend in and is stark in appearance against the surrounding stone and brick
  - No consultation on the appearance
  - Not a similar replacement of previous play equipment
  - Scale is not correct the plans show it is 3.4 metres
  - No screening of landscaping has been erected
  - Difficult to alter the proposal
  - Emergency service would have great difficulty accessing the rear of the pub, especially if the pub car park was busy

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

The site lies within the existing urban area. Policy LC4 of the South Gloucestershire Local Plan allows for the development of educational and community facilities, such as public houses, provided that the proposal would not unacceptably prejudice residential amenities or have any unacceptable environmental or transportation effects and provided that the site is easily accessible and that the proposal would not give rise to unacceptable levels of on-street parking to the detriment of the highway safety. The site is also within the Wickwar Conservation Area and The Buthay is a locally listed building as such policies L12 and L15 are of relevance. The criteria of Policy LC4 are outlined below:

### 5.2 **A. Proposals are located on sites which are, or will be, highly accessible on foot and by bicycle, and**

The site is located within the settlement boundary of Wickwar, on the main High Street through the village. It is therefore considered that the site would be highly accessible on foot and by bicycle.

**5.3 B. Development would not unacceptably prejudice residential amenities, and**

It is noted that the play equipment is located approximately 25 metres away from the nearest neighbouring properties to the east, No's. 30 and 31 Turnpike Gate and is located approximately 35 metres away from the main rear elevation of these dwellings and the rear elevation of No. 35 Turnpike Gate. The play equipment is therefore located a sufficient distance away from the neighbouring properties to not result in any overshadowing or overbearing impacts. Please note that the distance of 70 metres stated in the design and access statement is considered to be incorrect.

With regard to concern that the proposal results in loss of privacy and overlooking, when officers visited the site it was noted that individuals standing close to the windows in the neighbouring property, No. 32 Turnpike Gate, could be viewed from the play equipment, however, it is important to note that this dwelling is located over 43 metres away from the play equipment and views beyond the window into the rooms were not possible. Whilst it is accepted that No 32 and to a lesser extent No. 35 Turnpike Gate do experience a degree of perceived overlooking, given the distance that the proposal is located away from these properties it is not considered that there is any actual overlooking from the play equipment. This is especially the case given that it is generally considered that inter-visibility occurs at distances of up to 12 metres. The gradient of the land results in the play equipment being situated at a slightly higher level than the neighbouring properties on Turnpike Gate. As such given the existing boundary treatments in place there is no overlooking or loss of privacy to the rear gardens of the neighbouring dwellings.

Whilst the proposed play equipment is clearly visible from a number of neighbouring residential properties, it should be noted that there is no right to a view in planning law. Furthermore the proposal is viewed against the backdrop of the public house and surrounding buildings and as such is not considered that the play equipment is particularly visually dominant. In addition, it is considered that the proposal is located a sufficient distance away from the neighbouring residential properties to not adversely effect outlook.

It is acknowledged that noise will arise from the play area, however consideration must be given to the fact that the play equipment is located within the beer garden of a public house, where children and adults would be present even if the play equipment was not in place. As such it is not considered that the noise resulting from the play equipment alone, would result in such a significant increase in noise and disturbance over and above potential noise resulting from the existing use to substantiate or justify a refusal reason at appeal. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.4 **C. Development would not have unacceptable environmental or transportation effects, and**

**D. Development would not give rise to unacceptable levels of on-street parking to the detriment of the amenities of the surrounding area and highway safety.**

The play equipment is located adjacent to the car parking area, set within the garden of The Buthay Inn. The Councils Transportation Officer has assessed the proposal and it is considered that there are no highway or transportation issues relating to the play equipment, as such it is considered that the proposal is in accordance with policies LC4 and T12.

5.5 Design / Visual Amenity

With regard to design and visual amenity, in this instance little weight is given to the fact that there was play equipment on the site in the past, this is especially the case, given that the previous play equipment has been removed for over 4 years in combination with the fact that the previous equipment was located in a different position and was significantly smaller in scale.

The current play equipment is considered to be of an appropriate standard in design given the context of the site, set within the grounds of the public house. Whilst concern has been raised regarding the use of natural wood, it is not considered that this results in any demonstrable harm, given that there is a variety of timber fences and structures within the immediate vicinity. The scale of the equipment is considered to be appropriate and in proportion with the surrounding built form. It should be noted that the height of the play equipment is approximately 3.4 metres as detailed on the west elevation plan and is not less than 3 metres tall as specified in the design and access statement.

The play equipment is situated within a small enclosed area of the pub garden, adjacent to the car parking area to the east and an allotment area to the north. The play equipment is located to the rear of the public house and is not readily visible from the main High Street. It is therefore considered that the proposal would not be harmful to the character and appearance of the application site and surrounding street scene.

5.6 Impact on the Conservation Area

The childrens play equipment is tucked well away from the High Street and is not visible from any public vantage points within the conservation area. Whilst the Buthay Inn is a locally listed building, the play equipment is sufficient distant from the rear of the building not to affect its setting or important views of the principal elevation. It is seen more as a temporary and transient addition to the beer garden, rather than a permanent and inappropriate form of development and it is not considered to harm the architectural or historic interest of the locally listed building or its setting. As such there are no objections to the proposal with regard to its impact on the conservation area or the locally listed building.

## 5.7 Other Issues

It should be noted that the design and access statement has not been prepared by Cotswold District Council. The applicant/agent has used a Cotswold District Council design and access statement template, which covers all the basic detail that should be included in a design and access statement in accordance with the guidance set out in Circular 01/06. In addition, it is acknowledged that there are errors in the design and access statement, however the proposal has been fully assessed based on the submitted plans and observations carried during site visits.

With regard to the concern raised regarding the health and safety implications of the proposal, it should be noted that these are matters that would be addressed under non planning legislation.

## 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 a) The play equipment is considered to be of an appropriate standard in design given the siting within the grounds of a public house, and does not have any detrimental impacts on the setting of the locally listed building or the character of the conservation, in accordance with Policies L12, L15 and D1 of the South Gloucestershire Local Plan.

b) The proposal is not considered to have any detrimental impacts residential amenity in terms of overshadowing, overbearing or loss of privacy and there are no concerns regarding parking and highway safety. The proposal therefore accords with policies LC4 and T12 of the South Gloucestershire Local Plan.

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

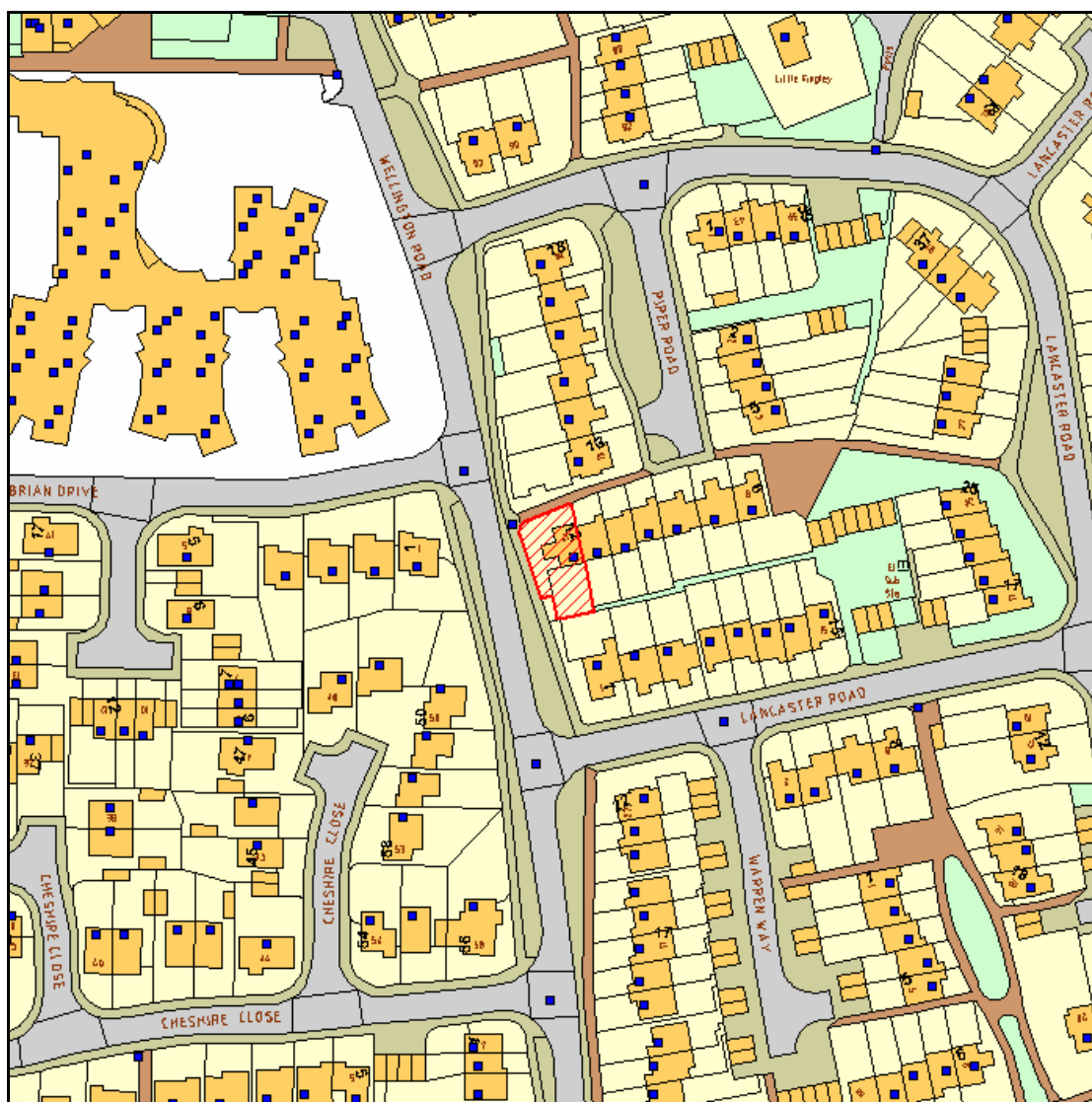
## 7. RECOMMENDATION

7.1 That the application be approved.

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

**CIRCULATED SCHEDULE NO. 41/11 – 21 OCTOBER 2011**

|                              |  |                     |                                 |
|------------------------------|--|---------------------|---------------------------------|
| <b>App No.:</b>              | PK11/2455/F  | <b>Applicant:</b>   | BS & Architectural Services Ltd |
| <b>Site:</b>                 | 12 Piper Road Yate Bristol<br>South Gloucestershire BS37 5SY   | <b>Date Reg:</b>    | 3rd August 2011                 |
| <b>Proposal:</b>             | Erection of single storey extension and porch to facilitate the conversion of existing dwelling to form 2no. self contained flats with associated works. | <b>Parish:</b>      | Yate Town Council               |
| <b>Map Ref:</b>              | 371227 183252  | <b>Ward:</b>        | Yate North                      |
| <b>Application Category:</b> | Minor  | <b>Target Date:</b> | 26th September 2011             |



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## **REASONS FOR REPORTING TO CIRCULATED SCHEDULE**

Objections were received contrary to the officer recommendation for approval.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the conversion of a two storey three bedroom terraced house into two 2 bedroom flats. The house is an end-terrace, constructed from render and tile, like the others in the rank, but this one has an asymmetrical roof form which slopes down to cover a porch on the Wellington Road frontage. In order to facilitate the conversion, a corner of the house is proposed to be infilled, next to the existing porch, following the roofline described above. A new porch is also proposed to create a separate entrance for each flat. The site has an enclosed rear garden to which only the ground floor flat is proposed to have direct access.
- 1.2 The application forms claim that there is one car parking space associated with the existing dwelling and no further spaces would be provided to serve the two 2 bedroom flats. The site borders Wellington Road, an arterial residential road to the west and vehicular access is obtained via Piper Road, which ends short of the site.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS3 Housing
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
H5 Flat conversions  
H4 House extensions  
T7 Cycle parking  
T8 Parking standards  
T12 Highway safety  
  
South Gloucestershire Core Strategy -Submission Draft (December 2010)  
CS17 Housing diversity

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
No objection.

#### 4.2 Other Consultees (including internal consultees of the Council)

##### Sustainable Transportation

Photographic evidence of the existing property shows a single parking space within the curtilage of the property and from the plans submitted there also appears to be a single allocated parking bay some distance from the property. From Google Images the existing approach road to the property is already fairly congested at times with parked cars. The parking requirements recommended within SGC policies is for 1.5 spaces per each two-bed property. On Highway grounds it is essential to condition this application on the provision of adequate parking provision of at least one allocated parking space per dwelling. In this case although a parking depth of 4.8m is considered adequate it is appropriate to require a further 0.5m to ensure any parked vehicle fronting Wellington Road does not overhang the adopted highway, i.e. the depth of the parking space should be at least 5.3m. Adequate visibility of approaching vehicles and pedestrians can be ensured if the existing hedge is removed from the front of the property.

#### **Other Representations**

##### 4.3 Local Residents

4 letters of objection were received, citing the following concerns:

- flats would not be in keeping with the other properties in the area
- current parking is on the property's driveway but the grass verge of Wellington Road is also used – there is no additional parking proposed for this proposal
- reduction in light coming into garden and house next door
- noise and disturbance
- effect on value of property
- effect on privacy of a bedroom which would continue to overlook the next door garden

### **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 context for the following analysis is set by policy H5 which sets criteria to be met when converting or subdividing existing buildings into residential accommodation. Only the first four criteria of the policy apply in this instance as this is a building already in residential use. However, two extensions are also proposed, to the front and side of the dwelling and these also require analysis.

#### 5.2 A: Would the proposal prejudice the character of the area?

The proposal involves extensions to the house which are examined below, but at this stage it is considered that the proposed changes themselves would not prejudice the character of the area, which is residential. There is currently parking for one car and no further parking is proposed as part of the application, but its provision has been conditioned below. The terrace itself and the wider area do not contain any other dwellings which have been converted to flats and therefore this proposal offers to broaden the range of accommodation available locally.

This proposal is not considered to affect the character of the area. The widening of the existing parking area, together with the creation of a visibility splay would have an impact on Wellington Road through the removal of part of a low hedge of no ecological value, however, this effect being localised, it is not considered to result in a change to the character of the area which would warrant a refusal reason in its own right. It is considered that the proposal meets criterion A of policy H5.

5.3 B: Effect on amenities of nearby occupiers

As stated above, there would be limited external effects. The proposed conversion would lead to internal changes, but these would have to conform to the Building Regulations in respect of sound insulation. An issue of overlooking has been raised through the consultation process, but this is considered to be an existing situation, unaffected by this proposal, because the only new habitable room window that would be created would face Wellington Road, as a rooflight. A likely increase in noise and disturbance has also been raised as a concern, but it is considered that both inside and outside the building, the continues residential use would result in no appreciable difference in noise and disturbance, certainly not to the extent that a refusal of the scheme would be warranted. It is considered that there would be no impact upon the amenity of adjoining occupiers and criterion B is considered to have been satisfied.

5.4 C: Adequate off-street parking

As referred to above, off street parking for one vehicle is presently available for the property, accessed off Wellington Road, an unclassified road. The parking facilities shown on the plans are not considered to be acceptable, although they meet the maximum standard in policy T8. In this instance it is considered that a suitable level of off-street parking (specified as three spaces to serve the two flats collectively) should be provided within the curtilage of the property to avoid the likelihood of vehicles associated with the two flats being parked in locations which would cause a hazard to highway safety. In order to avoid this occurring the only feasible way of providing additional parking to support the flats would be to widen the existing access off Wellington Road to provide for an additional two vehicles, which has been conditioned below. This issue is considered further under Highway Safety below.

5.5 D: Amenity space

Only the ground floor flat, of the two, would have convenient access to outdoor amenity space. The existing rear garden is not shown as sub-divided under this proposal and therefore it is assumed that it would be used communally by two families as the proposed accommodation could house more than single people or couples. If this were not to be the case, it is considered that the ground floor flat would have adequate amenity space and the lack of amenity space afforded to a single first floor two bedroom flat would not warrant a refusal reason for the scheme as a whole. The private rear garden extends to 72 square metres in total. The amenity space on offer is just considered to be adequate to serve both flats. It is considered that criterion C of policy H5 is therefore is satisfied.



#### 5.6 T12: Highway Safety

The amount of parking provided is inadequate and it would be appropriate to secure it through a condition, as shown below. As the comments at 4.2 above demonstrate, it is considered that it would be appropriate to adjust the access off Wellington Road to serve the proposed two flats and ensure that parking spaces of an adequate depth are provided. It is considered to be possible to achieve this off Wellington Road, as detailed in the condition shown below. The effect on the character of the street scene has been analysed already.

#### 5.7 Proposed porch

This is considered to be a minor element in terms of the proposal, as well as in physical terms. The proposed porch is subservient to the house and well proportioned. The materials would match those of the house and it is considered that the design is acceptable and accords with policies H4 and D1 in this regard.

#### 5.8 Proposed single storey extension

Although following the existing roof slope, for this extension to be designed in a subservient manner to its existing porch would be somewhat perverse, therefore the scale and form of the proposed extension is considered to be appropriate. Again the materials would match the host dwelling. The consultation process has raised a comment regarding a perceived reduction in light coming into the garden and house next door, but the proposed extension would follow the existing roofline, infilling a corner, therefore it is considered that it would not have any adverse impact on residential amenity. This part of the proposal is considered to accord with policies H4 and D1 of the adopted Local Plan.

#### 5.9 Other Issues

Property value was raised as an issue through the consultation process. However this is not a planning concern.

### 6. CONCLUSION

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

6.2 The proposed development would broaden the range of dwellings available locally and provide adequately serviced accommodation, without having an adverse impact upon residential or visual amenity, the character of the area or transportation issues. The proposal is considered to accord with policies H4, H5, D1 and T12 of the adopted South Gloucestershire Local Plan.

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

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

Reason

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

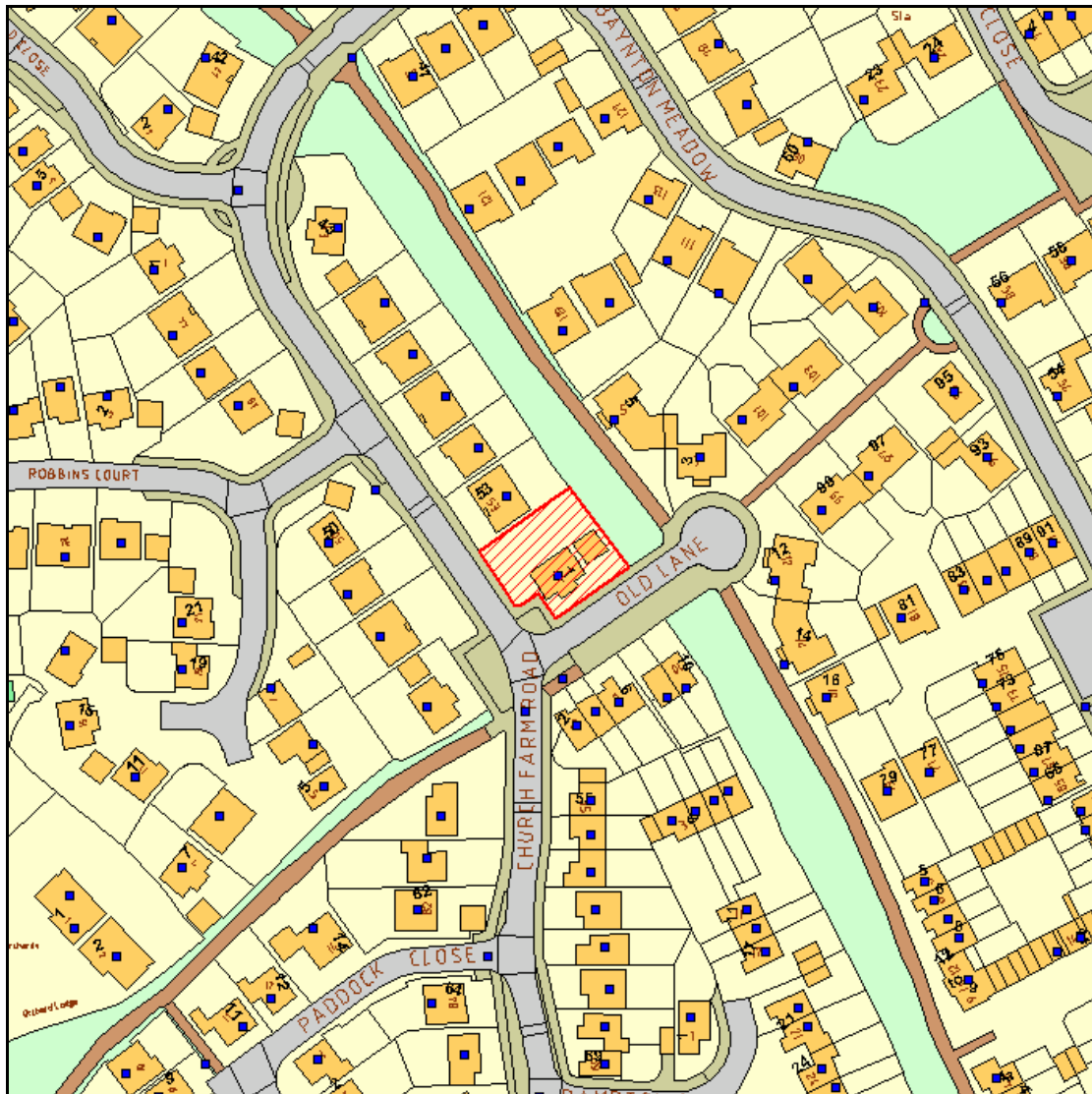
2. Prior to the commencement of development detailed plans showing the provision of car and cycle parking facilities in accordance with the standards set out in Policies T7 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason

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

## CIRCULATED SCHEDULE NO. 41/11 – 21 OCTOBER 2011

|                              |  |                     |                                      |
|------------------------------|--|---------------------|--------------------------------------|
| <b>App No.:</b>              | PK11/2517/F  | <b>Applicant:</b>   | J Winstone                           |
| <b>Site:</b>                 | 1 Old Lane Emersons Green<br>South Gloucestershire BS16 7BY  | <b>Date Reg:</b>    | 13th September<br>2011               |
| <b>Proposal:</b>             | Erection of 1no. detached dwelling,<br>3no. parking spaces and associated<br>works (Resubmission of PK11/0889/F) | <b>Parish:</b>      | Mangotsfield Rural<br>Parish Council |
| <b>Map Ref:</b>              | 367059 176782  | <b>Ward:</b>        | Emersons Green                       |
| <b>Application Category:</b> | Minor  | <b>Target Date:</b> | 3rd November<br>2011                 |



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 100023410, 2008. **N.T.S.** **PK11/2517/F**

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

This application has been forwarded to the Council's Circulated Schedule of applications for Member consideration as representations have been received raising views, which are contrary to the Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application site is situated centrally within the modern residential suburb of Emersons Green. The site backs on to residential development to the north and is bounded by Church Farm Road to the west and area of open space and footpath to the east and with vehicular access onto Old Lane to the south. The site comprises a modern two storey detached dwelling with detached double garage to the side (east).

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

- 1.2 The application proposes erection of a single detached dwelling with new access and associated parking and creation of new access onto Church Farm Road. This application is a revised submission of PK11/0889/F.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPG13 Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Design  
L1 Landscape Protection and Enhancement  
H2 Residential Development in the Urban Area  
H4 Development within Existing Residential Curtilages  
T8 Parking Standards  
T12 Transportation for New development

South Gloucestershire Core Strategy – Submission Draft December 2010

- CS1 High Quality Design  
CS5 Location of Development  
CS8 Improving Accessibility

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

### 3. RELEVANT PLANNING HISTORY

- 3.1 PK11/0889/F                      Erection of 1 no. detached dwelling and detached single garage with new access and associated works.  
Refused 21.06.2011

### 4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council  
No response received

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

**Sustainable Transport** – No objection. The proposal would provide 6 parking spaces within the site, which is acceptable.

**Coal Authority** – Response for application PK11/0889/F - No objection. The content and conclusions of the mining report submitted meet the requirements of PPG14.

**Environmental Protection** – No objection. Standard informative related to construction sites recommended.

**Drainage Engineer** – No objection, subject to a condition to ensure provision of sustainable methods of drainage.

#### Other Representations

- 4.3 Local Residents

3 objections received from the occupiers of 47, 53, 54 church farm road raising the following concerns:

Over-development of the site; overshadowing of neighbouring properties; site is too small for two dwellings; the proposed gardens are too small and disproportionate to the size of the houses; inadequate downstairs space for the dwelling; inadequate parking proposed; the parking space sizes are inadequate; on street parking is already a problem and will be compounded leading to safety issues for pedestrians; the access on Church Farm Road would lead to an obstruction to the free flow of traffic on the main road through the estate; the loss of a green area and trees to provide parking would be detrimental to the character and appearance of the area and the community; other trees are likely to be removed to improve visibility from the parking area which would be visually detrimental; the parking area itself is large and out of keeping with the character of the area; the access onto Church Farm Road would be close to an existing pedestrian crossing which will be a highway safety hazard; the green area adjacent to Church Farm Road is protected by a covenant and removal of part of it would be in breach; trees and shrubs on the east side of the site are likely to be cut back which would be ecologically detrimental and tree roots could be damaged; a large proportion of the site will be built on, reducing the opportunity for soak-away of rain and surface water and increasing the risk of flooding to the site and neighboring properties; inadequate refuse storage is proposed; the site has been described as

brownfield land but is best described as garden land; the **drawings seem to be inaccurate and it is questionable if the dwelling can fit into the space on site**; there has been a slow erosion of landscape areas in the area and this would add to that; the comment 'retain planting area' on the plan is misleading as a large planting area is to be removed.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

The South Gloucestershire Core Strategy Pre-Submission Publication Draft was issued March 2010 and the consultation period expired on 06.08.2010. The Council's response to the representations received was considered at the Council's Cabinet meeting on 13 December 2010 and at the Full Council meeting on 15 December 2010 and the proposed changes to the Core Strategy agreed by Full Council have now been published. The South Gloucestershire Core Strategy Submission Draft was 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 Visual impact, layout and density

The application site is situated in an area characterised by a variety of modern houses of various type and design. The site is situated at the entrance to a small cul de sac (Old Lane) and at the junction of Old Lane with Church Farm Road on of the main roads running through the estate. The site contains a modern detached two-storey dwelling with a large detached double garage with pitched roof on the east side. The proposal would provide a single detached two-storey dwelling using similar materials and design to the existing dwelling with the addition of render panels. The new dwelling would be situated in place of the existing double garage. Additionally, three off street parking spaces are proposed with access off Church Farm Road. The three spaces would be provided in place of an area currently used as green space outside the private garden of no.1 but within the applicant's ownership.

The proposed dwelling is of a good standard of design and the proposed materials reflect those used in the adjacent dwelling and others in the locality. The size of the proposed dwelling is proportionate to 1 Old Lane. As such the design of the proposed dwelling is considered to be acceptable.

The proposal would result in the loss of a substantial part of an area of green space facing onto Church Farm Road. The area was provided as a visual enhancement to the street by the developers when the estate was built. The area is within the applicant's ownership but is outside their private garden. Concern has been raised by local residents, that a number of these green areas are being lost and incorporated into the owner's private gardens. There is no condition attached to the original planning consent for residential development which controls the use of the area as green space or requires the retention of the area as landscaping. Therefore the existing landscaping and planting within this green area could be removed by the owner at any time. As such it would be difficult to justify in an appeal that the area of green space must be retained. This landscape area currently measures 65m<sup>2</sup> and it is proposed to provide a hardstanding for parking on 37.6m<sup>2</sup> which would represent a loss of 58% of the green area. Although it is recognised that the green area contributes positively to the character of the area, at 65m<sup>2</sup> the green area is modest in size. The proposal would retain approximately 40% of the green area. Many of the dwellings fronting Church Farm Road have parking areas at the front of the site laid to hardstanding. As such it is considered that provision of the proposed parking area on Church Farm Road would not be out of keeping with the character of the area.

The Government through advice in PPS3 supports a more efficient and sustainable use of land within the urban area. 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. Recent amendments to PPS3, which include 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 garden in part, is enclosed on all sides. Additionally, a large part of the application site is already developed being occupied by a double garage and hardstanding. The importance of the area of garden land to be lost is not significant and as a contributor to the local character and distinctiveness is therefore considered not to be of sufficient significance in its own right, to constitute material harm. 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 Residential amenity

All first floor windows serving principle rooms would face towards the highway at the front (south) or the path and open area to the side (east) of the site. This is with the exception of one first floor bathroom window at the rear of the site. The applicant has indicated this window would be obscurely glazed. A condition is recommended to ensure this window remains obscurely glazed with any opening above 1.7m in height from floor level. Additionally, a condition is recommended to ensure no further windows are inserted into the rear elevation of the building facing north. As all first floor windows would face onto public areas only, the proposal is considered not to result in a material loss of privacy to the neighbouring occupiers.

The proposed dwelling would be situated a distance of 7.2m from the boundary with no.53 to the north and a minimum distance of 21m from other dwellings in the locality. The dwelling would measure 5.1m to eaves and 7.9m to ridge the distance to neighbouring occupiers and the scale of the dwelling the proposal would not prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development.

The proposal would provide a single two bedroom dwelling with a private garden measuring 9m by 7m (63m<sup>2</sup>). The resultant garden size for the existing 4 bedroom dwelling would measure 80m<sup>2</sup>. The resultant garden sizes for the existing and proposed dwellings are considered to be acceptable and commensurate to the dwelling types (2 bed dwelling and 4 bed family home). As such the proposal is considered to accord with policy H4 in this respect and the proposal is considered not to represent over development. Adequate space has been allocated within the site for refuse storage within the site.

#### 5.4 Highway matters

The proposal would result in the creation of three new parking space for the existing 4 bed dwelling at the side of the site. Additionally, three spaces would be provide in front of the new 2 bed dwelling. The proposal would provide sufficient off street parking to meet the Council's adopted parking standard, infact the provision of three spaces in front of the new dwelling exceeds the parking standard for a 2 bed unit. The proposal is therefore considered to provide sufficient off street parking provision and the proposal would be unlikely to result in additional pressure for on street parking in the interest of highway safety. The proposal would require vehicles to either access or egress the highway on Church Farm Road and Old Lane in reverse gear. Considering the residential urban nature of the streets it is considered that this vehicle manoeuvring arrangement is acceptable in highway safety terms. The proposed dropped curb would not add further pressure for on street parking or obstruct the free flow of traffic on Church Farm Road. The parking area would be situated approximately 7m from the existing pedestrian crossing to the south. This is considered to be sufficient distance for there to be no conflict with users of the pedestrian crossing. As such the proposal is considered to be acceptable in highway safety terms.

#### 5.5 Drainage

Concern was raised in relation to surface water disposal. It is considered that subject to a planning condition related to provision of a Sustainable Drainage System (SuDS) the proposal would result in no significant drainage or flood related issues.

#### 5.6 Other issues

There would be no significant impact on the tree at the rear of no.53 or ecology through the loss of planting. Concern was raised that inadequate downstairs space would be provided as part of the development. The welling site is not unusually small, but the internal arrangement of the building would be a matter for Building Regulations or market forces and would carry little weight as a



material planning consideration. Concerns were raised that the green area adjacent to Church Farm Road is protected through a covenant. This is a matter controlled by civil law and not by planning legislation. As such this matter carries little weight as a material planning consideration. Concern has been raised that the drawings submitted are inaccurate and specifically the distance between the side elevation of the existing dwelling (east) and the east boundary is incorrect. The drawing shows a distance which measures 9m. The distance 'on the ground' is also 9m and as such the drawing is accurate in this respect. If the scheme cannot be built in accordance with the drawings the a fresh application would be required.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- a) Due to the location and position of the proposed dwelling in relation to the neighbouring 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 H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
  - b) It has been assessed that the proposed dwelling has been designed to respect and maintain the massing, scale, proportions, materials and overall design and traditional character and vernacular of the surrounding area. The loss of part of a green space adjacent to Church Farm Road would not adversely impact on the character and appearance of the area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
  - c) The proposed site layout would provide adequate parking and manoeuvring for vehicles. As such the proposal is considered to be acceptable in highway safety terms in accord with 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. The brick quoins and roofing materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those used in the adjacent dwelling known as 1 Old Lane, Emersons Green.

Reason

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

3. Prior to the commencement of development details/samples of the external render 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. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

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

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

Reason

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

6. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season.

Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason

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

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

Reason

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

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

9. Prior to the use or occupation of the dwelling hereby permitted, and at all times thereafter, the proposed first floor window on the north west (rear) elevation (shown as bathroom window on drawing no. 1701-3 Rev C) shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed'.

Reason

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

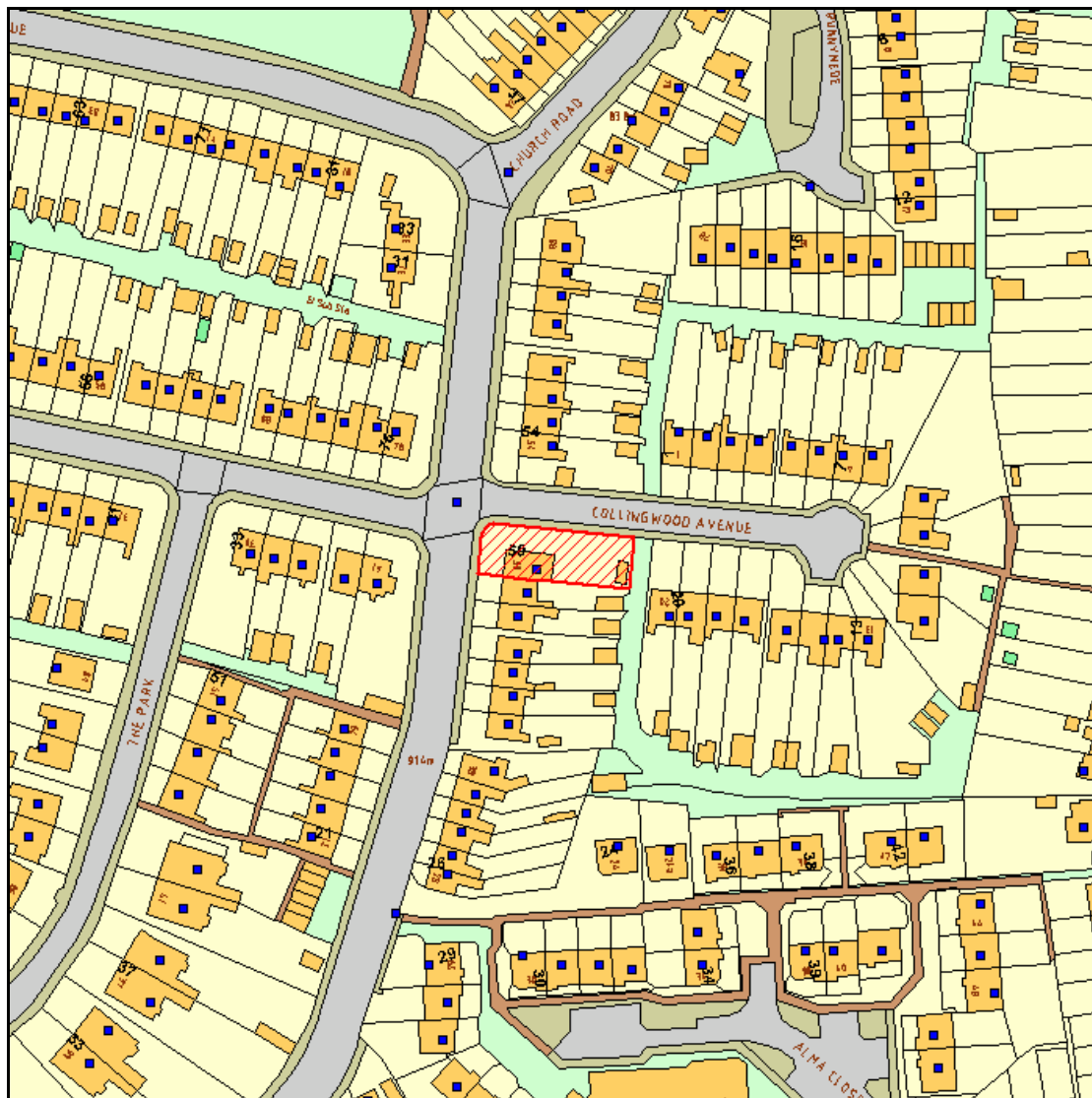
10. No windows/dormers/rooflights other than those shown on the plans hereby approved shall be inserted at any time in the north west elevation or north west roofslope (rear) of the dwelling hereby approved.

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.

**CIRCULATED SCHEDULE NO. 41/11 – 21 OCTOBER 2011**

|                              |  |                     |                       |
|------------------------------|--|---------------------|-----------------------|
| <b>App No.:</b>              | PK11/2625/F  | <b>Applicant:</b>   | Mrs E Dawn Hill       |
| <b>Site:</b>                 | 50 Church Road Kingswood Bristol<br>South Gloucestershire BS15 4AZ   | <b>Date Reg:</b>    | 8th September<br>2011 |
| <b>Proposal:</b>             | Erection of 1 no. terraced dwelling with<br>new pedestrian and vehicle access and<br>associated works. Formation of new<br>access to the front of 50 Church Road.<br>(Resubmission of PK11/1870/F) | <b>Parish:</b>      | None                  |
| <b>Map Ref:</b>              | 365239 174078  | <b>Ward:</b>        | Kings Chase           |
| <b>Application Category:</b> | Minor  | <b>Target Date:</b> | 1st November<br>2011  |



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 100023410, 2008. **N.T.S.** **PK11/2625/F**

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

This application has been forwarded to the Council's Circulated Schedule of applications as representations have been received raising views, which are contrary to the Officer recommendation.

### **1. THE PROPOSAL**

1.1 The application site is situated within a traditional residential suburb of Kingswood north of the A420 High Street. The site is bounded by residential development to the south, Church Road to the west, a private service track to the east and with vehicular access onto Collingwood Avenue to the north. The application site comprises forms the side and part of the rear garden of a post war two storey end of terrace dwelling. A single storey garage and store is situated at the rear of the no.50.

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

1.2 The application proposes erection of 1 no. terraced dwelling with new pedestrian and vehicle access and associated works and formation of new access to the front of 50 Church Road. This application is a resubmission of PK11/1870/F.

### **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  
H4 Development within Existing Residential Curtilages  
T8 Parking Standards  
T12 Transportation for New Development

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

CS1 High Quality Design  
CS5 Location of Development

#### **2.3 Supplementary Planning Guidance/Documents**

South Gloucestershire Design Checklist – August 2007

### 3. RELEVANT PLANNING HISTORY

- 3.1 PK11/1870/F                      Erection of 1 no. detached dwelling with new pedestrian and vehicle access and associated works. Formation of new access to the front of 50 Church Road.  
Withdrawn

### 4. CONSULTATION RESPONSES

#### 4.1 Consultees [including internal consultees of the Council]

**Environmental Protection** – No objection. Standard information related to construction sites required.

**Drainage Engineer** – No objection. SuDS condition required.

**The Coal Authority** – No objection. This site is outside any mining sensitive area.

**Sustainable Transport** – No objection. Conditions required related to parking provision as per the approved plan and suitable hardstanding to be provided

#### Other Representations

#### 4.2 Local Residents

2 objections received from the occupiers of 48 Church Road, 20 Collingwood Avenue raising the following concerns:

The proposed garage at the rear of the site (east boundary) would access onto a private track where there is no legal right to do so; overcrowding to an already small plot; insufficient off street parking proposed; the dropped kerb will create more parking issues for other residents and visitors; over-development of the plot; resultant plot sizes would be out of keeping with the character of the area; loss of residential amenity; disruption, noise and inconvenience caused by construction; devaluing of property.

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for development within the curtilage of dwellings, including new dwellings, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. Policies T8 (parking standard) and T12 (transportation) are also relevant considerations.

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 for Examination. Whilst this document is a material consideration in the determination of planning applications, it will be afforded less weight than the adopted Development Plan at this stage.

## 5.2 Visual impact

This application has been submitted following withdrawal of application PK11/1870/F, which proposed a single detached dwelling in the rear garden of no.50. The application was withdrawn following advice from Officers that the scheme was unacceptable due to the cramped position in the rear garden, provision of little private garden space and the impact on the amenity of neighbouring occupier. As a result, the applicant has relocated the proposed dwelling to the front of the site and attached to no.50.

The application site is situated in a post war residential street made up of mainly two storey semi detached and terraced dwellings of similar style with some local authority bungalows. The proposed dwelling would be attached to no.50, which sits at the end of a terrace of 3 dwellings. The dwellings are situated on a hill and the rooflines and eaves levels are different rising in line with the changing ground level. The proposal would follow this trend, having a lower eaves and ridge height to no.50. The front bay feature and hipped roof shape are typical in the street and within the terrace. It is considered that the new dwelling would have a good quality design, materials similar to no.50 and form and the proposal would be in keeping with the character of the attached dwelling and would respect the character distinctiveness and amenity of the street scene and surrounding area. A number of dwellings in the street have given over their front gardens for vehicle parking and have laid the front gardens to hardstanding. The proposed parking area to the front of no.50 would be in keeping with the character of the 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 within the urban area. 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. Recent amendments to PPS3, which include 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 garden, is enclosed to the side by the side wall of no.50 and a tall wall on the north boundary. This modest, thin piece of land also contains outbuildings. The importance of the area of garden land to be lost is not significant and as a contributor to the local character and distinctiveness is therefore considered not to be of sufficient significance in its own right, to constitute material harm. 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 Residential amenity

All first floor windows serving principle rooms would face towards the rear garden or onto the highway at the front or side (north) of the site. The first floor windows would create no new overlooking to the private gardens or windows of no.50 and the other dwellings in the vicinity of the application site. The rear elevation of the proposed dwelling would be situated ample distance (21m) from no.20 to the east. As such the proposal is considered not to result in a material loss of privacy to the neighbouring occupiers.

The new dwelling would not project forward of the front or rear elevations of the attached dwelling no.50. The proposed dwelling would be situated a minimum distance of 20m from the nearest dwelling to the north and 21m from no.20 to the east. As such it is considered that the proposed extension would not prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development.

The proposal would have an acceptable sized private garden measuring 9.3m in length by 5.1m width with a total rear and usable garden area of 47.4m<sup>2</sup>. The resultant garden size for the existing dwelling (no.50) would measure 14.5m by 5.6m and the garden area would measure 81.2m<sup>2</sup>. The resultant garden sizes for the existing and proposed dwellings are considered to be acceptable and commensurate to the dwelling types (3 bed and 4 bed family homes). As such the proposal is considered to accord with policy H4 in this respect and the proposal is considered not to represent over development.

Concern has been raised that the construction process would cause noise and disturbance to local residents. Construction sites within the urban area are not unusual and new development has been built recently in the local area. It is therefore considered that the proposed construction process would cause significant harm in relation to noise and disturbance, above that normally associated with construction sites. Aside from this, the noise and disturbance associated with construction sites are normally controlled through Environmental Health and noise nuisance legislation. In line with advice in PPS1, the planning system would not normally seek to control matters, which fall within legislative controls outside the planning system. As such a planning condition is considered unnecessary in this case. An informative would be attached to the decision advising acceptable working times, activities and actions within a construction site to the applicant.

### 5.4 Highway matters

The proposal would result in the creation of two new parking space for the existing dwelling at the front of the site. Additionally, two spaces in the rear garden facing onto Collingwood Road would be retained. The resultant parking layout with 4 spaces for one 3 bed and one 4 bed dwelling would be acceptable and it would be unlikely that the proposal would result in pressure for on street parking that would be detrimental to highway safety. The proposal would require vehicles to either access or egress the highway on Collingwood Road and Church Road in reverse gear. Considering the residential urban nature of the streets it is considered that this vehicle manoeuvring arrangement is



acceptable in highway safety terms. The proposed dropped curb would not add further pressure for on street parking. As such the proposal is considered to be acceptable in highway safety terms.

#### 5.5 Drainage

There is sufficient capacity within the site to provide a Sustainable Drainage System for disposal of surface water. The applicant has submitted a drainage plan for consideration, which has been advocated by the Council's Drainage Engineer. A percolation test would be required to ascertain if the drainage scheme can be implemented and as yet this has not been carried out. As such, subject to a condition requiring the detail of the system to be agreed, the proposal is considered to be acceptable in drainage terms.

#### 5.6 Other issues

Concern has been raised that a pedestrian access is proposed onto the private lane at the rear of the site and that the applicant may not have the necessary legal right of access. This matter as an issue of land ownership is controlled through Civil legislation outside of the planning system. As such little weight can be afforded to this matter as a planning consideration. Additionally, concern has been raised that the proposal could devalue neighbouring property. The planning system operated in the public interest and as a private interest less weight can be afforded to this issue than the planning issues considered in par 5.2-5.5. The matters raised in this paragraph are considered to have insufficient weight to outweigh the merits of the proposal as outlined in this report.

### 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) Due to the location and position of the proposed dwelling in relation to the neighbouring 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 H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
  - b) It has been assessed that the proposed dwelling has been designed to respect and maintain the massing, scale, proportions, materials and overall design and traditional character and vernacular of the surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.

- c) The proposed site layout would provide adequate parking and manoeuvring for vehicles. As such the proposal is considered to be acceptable in highway safety terms in accord with 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 external facing render proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

3. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, (including 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, L8 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

5. Prior to the commencement of development a scheme of landscaping, which shall include details of proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

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

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

Reason

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

7. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason

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

## CIRCULATED SCHEDULE NO. 41/11 – 21 OCTOBER 2011

|                              |  |                     |  |
|------------------------------|--|---------------------|--|
| <b>App No.:</b>              | PK11/2735/F  | <b>Applicant:</b>   | Quality Solicitors<br>Burroughs Day            |
| <b>Site:</b>                 | 31 North View Staple Hill South<br>Gloucestershire BS16 5RU  | <b>Date Reg:</b>    | 1st September 2011                             |
| <b>Proposal:</b>             | Erection of single storey side, front and rear extension to form additional living accommodation to include 2 no. front and 1 no. rear access ramps and associated works | <b>Parish:</b>      | Downend And<br>Bromley Heath<br>Parish Council |
| <b>Map Ref:</b>              | 365609 176250  | <b>Ward:</b>        | Downend  |
| <b>Application Category:</b> | Householder  | <b>Target Date:</b> | 25th October 2011                              |



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 100023410, 2008. **N.T.S.** **PK11/2735/F**

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

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

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of single storey to the front, side and rear of No. 31 North View, Staple Hill. The proposal also includes the construction of access ramps to the front and rear of the property. The applicant indicated that the proposal is to provide a suitable accommodation for the disabled child, her family and the carer.
- 1.2 The property is a bungalow and is located within a residential area of Staple Hill. The bungalow is situated at the junction of Hill House Road and North View.

### **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 -Submission Draft (December 2010)

CS1 High Quality Design

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

- 3.1 PK01/3217/F Erection of rear conservatory. Approved 13.12.01
- 3.2 PK10/3054/F Erection of single storey rear extension and single storey side and rear extension. Construction of carport to side elevation. Approved 23.12.10

### **4. CONSULTATION RESPONSES**

4.1 Downend and Bromley Heath Parish Council  
No objection to either original or revised proposal.

4.2 Other Consultees

Sustainable Transport

No objection

## **Other Representations**

### **4.3 Local Residents**

A letter of objection has been received and the local residents raised the following concerns:

- i. Loss of privacy due to the raised floor level and proximity of new windows and the neighbour's windows.
- ii. Noise issue
- iii. Inaccurate boundary line

## **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 issues to be resolved are the impact of the proposal on existing levels of residential amenity and design/ visual amenity.

### **5.2 Design/ Visual Amenity**

The proposed extension is of a single storey structure with a fully hipped roof. It is considered that the proposal, in term of its design and height, would be in keeping with the character of the host dwelling, and its height would be subservient to the host dwelling. Further, roof and wall materials to be used would match with those of the dwelling. It is therefore considered that the proposal would not cause any harms to the character of the dwelling and street scene accord with Policy D1 and the relevant part of Policy H4 of the adopted Local Plan.

Construction of the access ramps in the front and rear would meet the occupier's needs. It is also considered that the ramps are of good design therefore would not cause any impact upon the character of the area.

### **5.3 Residential Amenity**

The proposed extension would project into the side garden and rear garden of the property. The proposed side extension would be approximately one metre from the west boundary, which shares with No. 30 North View. The proposed rear extension would be approximately 9 metres from the south boundary, which shares with No. 12 Hill House Road. The local residents of No 30 North View raised concerns in related to the loss of privacy and noise issue caused by the proposal.

To address the local residents' concerns, revised drawings have been submitted. The drawings show the secondary window of Bedroom 3 on the west side elevation has been omitted. In addition, an obscured glass window would be installed at the storeroom.

Regarding Bedroom 4, officers previously raised concerns, in terms of insufficient daylight and overbearing impact, due to the proximity of the window and the new 1.8 metres high timber fence. Whilst Officers suggested rearranging the layout of the rooms, the applicant highlighted that the proposed therapy room will need to be located at the rear of the property in order to provide sufficient natural daylight for the disabled child. In addition, the therapy room will need to be of a minimum size of 3.5 metres by 3.5 metres. To address the above concern, the applicant proposes to install a roof light to the side elevation above Bedroom 4. On balance, officers consider that the proposed amendment would overcome the concerns, and consider the proposed extensions would be acceptable.

As the applicant proposes to erect 1.8m high timber fence along the side boundary, officers therefore consider that the proposal would not cause significant loss of privacy to the neighbouring occupiers.

As indicated in the above paragraphs, the proposed extension is to provide suitable accommodation for a disabled child and her family. Officers do not consider that the use of the proposed extension would cause significant noise nuisance due to the nature of the development.

#### 5.4 Sustainable Transport

The proposed extensions and alterations would not affect the existing parking arrangement and there is adequate off-street parking to the front of the property. In addition, the proposed works do not create any highway or transportation problems. Therefore there is no highway objection to the proposal.

#### 5.5 Other Issues

Local residents raised concerns regarding the boundary line, however, the dispute of ownership is not material consideration in determining a planning 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 enlarged family accommodation for a disabled occupier and her family. It is considered that the proposal would have no adverse impact upon existing levels of visual or residential amenity and accord with policies D1 and H4 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 be granted subject to the following conditions.

**Contact Officer: Olivia Tresise**  
**Tel. No. 01454 863761**

### **CONDITIONS**

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 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 west elevation of the proposed extensions hereby approved.

Reason

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



**CIRCULATED SCHEDULE NO. 41/11 – 21 OCTOBER 2011**

|                              |   |                     |                        |
|------------------------------|---|---------------------|------------------------|
| <b>App No.:</b>              | PK11/2775/F   | <b>Applicant:</b>   | R And A Moxham         |
| <b>Site:</b>                 | Land Adj To 11 Almond Way<br>Mangotsfield Bristol South<br>Gloucestershire BS16 5QL                               | <b>Date Reg:</b>    | 14th September<br>2011 |
| <b>Proposal:</b>             | Erection of three storey building to form<br>2 no. 2 bedroom flats and 1 no. studio<br>flat with associated works | <b>Parish:</b>      | None                   |
| <b>Map Ref:</b>              | 365838 176027   | <b>Ward:</b>        | Rodway                 |
| <b>Application Category:</b> | Minor   | <b>Target Date:</b> | 7th November<br>2011   |



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 100023410, 2008. **N.T.S.** **PK11/2775/F**

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

This application has been referred to the Circulated Schedule following the receipt of objections from local residents.

### **1. THE PROPOSAL**

- 1.1 The application relates to a 0.0275ha corner plot that currently forms the side garden of no.11 Almond Way, Mangotsfield. No.11 is a 20<sup>th</sup> C end of terrace dwelling house, located in a predominantly residential suburb. The plot slopes from the north down to the south and currently has a vehicular access to Almond Way. Semi-detached houses lie to the north and on the opposite side of Almond Way to the east. The site is bounded to the north by a private driveway serving garages to the rear of houses on Almond Way to the north. To the south of the plot is a further terrace of houses, whilst to the south-east is a 3-storey rank of local shops with flats above, fronting Burley Grove. Planning permissions have previously been granted for the erection of both attached (PK09/0316/F) and detached (PK10/0552/F) single dwellings on the application site. The plot is currently vacant and somewhat overgrown.
- 1.2 It is now proposed to erect a detached, three-storey building to form 2no. 2 bedroom flats with a studio flat in the roof space. Parking provision for three cars with a cycle store and bin store would be provided within the site to the north of the building. It is proposed to utilise the existing private driveway to access the site from Almond Way.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1 - Delivering Sustainable Development  
PPS3 - Housing as revised June 9<sup>th</sup> 2010.  
PPG13 - Transport  
Ministerial Statement 9<sup>th</sup> June 2010  
Draft National Planning Policy Framework (DNPPF) July 2011

#### **2.2 Development Plans**

##### **Joint Replacement Structure Plan Adopted Sept. 2002**

Policy 1 - Principles  
Policy 2 - Location of Development  
Policy 17 - Landscape  
Policy 33 - Housing Provision and Distribution  
Policy 54 - Car Parking Provision

##### **South Gloucestershire Core Strategy Submission Draft Dec 2010**

CS1 - High Quality Design  
CS5 - Location of Development  
CS15 - Distribution of Housing  
CS16 - Housing Density  
CS17 - Housing Diversity  
CS18 - Affordable Housing

South Gloucestershire Local Plan (Adopted) 6th January 2006

D1 - Design  
L1 - Landscape Protection and Enhancement  
L17 & L18 - The Water Environment  
EP1 - Environmental Pollution  
EP2 - Flood Risk and Development  
EP7 - Unstable Land  
H2 - Residential Development within the existing Urban Area  
H4 - Development within Existing Residential Curtilages  
H6 - Affordable Housing  
LC2 - Provision of Education Facilities  
T7 - Cycle Parking Provision  
T8 - Parking Standards  
T12 - Transportation Development Control Policy for New Development  
LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.

Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) adopted 23<sup>rd</sup> August 2007.  
Trees on Development Sites (SPG) Adopted Nov 2005.

**3. RELEVANT PLANNING HISTORY**

- 3.1 P95/4401 - Erection of 1 no. bedroom dwelling (outline)  
Refused 22.09.95 for reasons of:
- Overdevelopment
  - Lack of amenity space
  - Adverse impact on residential amenity.
- 3.2 PK09/0316/F - Erection of 1 no. attached dwelling with associated works.  
Replacement of flat roof with pitched roof over store on existing dwelling.  
Approved 15.04.09
- 3.3 PK10/0552/F - Erection of 1no. 3 bedroom detached dwelling with associated works.  
Approved 4 May 2010

**4. CONSULTATION RESPONSES**

4.1 Parish Council  
No response

4.2 Other Consultees (including internal consultees of the Council).

Environmental Protection

No objection subject to standard informatives relating to construction sites.

### Sustainable Transport

No objections subject to conditions to ensure provision of parking spaces; cycle parking; permeable bound surfacing to parking area and 2x2m splay to right of access at junction with Almond Way.

### Coal Authority

The site lies within the defined Coal Mining Development Referral Area. No objection subject to a condition to secure site investigation works and mitigation measures should shallow workings be found.

### Technical Support – Street Care

No objection subject to a condition to secure a SUDS drainage scheme.

## **Other Representations**

### 4.3 Local Residents

2no. letters/e-mails have been received from local residents, objecting to the proposal. The concerns raised are summarised as follows:

- Insufficient parking provision.
- Increased on-street parking.
- Disturbance during construction phase.
- Loss of privacy due to overlooking of nos. 2 and 6 Almond Way.
- Overshadowing of nos. 2 and 6 Almond Way.
- Loss of view of wooded hills for nos. 2 and 6 Almond Way.
- Would make area too urban.
- Car park and bin store overlooked from bedroom window of no.6 Almond Way.
- Loss of property value.
- Works to road to link to sewer.
- Not in-keeping with area.
- The site is a garden not intended for development.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The acceptance in principle of residential development on this site has already been established with the granting of previous permissions PK09/0316/F and PK10/0552/F. The site lies within the Urban Area and being residential curtilage, there is no in-principle objection to the development of the site for residential use. The recent Draft NPPF under the heading Core Planning Principles (para. 19) states that every effort should be made to meet housing needs and that decision-takers at every level should assume that the default answer to development proposals is “yes”, except where this would compromise the key sustainable development principles set out in the Framework. At present however this draft document can only be afforded limited weight.

- 5.2 Having regard to the adopted Joint Replacement Structure Plan, Policy 33 states that priority will be given to the re-use of previously developed sites *within the urban area*. Furthermore, Policy 2 of the JRSP, the locational strategy, aims to concentrate development for jobs, housing and facilities within the main urban areas, in order to maintain and develop their vitality and quality as regional and sub-regional centres. JRSP Policy 19 requires development to be managed in a manner that respects local character and distinctiveness through good design.
- 5.3 Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes. Recent changes to PPS3 mean that residential gardens, are no longer considered to be previously developed, brown field sites. That is not to say however that garden areas cannot be developed at all; any development would need to satisfy Local Plan policies relating to design and impact on the character of the area in question. The South Gloucestershire Local Plan (Adopted) 6th January 2006 (para.8.26) seeks to “..increase the proportion of smaller dwellings, reflecting the projected growth in one-person households and the existing disproportionate provision of smaller dwellings in South Gloucestershire.” There is therefore no in-principle objection to flats being in this locality.
- 5.4 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:
- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
  - B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
  - C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
  - D. Provision for education, leisure, recreation and other community facilities, within the vicinity, is adequate to meet the needs arising from the proposals.
- 5.5 It should be noted however that in the recently revised version of PPS3 the reference to the national indicative minimum density target of 30dph has been deleted. The changes have been introduced to reflect concerns regarding overdevelopment of neighbourhoods, loss of green space and the impact upon local character.

- 5.6 Also of relevance is Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 which permits development within residential curtilages including new dwellings, subject to similar criteria. Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Submission Draft Dec 2010, both seek to secure good quality designs that are compatible with the character of the site and locality.
- 5.7 Density  
Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. Whilst not prescribing any maximum figure the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account. The proposal equates to 109 units per hectare but this higher figure merely reflects the fact that the development would include 3 small flats, as opposed to individual dwelling houses.
- 5.8 PPS3 (para.50) states that *“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”*
- 5.9 The proposal is considered to make efficient use of the land in what is a sustainable location, close to the centres of Mangotsfield and Staple Hill, within easy walking distance of shopping and community facilities and main bus routes. In this respect the proposal therefore accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.
- 5.10 Scale and Design  
Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 only permits new development where good standards of site planning and design are achieved. Criterion A of Policy D1 requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality. These criteria are carried forward into Policy CS1 of the emerging Core Strategy.
- 5.11 The existing terraces and semi-detached dwellings within Almond Way are most likely mid 20<sup>th</sup> C in age and exhibit a fairly simple repetitive design, typical of the suburban properties within the area. The dwellings all have gabled ends, predominantly brick and rendered walls, and tiled roofs.
- 5.12 The scale of the proposed building would differ from the existing dwellings in that the roof ridge would be set at 8.3m in comparison to the 7.7m of no.11; this is however only 0.2m higher than that approved under PK10/0552/F. The proposed eaves would be set at 5.7m, which would be 0.7m higher than approved under PK10/0552/F and 1m higher than those of existing no.11. The overall bulk of the building would also be greater than previously approved due

to the addition of the enclosed stairway to the eastern side. The proposed materials to be used in construction i.e. a mix of brick (ground floor), render and brick quoins (first floor) with double roman roof tiles; would be similar to those previously approved. The form of the building includes a number of gabled frontages, similar to the surrounding buildings.

- 5.13 The scale and design of the proposed building has in this case taken its lead more from the 3-storey development of shops and flats to the south-east, rather than an attempt to replicate the appearance of the two-storey terrace. As such the building would be viewed as a landmark building, detached from the terrace but located on a prominent corner plot at the head of Almond Way, where the scale and appearance would balance with that of the 3-storey buildings located at the head of the street but on the opposite side. Such a book-end effect is not uncommon where terraces terminate; furthermore the building would be viewed against the backdrop of the dwellings located on higher ground to the north. Although the building would be somewhat anomalous in scale and design, it would not appear incongruous within the street scene.
- 5.14 In terms of sustainability the building would incorporate super insulation of the walls, roof and ground floor; high efficiency lighting and controls; and permeable surfacing to the hard-surfaced areas.
- 5.15 Any concerns about the difference in scale and appearance of the proposed building, in comparison to that previously approved, are in this case tempered by the clear objectives of the recent DNPPF, as well as the overriding need to make efficient use of land in the Urban Area and the acknowledged need for housing provision in South Gloucestershire. The scale and design of the proposed built form is therefore, on balance, considered to be acceptable and would sufficiently respect the character of the street scene, which accords with the requirements of Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Core Strategy Submission Draft Dec 2010.
- 5.16 Landscape  
Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape.
- 5.17 The development would lie wholly within the existing garden area, which is relatively large for a property of this size. Officers consider that the garden does not contain any significant landscape features, although it would be desirable to retain the low boundary wall to the front of the site and the wall and hedge to the east (these are shown retained on the submitted plans). The garden currently has an open aspect to the front with a hedgerow to the eastern frontage; there is a private driveway to the rear that serves a number of neighbouring garages. The existing garden is somewhat overgrown and given that permission has previously twice been granted for residential development on the site, officers do not consider that a compelling case could now be made for refusal on the basis that the site makes a significant contribution to the character and distinctiveness of the street scene (see Policy L5).

The existing vegetation is not afforded any statutory protection and would certainly not meet the criteria for Tree Preservation Order. As such, all of the existing trees/bushes could be removed without any recourse to planning control.

- 5.18 Officers are satisfied that, in the event of planning permission being granted, a suitable condition could be imposed to secure the landscaping shown on the submitted plans. On balance therefore and subject to the landscape condition suggested above, the proposal accords with Policy L1 and there are no objections on landscape grounds.

5.19 Transportation Issues

Three parking spaces would be provided to the rear of the proposed building and accessed from Almond Way. This level of parking provision complies with the maximum standards set out under Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. Adequate cycle parking would also be provided for the flats in accordance with Policy T7. Access to the parking spaces would now be afforded from the existing private lane to the north. An auto-track diagram has been submitted to officer satisfaction, which demonstrates that vehicles could enter and exit the public highway in forward gear. Furthermore, at officer request the visibility splay to the right of the access would be improved to 2mx2m. Adequate bin storage facilities would also be provided within the site, close to the access. Subject to the conditions listed under para. 4.2 above, there are no highway objections and the scheme is considered to accord with Policies T7, T8, T12, H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.20 Impact Upon Residential Amenity

A number of concerns have been expressed by local residents relating to loss of privacy, overshadowing, loss of view and loss of property value. Regarding the latter, impact on house values, is not in fact a material consideration in the determination of planning applications.

- 5.21 As regards overbearing impact and overshadowing; the proposed building is not significantly bigger than that previously approved and being set on lower ground and immediately to the south of no.13, officers do not consider that the building would be overbearing for the occupiers of no.13. Furthermore the footprint of the building would be in much the same place as that previously approved under PK10/0552/F with no encroachment beyond the established building lines of the terrace to the west. The concerns have been raised by the occupiers of nos. 2 and 6, which lie to the east on the opposite side of Almond Way. Officers consider that any conceivable overshadowing of these properties would occur to the front gardens only and very late in the day, when the sun is setting in the west, which would certainly not be justification for refusal of the application.

- 5.22 Moving to the issue of loss of privacy from overlooking, it has traditionally been a requirement for a minimum of 21m between facing habitable room windows, although more recently shorter distances have been tolerated in higher density developments.



In this case there would be some 18m between the proposed facing stairwell windows and the front windows of no.2 Almond Way; and some 20m between the nearest facing habitable room windows; this is considered acceptable. To the north there would be 16m between the proposed bedroom windows in the proposed north-western elevation and the windows in the side elevation of no.13. The windows in the side of no.13 are however obscurely glazed at first floor level and do not appear to serve principal habitable room windows. Officers consider that some overlooking of neighbouring property is only to be expected in urban locations and that in this case the level of overlooking is not so detrimental as to justify refusal of planning permission. The side elevation of no.11 does not contain habitable room windows. Notwithstanding the above, officers consider that in order to mitigate any loss of privacy for neighbours, a condition to obscurely glaze the stairwell and bathroom/w.c. windows is in this case reasonably justified.

- 5.23 The parking area and enclosed bin store would be located an adequate distance from neighbouring property. The access lane already serves a number of properties and access to the application site and its garage has traditionally been from the eastern boundary of the site. A similarly positioned parking area was previously approved under PK10/0552/F. Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction.
- 5.24 Adequate amenity space would be retained to serve the development and the existing dwelling. Whilst there is no right to a view across private land, officers have considered the impact of the scheme in visual terms but conclude that the appearance of the building, would not significantly affect the outlook from neighbouring property; the location already being distinctly suburban in character.
- 5.25 The proposal is therefore considered to be acceptable in terms of impact on residential amenity and in this respect accords with Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.26 Environmental and Drainage Issues

Any increase in noise levels or anti-social behaviour, would be the subject of normal environmental health controls. Building regulations would ensure adequate sound insulation between party walls. There are therefore no objections on environmental grounds. In terms of drainage, the Council's Drainage Engineer has raised no objection to the proposal. A condition would however be required to secure the submission of a full drainage scheme, to include Sustainable Drainage Systems (SUDS) for approval before development could commence. Any connections to the main sewers would need to be agreed with Wessex Water. A Coal Mining Risk Assessment has been submitted in accordance with Coal Authority requirements. The Coal Authority raises no objection subject to a condition to secure site investigation works and mitigation measures should shallow workings be found.

### 5.27 Affordable Housing

The proposal is for 3no. flats only, which is below the Council's threshold (15) for affordable housing provision.

### 5.28 Education Service

The development comprises 3no. flats only and this is below the threshold (5) for contributions towards Education.

### 5.29 Community Services

The proposal is for 3no. flats only, which is below the Council's threshold (10) for contributions to Community Services.

## 6. CONCLUSION

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

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

1. Consideration has been given to the impact of the proposed development on the character of the surrounding area, which would in this case not be adversely affected, in accordance with Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
2. The proposal would not prejudice the amenities of neighbouring property, in accordance with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
3. An acceptable level of off-street parking would be provided in accordance with Policies H2, H4 and T8 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
4. Adequate amenity space would be provided to serve the development, in accordance with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
5. The design of the scheme would be in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Submission Draft Dec 2010.
6. There would be no adverse landscape implications to result from the scheme, in accordance with Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
7. An appropriate scheme of drainage to include SUDS would be secured by condition in accordance with Policies EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

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

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

Reason

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

2. Prior to the commencement of 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 Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The hours of working on site during the period of construction shall be restricted to Mondays to Fridays 07.30 - 18.00 and Saturdays 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 protect the amenity of neighbouring occupiers, and to accord with Policies EP1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. All hard and soft landscape works shall be carried out in accordance with the approved details shown on the Proposed Site Plan no. 2512/P/03 A. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

Reason

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

5. The existing low boundary wall enclosing the front and the side boundary of the site shall be retained in accordance with the details shown on the approved Proposed Site Plan no. 2512/P/03 A.

Reason

To protect the character and appearance of the area to accord with Policies D1, H4 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission March 2010.

6. The proposed parking spaces hereby approved shall be surfaced with permeable and bound surfaced material (i.e. no loose stone or gravel) and maintained as such thereafter.

Reason

To prevent stone scatter in the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

7. The parking spaces shall be provided in accordance with the approved Proposed Site Plan no. 2512/P/03 A, prior to the first occupation of the new flats hereby permitted and maintained as such thereafter.

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, T12, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the first occupation of the flats hereby approved, the cycle parking shall be provided in accordance with the approved Proposed Site Plan no. 2512/P/03 A and maintained as such thereafter.

Reason

To encourage forms of transport other than the private motor car in the interests of sustainability in accordance with Policy T7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

9. Prior to the first occupation of the flats hereby approved, the visibility splay at the access with Almond Way shall be provided in full accordance with the details shown on the approved Proposed Site Plan no. 2512/P/03 A.

Reason

In the interests of Highway Safety and to accord with Policy T12, H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

10. Prior to the commencement of development, site investigation works shall be carried out to the written satisfaction of the Council, to confirm or otherwise the presence of shallow mine workings and the location and condition of mine entries within the site. In the event that the site investigations confirm the need for remedial works to treat a mine entry and/or any areas of shallow mine workings to ensure the safety and stability of the proposed development, these works shall also be undertaken in advance of any development and to the written satisfaction of the Local Planning Authority.

Reason

To take full account of the previous coal mining activity within the location of the site in accordance with Policy EP7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

11. Notwithstanding the details shown on the plans hereby approved; prior to the use or occupation of any of the flats hereby permitted, and at all times thereafter, all stairwell windows on the north-eastern elevation and all of the proposed bathroom/w.c. windows, shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

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

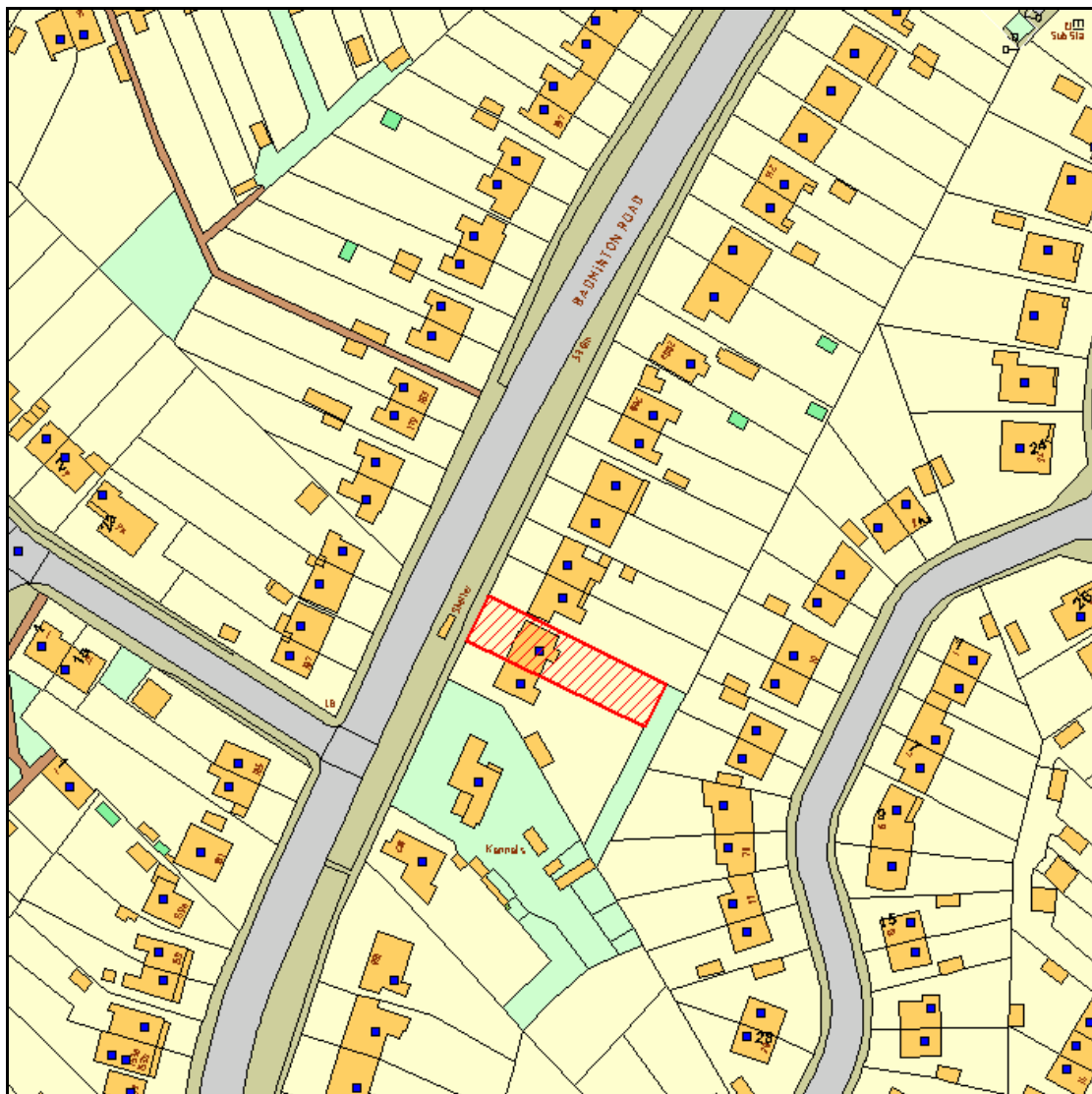
12. Prior to the commencement of development, drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local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

Reason

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

## CIRCULATED SCHEDULE NO. 41/11 – 21 OCTOBER 2011

|                                  |  |                         |  |
|----------------------------------|--|-------------------------|--|
| <b>App No.:</b>                  | PK11/2807/CLP  | <b>Applicant:</b>       | Mr M Skinner                                   |
| <b>Site:</b>                     | 188 Badminton Road Downend Bristol<br>South Gloucestershire BS16 6NP   | <b>Date Reg:</b>        | 12th September<br>2011                         |
| <b>Proposal:</b>                 | Application for a Certificate of<br>Lawfulness for the proposed erection of<br>hipped roof over existing two storey<br>side extension to facilitate loft<br>conversion | <b>Parish:</b>          | Downend And<br>Bromley Heath<br>Parish Council |
| <b>Map Ref:</b>                  | 365414 177549  | <b>Ward:</b>            | Downend  |
| <b>Application<br/>Category:</b> | Minor  | <b>Target<br/>Date:</b> | 2nd November<br>2011                           |



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 100023410, 2008. **N.T.S.** **PK11/2807/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 hipped roof over existing two storey side extension to facilitate a loft conversion. The property is a two-storey semi-detached dwellinghouse located within the residential area of Downend.
- 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 The proposed hipped roof enlargement is assessed under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

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

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

- |     |             |                                |
|-----|-------------|--------------------------------|
| 3.1 | PK99/0522/F | Single storey rear extension   |
|     | Approved    | 22 <sup>nd</sup> February 2000 |

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
No objection.

#### **Other Representations**

- 4.2 Local Residents  
None 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 **Hipped roof over existing two storey extension to facilitate loft conversion.**

Schedule 2, Part 1, Class B of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, provided that it meets the following criteria.

**B1** Development is not permitted by Class B if—

**(a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The proposed hipped roof will match but not exceed the height of the highest part of the existing roof.

**(b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;**

The proposed hipped roof will not extend beyond the plane of the existing roof slope which forms the principle elevation of the dwellinghouse and fronts a highway.

**(c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—**

**(i) 40 cubic metres in the case of a terrace house, or**

**(ii) 50 cubic metres in any other case;**

The dwelling is semi-detached and the total cubic content of the proposed hipped roof enlargement is approximately 34.3 m<sup>3</sup>.

**(d) it would consist of or include—**

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

**(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**

The proposed development will not consist of any of the above.

**(e) the dwellinghouse is on article 1(5) land.**

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

## 6. **CONCLUSION**

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

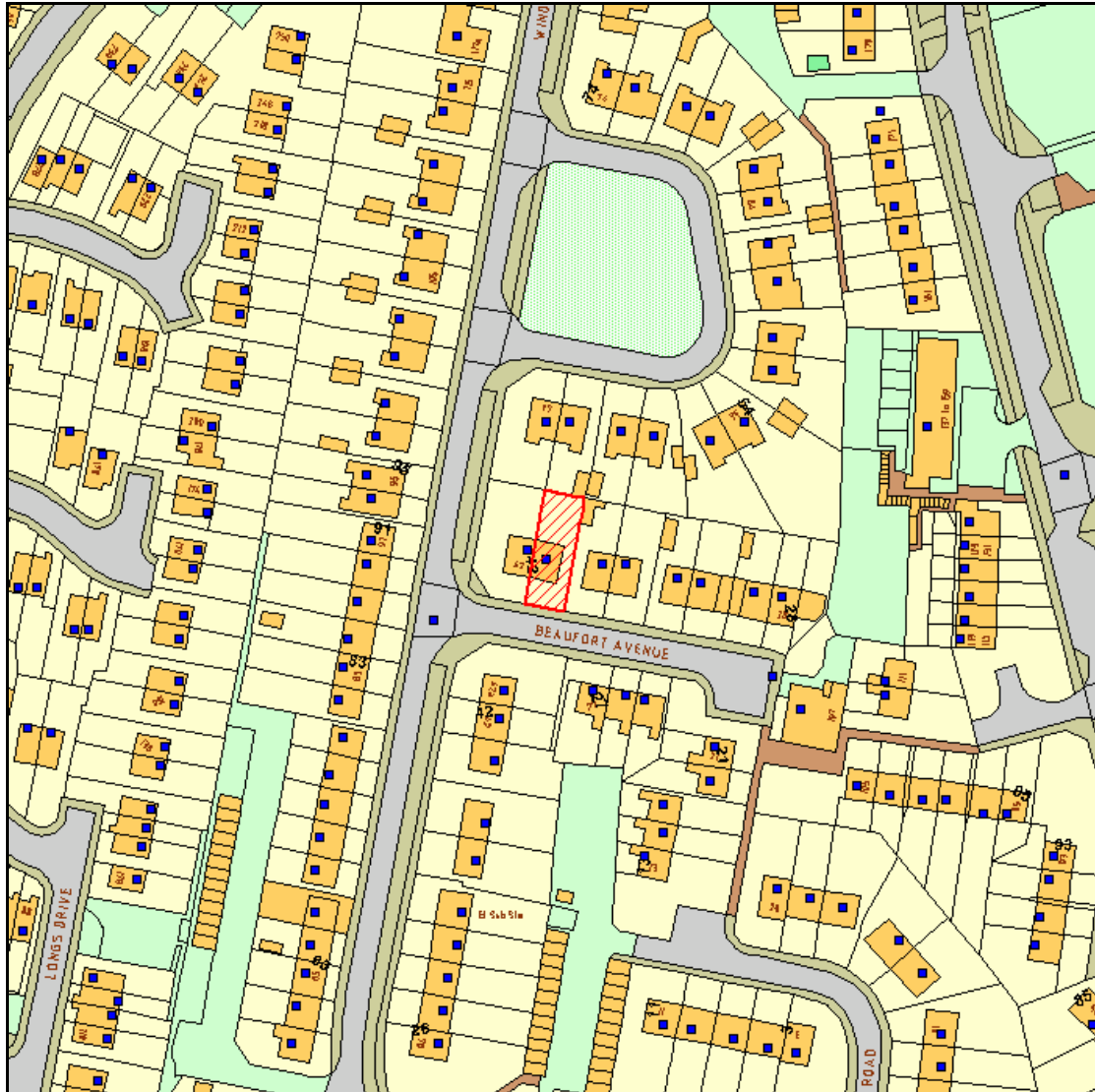


Evidence has been provided to demonstrate that the development meets the criteria set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and is therefore permitted development.

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

## CIRCULATED SCHEDULE NO. 41/11 – 21 OCTOBER 2011

|                                  |   |                         |                        |
|----------------------------------|---|-------------------------|------------------------|
| <b>App No.:</b>                  | PK11/2846/F   | <b>Applicant:</b>       | Mr Chris Baker         |
| <b>Site:</b>                     | 40 Beaufort Avenue Yate Bristol<br>South Gloucestershire BS37 5BN                         | <b>Date Reg:</b>        | 12th September<br>2011 |
| <b>Proposal:</b>                 | Erection of single storey side extension<br>to provide additional living<br>accommodation | <b>Parish:</b>          | Yate Town Council      |
| <b>Map Ref:</b>                  | 370545 182990   | <b>Ward:</b>            | Yate North             |
| <b>Application<br/>Category:</b> | Householder   | <b>Target<br/>Date:</b> | 2nd November<br>2011   |



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 100023410, 2008. **N.T.S.** **PK11/2846/F**

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

This application has been referred to the Circulated Schedule due to the receipt of an objection from Yate Town Council.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of a single storey to the side of No. 40 Beaufort Avenue, Yate. During the course of the application, revised drawings were submitted. The revised proposal is to change the roof form in order to reduce the overall height of the proposed extension. The extension would measure 12.4 metres long by 3.1 metres wide (at the rear) and 3.3 metres to its ridge (2.2 metres high to its eave).
- 1.2 Whilst the proposal would provide a sitting room, kitchenette, bedroom and a shower room, the proposed extension would be used as ancillary accommodation by the applicant's elder family member.
- 1.3 The property is constructed of a mix of brickwork and render under brown roof tiles. The property is a two-storey semi-detached dwelling and is located within a residential area of Yate.

### **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

South Gloucestershire Core Strategy -Submission Draft (December 2010)

CS1 High Quality Design

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

- 3.1 P87/1725 Erection of two-storey side extension to form garage with bedroom over. Approved 17.06.87 (This approved proposal has not been constructed)

### **4. CONSULTATION RESPONSES**

4.1 Yate Town Council  
Objected to the proposal for the following reasons:

- i. layout and density of building
- ii. design and visual appearance
- iii. overbearing and loss of outlook

- iv. loss of parking
- v. traffic generation

4.2 Other Consultees  
None response.

**Other Representations**

4.3 Local Residents  
No replies received.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This application stands to be assessed against the policies listed above in the light of all material considerations. The issues to be resolved are the impact of the proposal on existing levels of residential amenity and design/ visual amenity.

5.2 Design/ Visual Amenity

The proposed extension is subservient, at single storey, to the host dwelling. It is considered that the proposed extension, in term of its width, is in proportion to the host dwelling. It is also indicated that materials to be used would match those of the host dwelling.

The revised elevations show that the proposed extension would have a pitched roof to the front and hipped roof to the rear. Officers consider that the revised proposal would not have significant adverse impact upon the character of the host dwelling and the area. Therefore it is considered that the proposal would accord with policy D1 and the relevant part of policy H4 of the adopted Local Plan.

5.3 Residential Amenity

Although the proposed side extension would project into the rear garden by approximately 5 metres, the proposed extension would be adjacent to neighbour's driveway. In addition, the extension would have a low ridgeline. Officers therefore consider that the proposal would not cause significant overbearing impact upon the neighbouring properties.

The applicant does not propose any windows on the east side elevation of the extension, and it is therefore considered that the proposal would not cause any loss of privacy.

There is a fence with access panel on the east side elevation and this would allow Wessex Water to access the site if necessary.

## 5.4 Sustainable Transport

The proposed extension is located at the side of the property, and it would provide a sitting room, bedroom, a kitchenette and a shower room. Whilst the proposal would create additional living accommodation, officers consider that the existing front garden would be able to provide two parking spaces. Provided that the proposed extension would not be converted into a self-contained accommodation, officers consider that the proposal would comply with parking standard of the adopted Local Plan.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposal would result in enlarged family accommodation, which would have no adverse impact upon existing levels of visual or residential amenity and accord with policies D1 and H4 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 be granted subject to the following conditions.

**Contact Officer: Olivia Tresise**  
**Tel. No. 01454 863761**

### CONDITIONS

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No windows shall be inserted at any time in the side east elevation of the proposed extension hereby approved.

Reason

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

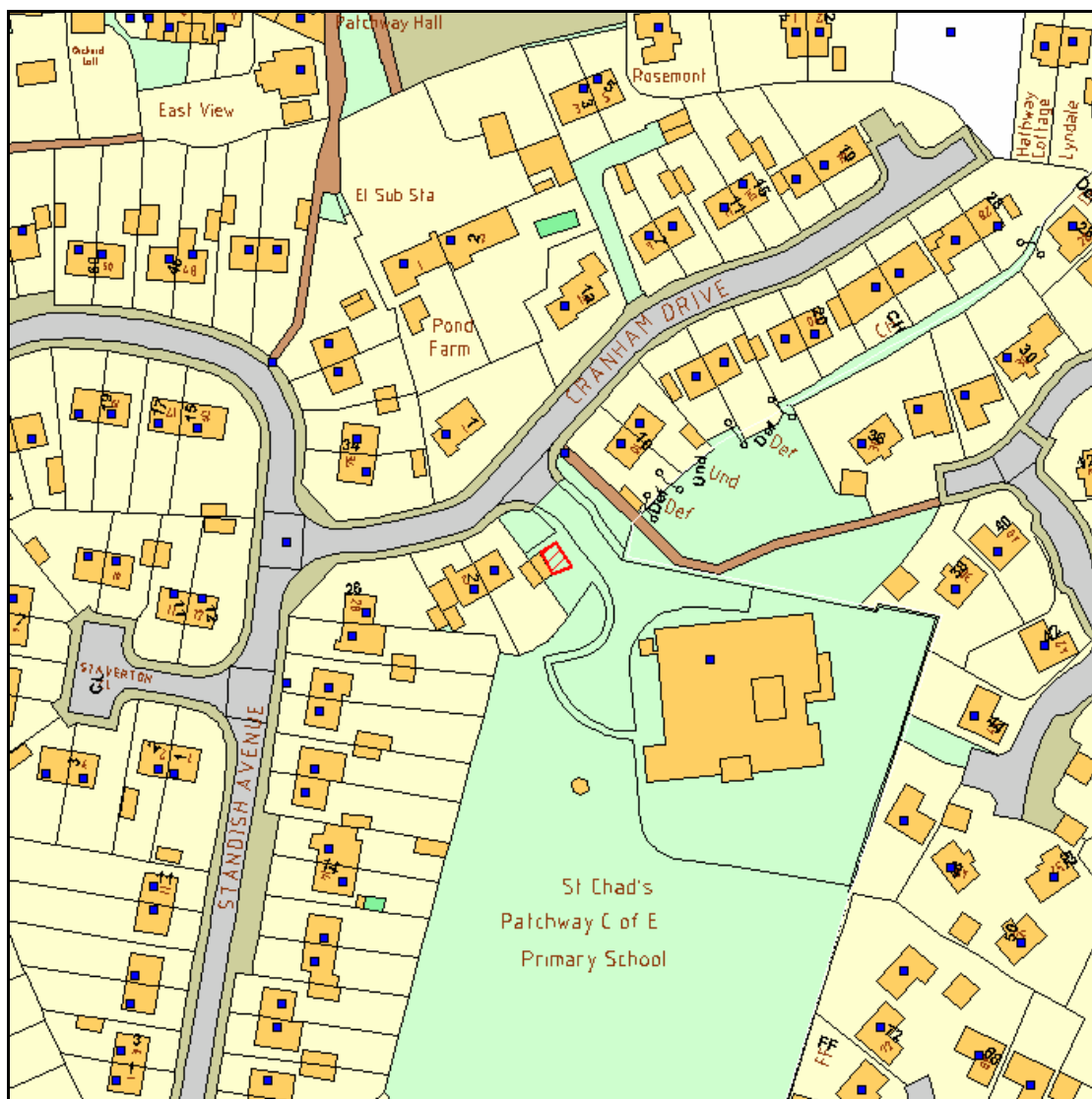
4. The proposed extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as No. 40 Beaufort Avenue, Yate, BS37 5BN.

Reason

To protect the amenity of neighbouring occupiers and highway safety, and to accord with Policy H4, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 41/11 – 21 OCTOBER 2011

|                              |   |                     |  |
|------------------------------|---|---------------------|--|
| <b>App No.:</b>              | PT11/2550/R3F   | <b>Applicant:</b>   | St Chads Patchway Church Of England Primary School |
| <b>Site:</b>                 | St Chads Patchway C Of E Primary School<br>Cranham Drive Patchway South<br>Gloucestershire BS34 6AQ | <b>Date Reg:</b>    | 23rd September 2011                                |
| <b>Proposal:</b>             | Installation of a waiting shelter   | <b>Parish:</b>      | Patchway Town Council                              |
| <b>Map Ref:</b>              | 361119 182272   | <b>Ward:</b>        | Bradley Stoke<br>Central And Stoke Lodge           |
| <b>Application Category:</b> | Minor   | <b>Target Date:</b> | 15th November 2011                                 |



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 100023410, 2008. **N.T.S.** **PT11/2550/R3F**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of one waiting shelter measuring approximately 3.8m in depth, 4m in width and has a height of 2.2m. The shelter is located adjacent to an existing single garage and is currently tarmaced. The shelter is located behind the existing cycle shelter.
- 1.2 The application site is situated in the urban area of Patchway. It is accessed off Cranham Drive and surrounded by residential properties. The proposed shelter is located to the front of the site and adjacent to the access road.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
LC4 Proposals for Educational and Community Facilities within  
Defined Settlement Boundaries  
T7 Cycle Parking  
T12 Transportation Development Control Policy for New Development
- 2.3 South Gloucestershire Core Strategy (Proposed Changes Version) December 2010  
CS1 High Quality Design
- 2.4 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) 2007

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

- 3.1 P89/2620 Construction of new access and erection of 1.5m high railings, gates and posts.  
Approved 27 September 1989.
- 3.2 PT03/1183//R3F Erection of two storey extension.  
Approved 2 June 2003.
- 3.3 PT11/1020/R3F Erection of Elliott Building to provide additional classroom accommodation with associated works. Formation of pedestrian access in northern boundary and alterations to existing car park with associated works.  
Approved 8 July 2011.



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

4.1 Patchway Town Council  
No objection.

4.2 Sustainable Transport  
No objection, subject to a revised school travel plan to reflect the change in circumstances.

4.3 Local Residents  
No response received.

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

5.1 Principle of Development  
Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the improvement of educational facilities within the boundaries of settlements. On this basis it is considered that the principle of the development would be acceptable providing that the proposal would not harm the character of the area, residential amenity, or have unacceptable transportation effects.

5.2 Visual Amenity  
The proposed development relates to 1 shelter, situated to the front of the school in close proximity to the entrance. The shelter is modest in size and scale, and of simple design. It is considered that the development is functional in its design and would respect the character and appearance of the site and the locality considering its location adjacent to a garage and the existing cycle shelter.

5.3 Residential Amenity  
The site will have no impact upon residential amenity due to its small size and location and the fact of the existing use of the site as a school.

5.4 Transportation  
Provided the travel plan is revised, no objection is raised to the proposal.

#### **6. CONCLUSION**

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

- a) The proposed development by reason of its limited size and single storey nature is functional in its design and appropriate to its location and the proposed development would therefore accord to Policy LC4 and D1 of the South Gloucestershire Local Plan (adopted) January 2006.

b) In view of the location of the proposed development no adverse impact to residential amenity will result. The proposed development would therefore accord to Policy LC4 and D1 of the South Gloucestershire Local Plan (adopted) January 2006.

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

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

Reason

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

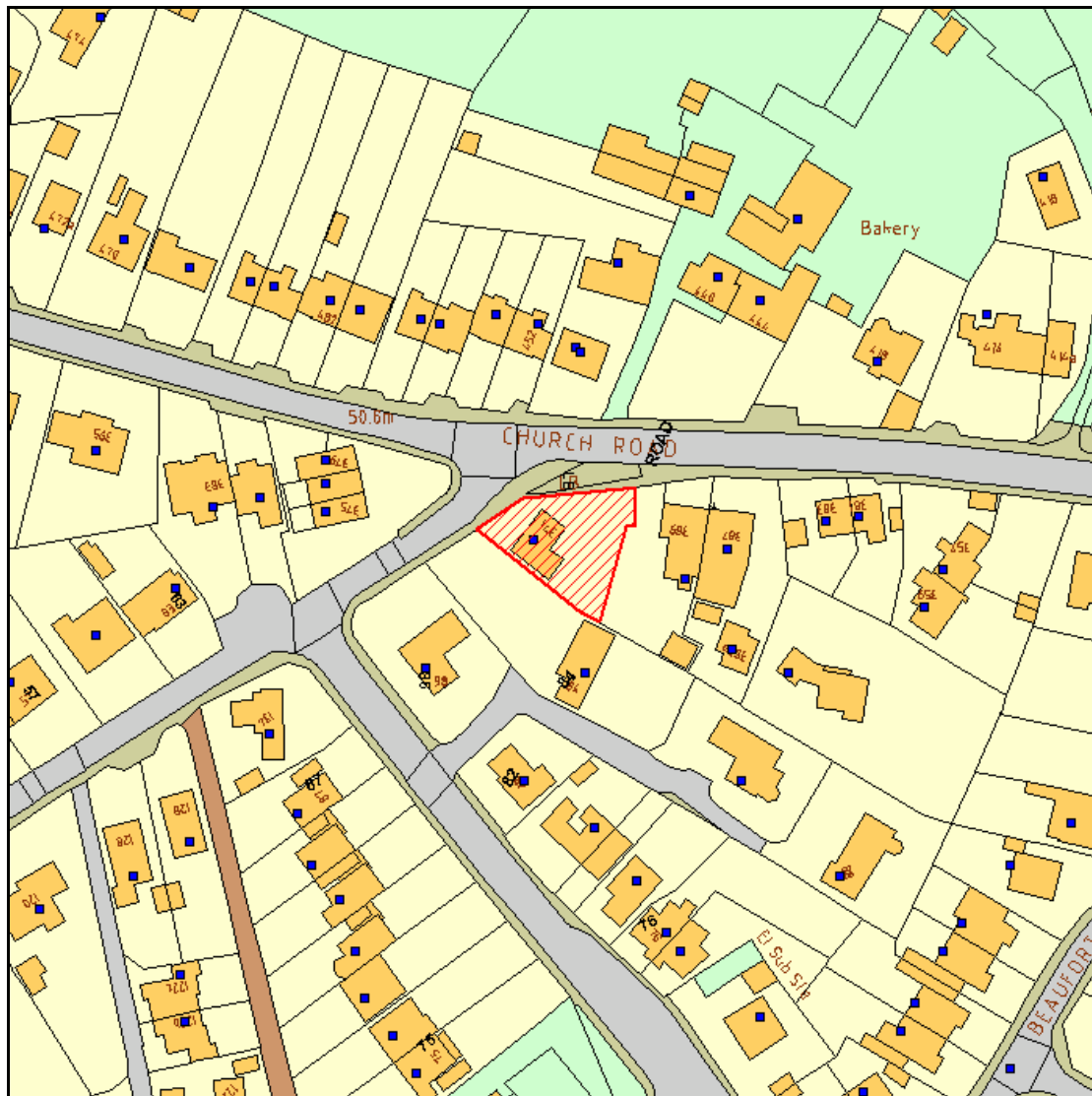
2. Prior to the erection of the building, an updated travel plan taking into account the additional travel impacts from the proposal shall be submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with the approved travel plan.

Reason

In order to promote more sustainable methods of travel and to reduce disruption to neighbouring occupiers and to accord with policies T12 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 41/11 – 21 OCTOBER 2011

|                              |  |                     |                                      |
|------------------------------|--|---------------------|--------------------------------------|
| <b>App No.:</b>              | PT11/2711/F  | <b>Applicant:</b>   | Mr D Allard                          |
| <b>Site:</b>                 | 371 Church Road Frampton Cotterell<br>South Gloucestershire BS36 2AQ | <b>Date Reg:</b>    | 12th September<br>2011               |
| <b>Proposal:</b>             | Erection of 1 no. detached garage                                    | <b>Parish:</b>      | Frampton Cotterell<br>Parish Council |
| <b>Map Ref:</b>              | 366329 182026  | <b>Ward:</b>        | Frampton Cotterell                   |
| <b>Application Category:</b> | Householder  | <b>Target Date:</b> | 2nd November<br>2011                 |



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**PT11/2711/F**

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

This application is being circulated to Members of the Council because the Officer's recommendation is contrary to a written representation received from a local resident.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for a detached garage with workshop space to be used incidental to the existing dwellinghouse. The proposed development would be approximately 6.5 metres in length, 3.8 metres in width with a ridge height of approximately 3.3 metres falling to circa 2.2 metres at the eaves.
- 1.2 The application site consists of a modern two storey detached dwelling with cream render and red tiles. The site is a prominent corner plot where School Road meets Church Road. The site is situated within the setting of a listed building within historic curtilage and is set adjacent to a Grade II listed building at no. 369 Church Road. The site is also opposite a Grade II listed building across the road, no. 444 Church Road. The application site is located within the defined settlement boundary of Frampton Cotterell.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS5 Historic Environment  
Guidance on the Historic Environment  
  
Draft National Planning Policy Framework
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Design  
H4: Development within Existing Residential Curtilages  
L13: Listed Buildings  
T12: Transportation in New Development
- 2.3 Emerging Policy  
South Gloucestershire Council Core Strategy Proposed Changes Version December 2010:  
CS1: High Quality Design  
CS9: Environmental Heritage
- 2.4 Supplementary Planning Guidance  
South Gloucestershire Design Checklist Supplementary Planning Document 2007

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

- 3.1 PT03/2774/F                      Erection of detached dwelling. Construction of pedestrian access and shared vehicular access.  
**Approve. 08-OCT-03.**

- 3.2 PT03/2775/LB Erection of detached dwelling. Construction of pedestrian access and shared vehicular access, involving demolition of section of boundary wall. **Approve.** 08-OCT-03.

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

- 4.1 Frampton Cotterell Parish Council  
The Parish Council have no objection provided  
a) the access remains unchanged and  
b) there is no adverse impact on the adjacent listed building
- 4.2 Listed Buildings Officer  
Objection on the grounds that the proposed development would have an adverse impact on the setting of the adjacent listed building.
- 4.3 Highways  
No objection
- 4.4 Tree Officer  
No objection

#### **Other Representations**

- 4.5 Local Residents  
1 letter received from a local resident supporting the application on the following grounds:  
a) The siting is suitable.

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

- 5.1 Principle of Development  
The proposed development consists of ancillary residential development within an existing residential curtilage. Policy H4 permits this type of development in principle subject to the following considerations.
- 5.2 Residential Amenity  
The proposed development would be located to the northeast of the application site set back from the existing listed boundary wall by approximately 0.1metres. It would be positioned approximately 1 metre from the northeast elevation of the existing property. A single door and window would be inserted on the southwest elevation of the proposed garage facing the main property and a steel up and over door would be included on the east elevation at the front of the proposed garage.
- 5.3 Given the nature of the proposal there would be no loss of privacy and no inter visibility between principal rooms would arise. The proposed development would not result in an overbearing impact and sufficient amenity space would remain to serve the host dwelling.

The proposal does not give rise to any issues of highway safety and would not alter existing access arrangements. Notwithstanding this, the submitted site/block plan indicates that there would be a new gate installed on the property. Given that permitted development rights have been removed on the property relating to walls, fences and gates under previous planning permission PT03/2774/F and there have been no details submitted regarding this new gate, further planning permission should be sought. It cannot be assessed in this application due to insufficient information. It is recommended that in the event of an approval a condition should be attached specifically excluding this gate from the approved development.

Notwithstanding this it is considered that there would be no detrimental impact on the existing levels of residential amenity resulting from the proposed garage.

#### 5.4 Impact on Listed Building and Design

The application site lies to the north of the grade II listed building 369 Church Road, Frampton Cotterell. It is a two storey, 19<sup>th</sup> century house, with rendered walls, sash windows and a tiled roof. It sits in a relatively narrow plot, the result of the development of 371 Church Road in the former garden of no.369. The existing dwelling is located at the junction of School Road and Church Road. At the original application for the erection of the existing dwelling, attention was paid to the positioning of the property within the plot so as not to harm the immediate setting of the listed building. Nos. 369 (listed) and 371 (host dwelling) are separated by some planting but the gable of the listed building is still visible in views from the west, and in views from the east, the alignment and recessed position of the building ensures that the listed building remains visually dominant.

- 5.5 The site remains historic curtilage of the listed building. It is important to note that the walls will remain curtilage listed despite the change in ownership. Paragraph 113 of the PPS5 Practice Guide defines the setting of a listed building as the 'surroundings in which an asset is experienced'. Paragraph 115 expands on this to say that 'setting will, therefore, generally be more extensive than curtilage and its perceived extent may change as an asset and its surroundings evolve'.

The site is therefore still considered to form part of setting of the listed building. Please see the 'Other Matters' section found towards the end of the report for further details.

- 5.6 Policies HE9 & HE10 of PPS5 state that *there should be a presumption in favour of the conservation of designated heritage assets. Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.*

*HE10.1 When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset.*

5.7 Local plan policy L13 states:

*DEVELOPMENT INCLUDING ALTERATIONS OR ADDITIONS AFFECTING A LISTED BUILDING OR ITS SETTING WILL NOT BE PERMITTED UNLESS*

*A. THE BUILDING AND ITS SETTING WOULD BE PRESERVED; AND*

*B. FEATURES OF ARCHITECTURAL OR HISTORIC INTEREST WOULD BE RETAINED; AND*

*C. THE CHARACTER, HISTORIC FORM AND STRUCTURAL INTEGRITY OF THE BUILDING WOULD BE RETAINED.*

5.8 When the application for the erection of no.371 was originally approved, the impact of development on the setting of the listed building was a material consideration and, as a result, the building was pushed south into the site. This preserved views across the frontage of the site and respected the setting of the listed building. As part of the approval, a scheme of planting along the boundary with Church Road was proposed which, according to the officer report, was to contribute to 'making the relationship with the listed building acceptable'. This was conditioned under the planning approval (cond. 7) and should have been implemented during the first planting and seeding seasons following occupation of the buildings or the completion of the development, whichever was the sooner. The application for the garage would appear to conflict with this condition which has not yet been complied with.

5.9 This application seeks permission to introduce a garage in a prominent location of this corner plot and would thus be seen in the context of the grade II listed building located to the east. The position and orientation of the garage make it appear clumsy and cramped against the gable of no.371 but more importantly, its prominence in the plot fails to respect or preserve the setting of the grade II listed building. The design and proportions of the garage are poor and it will become an intrusive and incongruous modern feature within the plot. The steel up and over door positioned offset in the gable is also hardly a sympathetic, traditional detail and would be seen in conjunction with views of the listed building from the east. The design and access statement implies that the building is intended to serve also as a store/workshop which would explain the door and window in the side elevation. It is considered that if a workshop is required, this could be a smaller building positioned away from the main road, perhaps where the garage was originally intended. The yew tree is a limiting factor in locating the structure, but it will be far less prominent and intrusive. The area of land fronting Church Road should remain as open, landscaped space to protect the setting of the listed building. Accordingly the proposed development is considered contrary to PPS5 and policy L13 of the South Gloucestershire Local Plan (Adopted) 2006.

5.10 Local Plan Policy D1 criterion A states that *development will only be permitted where good standards of site planning and design are achieved and proposals will be required to demonstrate that the siting, overall layout, form materials detailing and colour are informed by respect and enhance the character, distinctiveness and amenity of the site and locality.* Criterion B states that existing features of heritage should be safeguarded and enhanced.

Furthermore, Local Plan policy H4 (A) states that *development will only permitted where they respect the overall design and character of the street scene and surrounding area*. Moreover paragraph 8.172 of the supporting statement of policy H4 states that *the Council will add considerable weight to consideration of the first criterion where the proposal is visually prominent*.

It is considered that the applicant has not demonstrated a design approach which sufficiently responds to the location and context of the site. The proposal is not considered to respect the street scene or enhance the character or distinctiveness of the site, heritage setting or locality. Accordingly the proposed garage by reason of its siting, layout and design in a visually prominent location is considered contrary to national policy guidance PPS1 and contrary to criteria A and B in policy D1 and criterion A of policy H4 as well as contrary to paragraph 8.172 supporting statement to policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

#### Transport

The proposed development would not alter existing access or parking arrangements and would not increase traffic generation. The proposed garage does not compromise highway or public safety highway. Accordingly there is no objection in terms of transportation and the proposed development meets criteria in policy T12 of the South Gloucestershire Local Plan (Adopted) 2006.

#### Trees

There are a number of Yew trees situated on the boundary of the property. The location of the proposed garage is a good distance from the existing trees and it is considered that the proposed development will not have a detrimental impact on the existing trees and accordingly no objection is raised.

#### 5.11 Other Matters

The applicant raised a query in a letter dated 9 August 2011 submitted with the application as to whether the existing dwelling is still curtilage listed and within curtilage of a listed building or whether this was extinguished subsequently at the time of subdivision of the site following a grant of planning permission and listed building consent in 2003. The applicant also questions whether a Listed Building Consent application would be required.

- 5.12 The Council considers the application site falls within what would be defined as the curtilage of the listed building (no. 369 Church Road) under s.1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 since the land was in the same ownership **at the date of listing** and was ancillary to it, with the boundary walls having a functional and historic association with the listed building. The land is, therefore, deemed to form the curtilage of the listed building at the date of listing and as such, any works to pre-1948 structures (such as the boundary walls) within this curtilage would require Listed Building Consent.

- 5.13 Although the land has been sold off and now forms a separate residential unit, this change in ownership does not affect how the Council defines the extent of the curtilage of the listed building and how it determines the need for LBC since this assessment always takes account of the curtilage 'at the date of listing'.



What does change, however, is the way in which permitted development rights are determined since the curtilage of the listed building is then judged at the date of development. Notwithstanding this the majority of permitted development rights have been removed at the original planning permission for the existing dwelling and thus planning permission would be required regardless.

- 5.14 Providing the development is proposing no alterations to the boundary walls, only a planning application is required and the relevant policies that relate to the **setting** of the listed building will apply.

The proposed garage falls within the curtilage of the listed building as defined 'at the date of listing' for the purposes of s.1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and within the setting of the listed building. Providing the works involve no alteration of the boundary walls, the proposal will only require planning permission and the impact on the setting of the listed building is a material consideration, with the policies of PPS5 and L13 being relevant to the determination of the application. If the works would involve alterations of the boundary wall and the wall is part of the pre-1948 structures within the curtilage of the listed building 'at the date of listing' then a separate LBC application would be required.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That planning permission be **REFUSED**.

**Contact Officer: Genevieve Tuffnell**  
**Tel. No. 01454 863438**

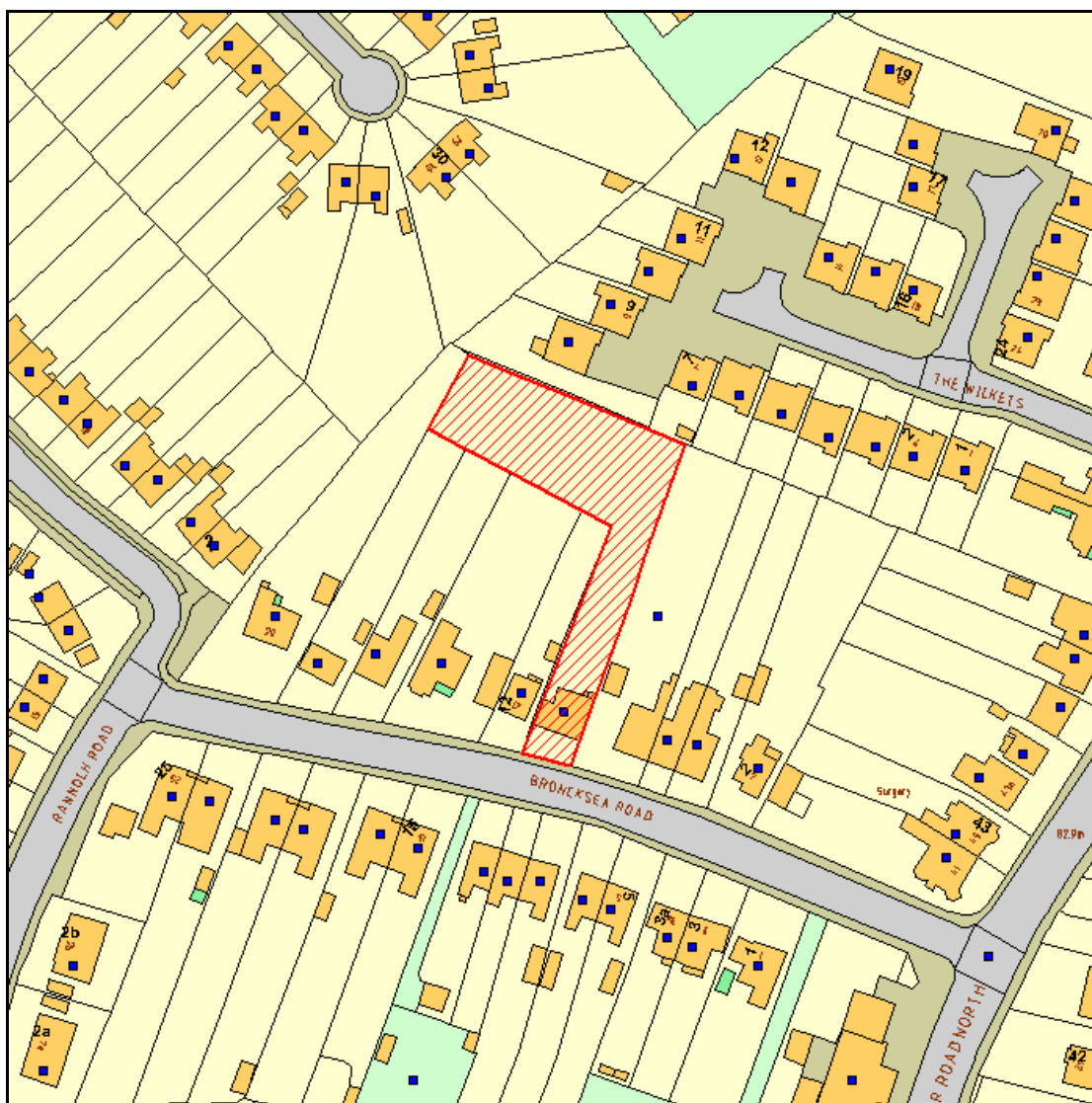
## **REASONS FOR REFUSAL**

1. The application site is located to the west of a grade II listed building the character, significance and setting of which it is desirable to preserve. The proposed garage, by virtue of its design, form, siting and materials, would fail to preserve the setting of the listed building contrary to national policies and guidance contained in PPS5 and Policy L13 of the South Gloucestershire Local Plan adopted 2006.

2. The applicant has not demonstrated a design approach which sufficiently responds to the location and context of the site. The proposal is not considered to respect the street scene or enhance the character or distinctiveness of the site, heritage setting or locality. Accordingly the proposed garage by reason of its design, form siting and materials in a visually prominent location is considered contrary to national policy guidance PPS1 and contrary to criteria A and B in policy D1 and criterion A of policy H4 as well as contrary to paragraph 8.172 supporting statement to policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 and contrary to the South Gloucestershire Design Checklist Supplementary Planning Document 2007.

CIRCULATED SCHEDULE NO. 41/11 – 21 OCTOBER 2011

|                                  |   |                         |                        |
|----------------------------------|---|-------------------------|------------------------|
| <b>App No.:</b>                  | PT11/2772/F   | <b>Applicant:</b>       | Mr Murtagh             |
| <b>Site:</b>                     | 10 Broncksea Road Filton Bristol<br>South Gloucestershire BS7 0SE   | <b>Date Reg:</b>        | 8th September<br>2011  |
| <b>Proposal:</b>                 | Erection of single storey rear extension<br>to form additional living<br>accommodation. Installation of rear<br>raised decking. | <b>Parish:</b>          | Filton Town<br>Council |
| <b>Map Ref:</b>                  | 359824 178410   | <b>Ward:</b>            | Filton                 |
| <b>Application<br/>Category:</b> | Householder   | <b>Target<br/>Date:</b> | 1st November<br>2011   |



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 100023410, 2008. **N.T.S.** **PT11/2772/F**

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

This application is being circulated to Members because a local resident has raised concerns regarding the development.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a replacement single storey rear extension. The proposed rear extension would measure approximately 4 metres in depth and 8.2 metres in width with a ridge height of approximately 4.5 metres falling to 3.5 metres at the eaves. The development also includes proposed decking measuring approximately 4 metres in depth, 8 metres in width and circa 0.8 metres in height.
- 1.2 The application site relates to a detached two-storey dwelling located within the defined settlement boundary of Filton. The dwelling itself is raised by approximately 0.8 metres from the existing surrounding ground level. Materials would match the existing.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Design  
H4: Development within Existing Residential Curtilages
- 2.3 Emerging Policy  
South Gloucestershire Council Core Strategy Proposed Changes Version December 2010:  
CS1: High Quality Design
- 2.4 Supplementary Planning Guidance  
South Gloucestershire Design Checklist Supplementary Planning Document 2007

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Filton Town Council  
No objection

#### **Other Representations**

- 4.2 Local Residents  
1 letter received from a local resident raising the following concerns about the proposed development:

- a) loss of light;
- b) height of extension.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The proposed development consists of an extension to a dwelling within an existing residential curtilage. Policy H4 of the Local Plan permits this type of development in principle subject to the following considerations.

### 5.2 Residential Amenity

The proposed development will replace an existing rear extension which is in disrepair. The proposed extension would run the full width of the existing rear elevation and would have no glazing on either side elevation. A single door and a pair of French double doors would be inserted on the rear elevation with a velux roof light on the eastern end of the proposed roof. The garden is deep and the proposed glazing is not considered to result in any overlooking, inter-visibility between principal rooms or loss of privacy to neighbouring occupiers.

5.3 Attached to the proposed rear extension is decking approximately 4 metres in length, running the width of the existing property and raised to approximately 0.8 metres to match the ground level of the existing house. This would facilitate partial overlooking of the neighbouring garden at no. 12 (to the west of the site). However given the existing raised ground level of the house, the rear garden of no.12 can already easily be seen despite a 1.5 metre fence acting as a boundary treatment. As such it is considered, on balance, that this proposed decking would not result in additional harm in terms of overlooking.

5.4 To the east of the site is no. 8 Broncksea Road. An existing garage and large driveway associated with no.8 is located the other side of the existing eastern boundary wall of the site. Concerns have been raised regarding the height of the proposed extension. Whilst the proposed extension would be slightly higher than normally expected for a single storey extension, this is because of the unusual raised floor levels associated with the existing dwelling. Notwithstanding this the extension is set back from both boundaries shared with the neighbouring occupiers and as such it is not considered to result in an overbearing impact on the neighbouring occupiers of no.8.

5.5 Concerns were also raised regarding loss of light resulting from the proposed height and the projection of the extension combined with the proposed removal of ground floor windows. Removal of windows is not considered development and as such cannot be considered under this application. With regards the dimensions of the extension, given the location of the garage associated with no.8, the orientation of the dwelling at no.8 and the natural path of the sun from East to West, it is considered that there would be no significant loss of light to any principal or habitable rooms of the neighbouring occupier arising from the proposal. There would be sufficient amenity space remaining to serve the host dwelling and the proposed development raises no issues of public or highway safety.

Accordingly the proposed development on balance, is not considered to result in a detrimental impact or material harm to existing levels of residential amenity afforded to neighbouring occupiers and meets criteria in policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

#### 5.6 Design/Visual Amenity

The existing property is a detached two-storey dwelling with pebbledash render and brown tiles, finished with white upvc doors and windows. The proposed development would match the existing property in terms of materials and roof pitch. Whilst the proposed height is considered slightly excessive, it remains respectful of the character of the original dwelling and would be of a size and scale which would not look incongruous. The neighbouring property at no.12 has a substantial two-storey rear extension, as do other properties in the locality. Accordingly it is considered that the proposal would respect the character of the existing dwelling and would remain in keeping with the locality leaving the street scene unaffected by virtue of its location. As such the proposal accords with criteria contained in policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.

#### 5.7 Other Matters

The existing dwelling has a substantial residential curtilage and the officer's site visit confirmed that it looked maintained and used as residential curtilage in its entirety with various play equipment, fruit trees and vegetable patch to the rear.

### 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development would maintain existing levels of residential amenity and would respect the character of the area and the existing dwelling. Accordingly it meets criteria contained in policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

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

**Contact Officer: Genevieve Tuffnell**  
**Tel. No. 01454 863438**

## **CONDITIONS**

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

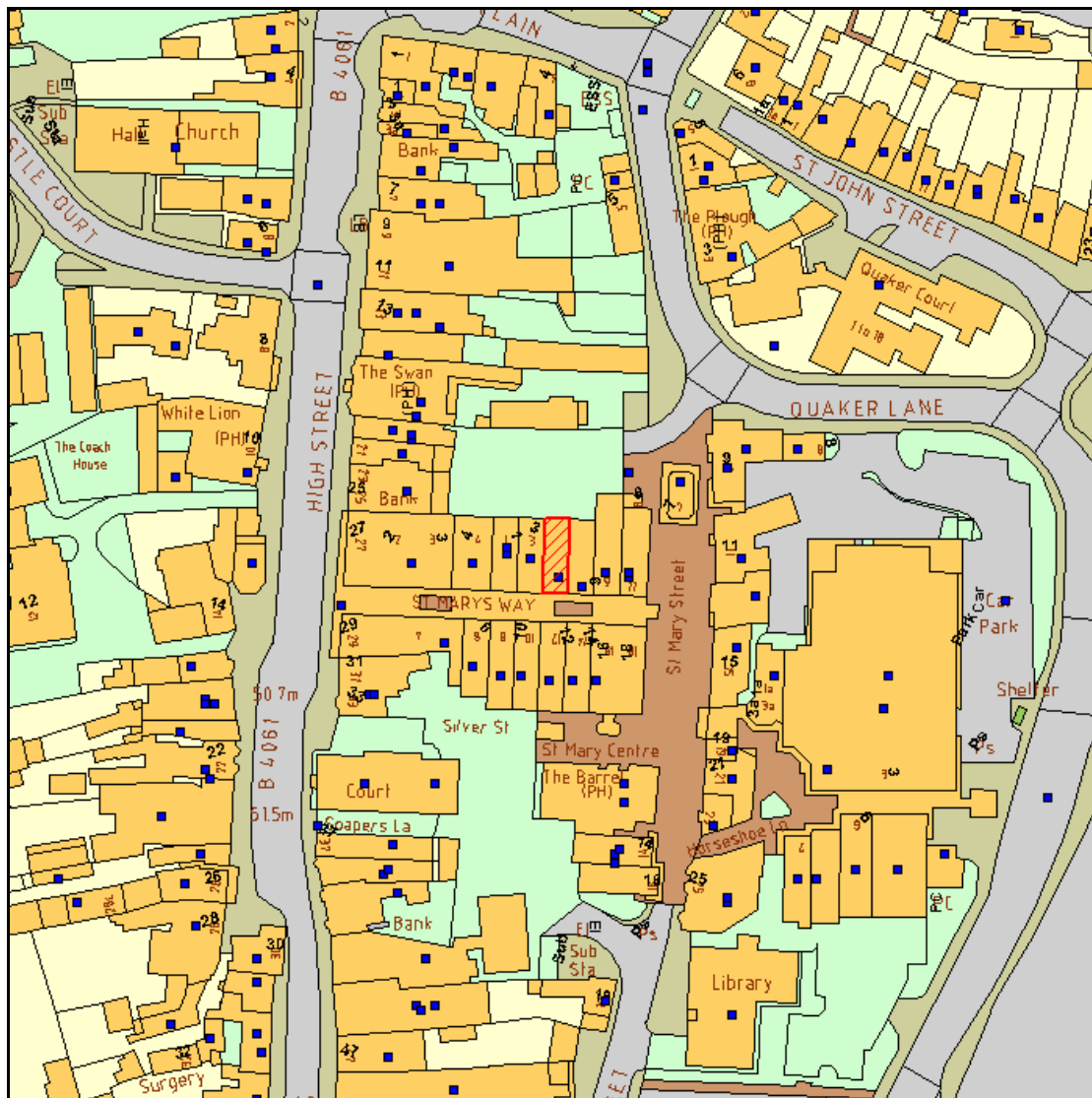
Reason

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

## CIRCULATED SCHEDULE NO. 41/11 – 21 OCTOBER 2011

**App No.:** PT11/2813/F  
**Site:** 5 St Marys Way Thornbury Bristol  
 South Gloucestershire BS35 2BH  
**Proposal:** Installation of new shop front and air conditioning units and extract fans to rear of property  
**Map Ref:** 363722 190048  
**Application Category:** Minor

**Applicant:** Greggs Central  
**Date Reg:** 7th September 2011  
**Parish:** Thornbury Town Council  
**Ward:** Thornbury North  
**Target Date:** 1st November 2011



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 100023410, 2008. **N.T.S.** **PT11/2813/F**



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

This application appears on the Circulated Schedule because an objection has been received from a member of the public contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the installation of a new shop front and air conditioning and ventilation units on the rear elevation of the unit.
- 1.2 The application site comprises a single retail unit on the northern side of the St Mary's Way shopping arcade in the Thornbury shopping centre. The site is within the defined settlement boundary and the Thornbury Conservation Area.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS4 Planning for Sustainable Economic Growth  
PPS5 Planning for the Historic Environment  
PPG13 Transportation
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving a Good Standard of Design in New Development  
L12 Conservation Areas  
T12 Transportation Development Control Policy for New Development  
RT1 Development in Town Centres  
  
South Gloucestershire Core Strategy -Submission Draft Proposed Changes (December 2010)  
CS1 High Quality Design  
CS14 Town Centres and Retail  
CS32 Thornbury
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)

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

- 3.1 No relevant planning history.

### **4. CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council  
No objection
- 4.2 Archaeological Officer  
No objection
- 4.3 Conservation Officer  
No objection to amended plans

4.4 Transportation DC

No objection

4.5 Environmental Protection

No objection

**Other Representations**

4.6 Local Residents

A single letter of objection has been received from a local resident. The objector makes the following comments:

“After my comments about planning for another cafe in Thornbury (we don’t need) Now we have planning application for Greggs the bakers this really can not be approved, what about Parsons the bakers and all the other food outlets. We do not need another food shop. Thornbury has nothing to offer apart from food outlets. Food outlets do not bring people to the town. If action is not taken to restrict the amount of food outlets Thornbury will just die.”

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The comments of the local resident are noted, however, no changes are proposed in terms of the use of the unit (the change in use is likely to be permitted development by virtue of the Town and Country Planning (Use Classes) Order (as amended)) or the scale of the unit. The proposal is primarily for cosmetic changes to the shop front and for the installation of air conditioning and ventilation units. As such, the main issues to consider are the appearance of the proposal and the impact on the character of the area (policies D1 and L12 of the Local Plan), residential amenity (policy RT1 of the Local Plan) and highway safety (policies T12 and RT1 of the South Gloucestershire Local Plan (adopted) January 2006).

5.2 Appearance and Impact on the Area

The proposal relocates the off central double pedestrian doors to the centre of the shop front with 2no. large glazing panes either side. A stall riser constructed from aluminium tiles is proposed at the base of the shop front. The shop front proposed is aluminium finished in blue, whilst the sliding doors are aluminium finished in beige. The proposed shop front has more balanced appearance and will not be adversely harmful to the character of the Conservation Area.

5.3 Two air-conditioning units and two ventilation units are proposed on the rear elevation of the unit. The rear elevation is adjacent to a rear service area and is not prominent from the principal views of the building or Conservation Area. Existing units serving other units is located on the rear wall of the host building. The units proposed are located relatively low down on the elevation of the building and would not be significantly prominent from the wider area. As such, the proposal would not have a significant adverse impact on the Character of the Conservation Area.

#### 5.4 Transportation

Given the nature of the proposal, it is considered that there will be no significant adverse transportation impacts. The host unit is located in a Town Centre and is accessible by public transport, walking and cycling.

#### 5.5 Residential Amenity

The main issue is potential for noise from the air conditioning units. However, there are a number of existing air conditioning units on the building associated with existing shops and it is considered that the proposal will not be significantly adversely more harmful than the existing location. As such, and given the location of the site within a shopping arcade, it is not considered that the proposal will not have a significant adverse impact on the residential amenity of neighbouring occupiers.

### 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 for the following reasons:

The proposal achieves an acceptable standard of design and will not adversely effect the character or visual amenity of the Thornbury Conservation Area – policies D1 and L12 of the South Gloucestershire Local Plan (adopted) January 2006.

Given the nature of the proposal and the location within a Town Centre, the proposal will not have a significant adverse effect in terms of residential amenity – policy RT1 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not adverse effect local highway conditions and will be accessible by non-car modes of transport – policies T12 and RT1 of the South Gloucestershire Local Plan (adopted) January 2006.

### 7. RECOMMENDATION

7.1 Planning permission is GRANTED subject to the following condition.

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

## **CONDITIONS**

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

Reason

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

## CIRCULATED SCHEDULE NO. 41/11 – 21 OCTOBER 2011

|                                  |   |                         |                               |
|----------------------------------|---|-------------------------|-------------------------------|
| <b>App No.:</b>                  | PT11/2929/ADV   | <b>Applicant:</b>       | Almondsbury Forge Works Ltd   |
| <b>Site:</b>                     | Almondsbury Forge Works Ltd 6<br>Sundays Hill Almondsbury South<br>Gloucestershire BS32 4DS | <b>Date Reg:</b>        | 19th September 2011           |
| <b>Proposal:</b>                 | Display of 1no.non-illuminated post<br>mounted double sided board sign.                     | <b>Parish:</b>          | Almondsbury<br>Parish Council |
| <b>Map Ref:</b>                  | 360318 183922   | <b>Ward:</b>            | Almondsbury                   |
| <b>Application<br/>Category:</b> | Minor   | <b>Target<br/>Date:</b> | 9th November 2011             |



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 100023410, 2008. **N.T.S.** **PT11/2929/ADV**

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

This application has been referred to the Circulated Schedule due to a letter of objection from the Parish Council, contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This retrospective application seeks advertisement consent for the display of 1 non-illuminated post mounted double sided board sign at Almondsbury Forge Works, 6 Sundays Hill, Almondsbury. The advertisement is 1.1m above ground level and measures 1.6m in height by 1.3m in width. It has a depth of 40mm. The sign consists of black and bronze lettering on a white background and is of aluminium construction.
- 1.2 The application site is situated within Almondsbury Conservation Area and is also within the Green Belt. The sign is located on the corner of the Sundays Hill, within the curtilage of the site.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1 Delivering Sustainable Development  
PPG2 Green Belts  
PPS19 Outdoor Advertisement Control  
Draft National Planning Policy Framework

#### 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
GB1 Development within the Green Belt  
L12 Conservation Areas

#### 2.3 Supplementary Planning Guidance

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

#### 2.4 Emerging Policy

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

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

- 3.1 None relevant.

### **4. CONSULTATION RESPONSES**

#### 4.1 Almondsbury Parish Council

Object to the proposal on the grounds that it is a double-sided sign in a conservation area and are concerned at its prominence and size, preferring that this was attached to the building.

4.2 Other Consultees  
Sustainable Transport  
No objection.

4.3 Conservation Officer  
No objection.

### **Other Representations**

4.4 Local Residents  
1 letter has been received in support of the application and makes the following comments:-  
a) sign needed to identify the site;  
b) site has been redeveloped and massively improved in visual terms

## **5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development  
Advice contained within PPG19 states that outdoor advertisements can only be controlled in the interests of 'amenity' and 'public safety'. With regard to 'amenity', the impact of the proposal must be assessed in terms of its impact on the visual amenity of the immediate neighbourhood and any cumulative effect on its wider surroundings. With regard to 'public safety', any advertisement must be assessed in highway safety terms as to whether its location or the advertisement itself is likely to be so distracting, confusing or physically hazardous that it endangers people in the vicinity.

5.2 Amenity  
The site lies within Almondsbury Conservation Area. The sign is a replacement for a previous metal-framed sign that was sited further up Sundays Hill and which was quite prominent on the approach into the village. The current sign is one of two that had been erected on the site without the benefit of advertisement consent. The second sign has been removed following enforcement action and this application seeks to regularise the current situation with the present sign closer to the site entrance.

5.3 The sign is positioned to maximise visibility at the corner but is not considered to have a substantial adverse impact upon the character or appearance of the conservation area. The sign is clearly required to identify the premises and is of an acceptable size and muted in colour. Furthermore, it is not illuminated. Its location and non-illuminated nature ensures that no impact upon residential amenity results from the proposal. The sign is not considered to be detrimental to the character of the area or to visual amenity and is therefore acceptable in these respects.

5.4 Public Safety  
No objection has been raised from the Council's Transportation Officer and as such the proposal is acceptable in this regard.

**6. RECOMMENDATION**

6.1 Advertisement Consent be granted subject to the standard conditions.

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



## CIRCULATED SCHEDULE NO. 41/11 – 21 OCTOBER 2011

|                              |  |                     |                              |
|------------------------------|--|---------------------|------------------------------|
| <b>App No.:</b>              | PT11/3003/F  | <b>Applicant:</b>   | Mr Richard Pearmain          |
| <b>Site:</b>                 | 32 Cumbria Close Thornbury South Gloucestershire BS35 2YE                            | <b>Date Reg:</b>    | 26th September 2011          |
| <b>Proposal:</b>             | Installation of 1no. front dormer window to provide additional living accommodation. | <b>Parish:</b>      | Thornbury Town Council       |
| <b>Map Ref:</b>              | 365037 190161  | <b>Ward:</b>        | Thornbury South And Alveston |
| <b>Application Category:</b> | Householder  | <b>Target Date:</b> | 16th November 2011           |



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 100023410, 2008. **N.T.S.** **PT11/3003/F**

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

This application appears on the Circulated Schedule as a representation was made stating concern over the proposed building materials.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the installation of 1no. front dormer window to provide additional living accommodation.
- 1.2 This is a modern semi-detached property located within the defined settlement boundary of Thornbury.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1                      Delivering Sustainable Development  
PPG13                     Transport  
Draft National Planning Policy Framework

#### 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

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

Emerging Development Plan

Core Strategy Proposed Changes Version (December 2010)

CS1                        High Quality Design

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

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

- 3.1 No relevant history.

### **4. CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council  
No objection.

## **Other Representations**

### 4.2 Local Residents

One letter received suggesting that matching materials should be used and that the existing roofline is extended straight across and there is a smooth run of brickwork and windows across the front elevation which would be easier on the eye.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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

### 5.2 Residential Amenity

#### Overbearing Analysis

Due to the overall scale and size of the proposed development and its location on the front plane of the roof the proposal would not be overbearing on the residential amenity of neighbouring occupiers.

#### Privacy Analysis

The proposal would add fenestration to the front elevation however there would be no undue overlooking or loss of privacy as a result of the proposal.

### 5.3 Design / Visual Amenity

Although there are no examples of front dormer windows in Cumbria Close there are several examples of both flat roof and pitched roof front dormer windows in nearby Jubilee Drive. The proposal is modest in scale and fits with the character of the existing property. The chosen construction materials, which match the palette of materials displayed in the existing building, means that this is an appropriate addition to the dwelling and streetscene. A condition will be attached to the decision notice ensuring external materials used in construction match the existing.

### 5.4 Improvements to Scheme

No improvements considered necessary.

## **6. CONCLUSION**

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

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

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

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

Reason

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

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

Reason

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