



**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. 46/11

Date to Members: 25/11/11

Member's Deadline: 01/12/11 (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 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, where referrals can be picked up quickly by the Development Services Support Team. If in exceptional circumstances, you are unable to e-mail your 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.

Dates and Deadlines for Circulated Schedule
During Christmas and New Year period 2011/2012

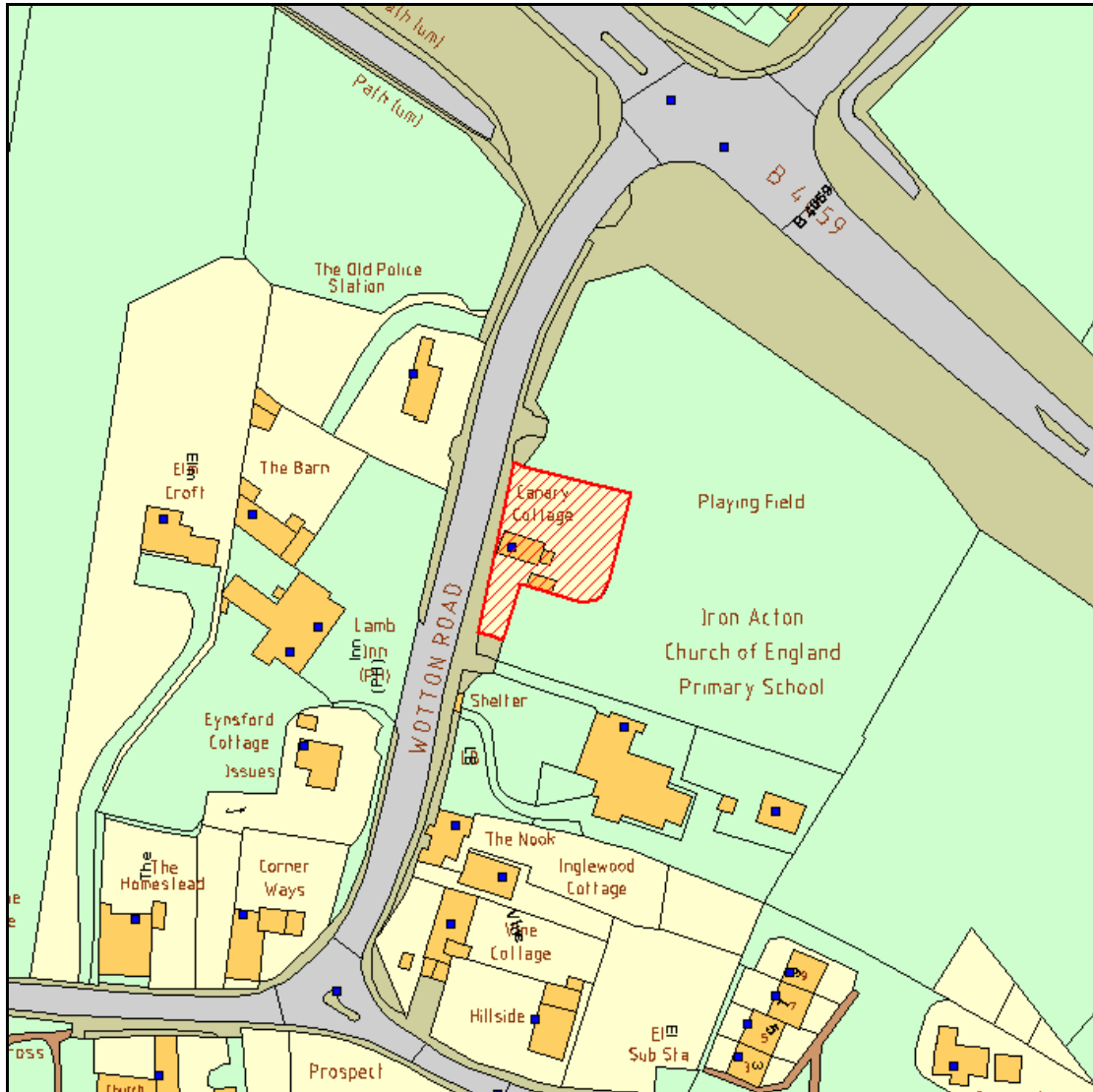
| Schedule Number | Date to Members 9am on | Members Deadline 5pm on |
|------------------------|--------------------------------------|--|
| 49/11 | Thursday 15 December 2011 | Wednesday 21 December 2011 |
| 50/11 | Thursday 22 December 2011 | Tuesday 03 January 2012 |
| 51/11 | No Circulated Schedule production | No Circulated Schedule production |
| 01/12 | Friday 06 January 2012 | Thursday 12 January 2012 |

CIRCULATED SCHEDULE – 25 NOVEMBER 2011

| ITEM NO. | APPLICATION NO | RECOMMENDATION | LOCATION | WARD | PARISH |
|-----------------|-----------------------|-------------------------|--|-------------------------|-----------------------------------|
| 1 | PK11/2922/CLP | Approve with Conditions | Canary Cottage Wotton Road Iron Acton South Gloucestershire BS37 9UZ | Frampton Cotterell | Iron Acton Parish Council |
| 2 | PK11/2928/F | Approve with Conditions | 4 Tylers Lane Staple Hill South Gloucestershire BS16 5JD | Staple Hill | None |
| 3 | PK11/3085/RV | Approve with Conditions | 204 North Road Yate South Gloucestershire BS37 7LQ | Ladden Brook | Iron Acton Parish Council |
| 4 | PK11/3240/F | Approve with Conditions | The Huntsman Garage Westerleigh Road Downend South Gloucestershire | Rodway | Mangotsfield Rural Parish Council |
| 5 | PT11/2424/F | Approve with Conditions | 34 Penn Drive Frenchay South Gloucestershire BS16 1NN | Frenchay And Stoke Park | Winterbourne Parish Council |
| 6 | PT11/2971/F | Approve with Conditions | Land At Lower Tockington Road Tockington South Gloucestershire BS32 4LE | Severn | Olveston Parish Council |
| 7 | PT11/2996/F | Approve with Conditions | 250 Badminton Road Coalpit Heath South Gloucestershire BS36 2QH | Westerleigh | Westerleigh Parish Council |
| 8 | PT11/3096/F | Approve with Conditions | Taj Brasserie 41 High Street Winterbourne South Gloucestershire BS36 1JG | Winterbourne | Winterbourne Parish Council |
| 9 | PT11/3228/F | Approve with Conditions | 27 Rectory Road Frampton Cotterell South Gloucestershire BS36 2BN | Frampton Cotterell | Frampton Cotterell Parish Council |

CIRCULATED SCHEDULE NO. 46/11 – 25 NOVEMBER 2011

| | | | |
|------------------------------|---|---------------------|---------------------------|
| App No.: | PK11/2922/CLP | Applicant: | Mr And Mrs J Getvoldsen |
| Site: | Canary Cottage Wotton Road Iron Acton Bristol South Gloucestershire | Date Reg: | 3rd October 2011 |
| Proposal: | Application for Certificate of Lawfulness for the proposed erection of a single storey front and rear extension to provide additional living accommodation. | Parish: | Iron Acton Parish Council |
| Map Ref: | 368179 183576 | Ward: | Frampton Cotterell |
| Application Category: | Minor | Target Date: | 23rd November 2011 |



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK11/2922/CLP**

REASON FOR REPORTING TO COMMITTEE/CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application site is situated on the north side of Iron Acton village opposite The Lamb PH. The site is bounded by Iron Acton Primary School playing fields to the north and east, Wotton Road to the west and with vehicular access onto Wotton Road in the south west corner.
- 1.2 The applicant is requesting a Certificate of Lawfulness for the proposed erection of a single storey front and rear extension to provide additional living accommodation.

2. POLICY CONTEXT

- 2.1 Town and Country Planning Act 1990
- 2.2 Planning and Compulsory Purchase Act 2004
- 2.3 Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2010

3. RELEVANT PLANNING HISTORY

- 3.1 PK11/1380/F Erection of two storey side extension to provide additional living accommodation.
Refused 21.06.2011

Refusal reasons:

- Inappropriate development in the Green Belt
- Detrimental impact on the openness of the Green Belt
- Detrimental visual impact t on the Conservation Area

4. CONSULTATION RESPONSES

4.1 Parish/Town Council

In connection with the above, Iron Acton Parish Council wish to object to this application. As the property is within Iron Acton Conservation Area, the Parish Council feels that a full planning application should be submitted.

4.2 Other Consultees [including internal consultees of the Council]

Conservation Officer - It is not clear how any form of sensible or desirable living accommodation would be achieved via the proposed extension, and it would clearly have an adverse impact on the character of the conservation area however if the works fall within the permitted development rights then no objection can be raised.

Other Representations

4.3 Local Residents

None received

5. **SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION**

5.1 The application relates to two extensions to the dwelling on the rear and front elevations. The applicant claims that the development does not require planning permission. Such development can only be considered under Art 3, Part 1 as Class A - The enlargement, improvement or other alteration of a dwellinghouse for the purposes of defining whether the development could be considered as permitted development under the Town and Country Planning (General Permitted Development) Order 2008 (The 2008 Order).

5.2 The proposal has been considered against all criteria in turn as defined in Class A of the 2010 Order,

1(a) requires the total ground area covered by the buildings within the curtilage of the dwellinghouse excluding the original dwellinghouse to cover less than 50% of the total area of the curtilage.

The dwelling is situated within a generous plot and the original dwelling has a generous footprint. The total ground area covered by buildings within the curtilage other than the original dwellinghouse would be approximately 22% accounting for the existing detached garage being removed as shown on the submitted block plan. As such the proposal meets criteria 1(a).

5.3 1(b) requires that the height of the extension does not exceed the height of the highest part of the roof of the existing dwellinghouse.

The roof of the proposed extensions would not exceed the height of the roof of the dwellinghouse. As such the proposal meets criteria 1(b).

5.4 1(c) requires the eaves of the extensions not to exceed the height of the eaves of the existing dwellinghouse.

The eaves of the proposed extensions as shown on the submitted drawings would be lower than the eaves of the existing dwellinghouse. As such the proposal meets criteria 1(c).

5.5 1(d) states that development is not permitted if *'the enlarged part of the dwellinghouse would extend beyond a wall which – (i) fronts a highway, and (ii)*

forms either the principle elevation or a side elevation of the original dwellinghouse'.

The applicant was asked to provide an accurate drawing showing the position of the existing dwelling in relation to the boundary with the highway and to show the thick stone wall running between the dwelling and the highway within the curtilage. This request was made as the original 'Permitted Development Site Plan' submitted did not tally with the position of the dwelling on site. Officers consider the amended drawing 2011.025.004 received 11.11.11 to be accurate and the drawing shows clearly that the extensions do not extend beyond the wall of the dwelling, which fronts the highway. Also for information, it is considered that the wall which fronts the highway is not the principle elevation as it contains no fenestration whatsoever whereas the south facing elevation contains porch, front door and domestic features associated with the main usable elevation/entrance to the building. As the proposal meets criteria (i) of 1(d) the proposal is considered to meet the requirements of 1(d).

- 5.6 1(e) states in part (i) that development is not permitted, if the extension is single storey and extends beyond the rear wall of a dwellinghouse by more than 4m for a detached dwelling. 1(e) states in part (ii) that the rear extension must not measure more than 4m in height.

The submitted drawings show the proposed rear extension to project by less than 4m from the rear wall of the original dwelling and that the rear extension would measure less than 4m in height. As the proposal meets criteria (i) and (ii) of 1(e) the proposed rear extension is considered to meet the requirements of 1(e). The other extension would be at the front of the dwelling and as such part 1(e) does not apply.

- 5.7 1(f) relates to extensions of more than one storey and requires (i) the extension to extend beyond the rear wall of the original dwellinghouse by up to 3m, or (ii) be within 7m of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse.

Both extensions are shown on the submitted drawings to be single storey only and as such the proposal meets the criteria of 1(f).

- 5.8 1(g) states the if the extension is situated within 2m of the boundary of the curtilage, the height of the eaves of the extension cannot be greater than 3m.

The submitted drawings show that the eaves of the extensions would not exceed 3m. As such the proposal meets the requirements of 1(g).

- 5.9 1(h) states that planning permission is required if the extension '*would extend beyond a wall forming a side elevation of the original dwellinghouse, and would-*
- (i) *exceed 4m in height,*
 - (ii) *have more than one storey, or*
 - (iii) *have a width greater than half of the width of the original dwellinghouse'*

The submitted drawing (revised Permitted Development Site Plan) shows that the extensions would not extend beyond the side elevations of the original dwellinghouse and as such the proposal meets the requirements of 1(h).

- 5.10 Criteria 1(i) relates to construction of a veranda, balcony or raised platform; installation of microwave antenna; installation of chimney; alteration of any part of the roof. The drawings submitted in support of the application show no such features and as such the proposal meets the criteria of 1(i).
- 5.11 Class A.2 relates to development on Article 1(5) land e.g. Conservation Area, AONB and required the development not to (a) be clad, including render, (b) extend beyond the side wall of the dwellinghouse, (c) be 2 storey and extend beyond the rear wall.

The extensions would not extend beyond the side wall of the dwelling and would not be more than single storey in accord with criteria (b) and (c) of A.2.

- 5.12 Class A.3 permits development under Class A subject to the following conditions; (a) the material used in any external work shall be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse. Concern was raised to the applicant that as the existing dwelling is clad in roughcast render, the extension cannot be rendered as this is precluded under Class A.2 (a) as the site is on Article 1(5) land. The applicant has indicated that the existing render can be sanded to a smooth finish and painted, then the extension would be constructed with flush mortar joints between blockwork and painted to match. This satisfactorily demonstrates that the applicant can comply with condition A.2.(a). Criteria (b) and (c) relate to upper floor windows and two storey extensions and as such are not relevant in this case.

6. CONCLUSION

- 6.1 On the basis of the above analysis, the proposal is considered to constitute permitted development under Art 3, Part 1, Class A of the 2008 Order. No evidence has been received contesting the applicant's claim.

7. RECOMMENDATION

- 7.1 Issue Certificate.

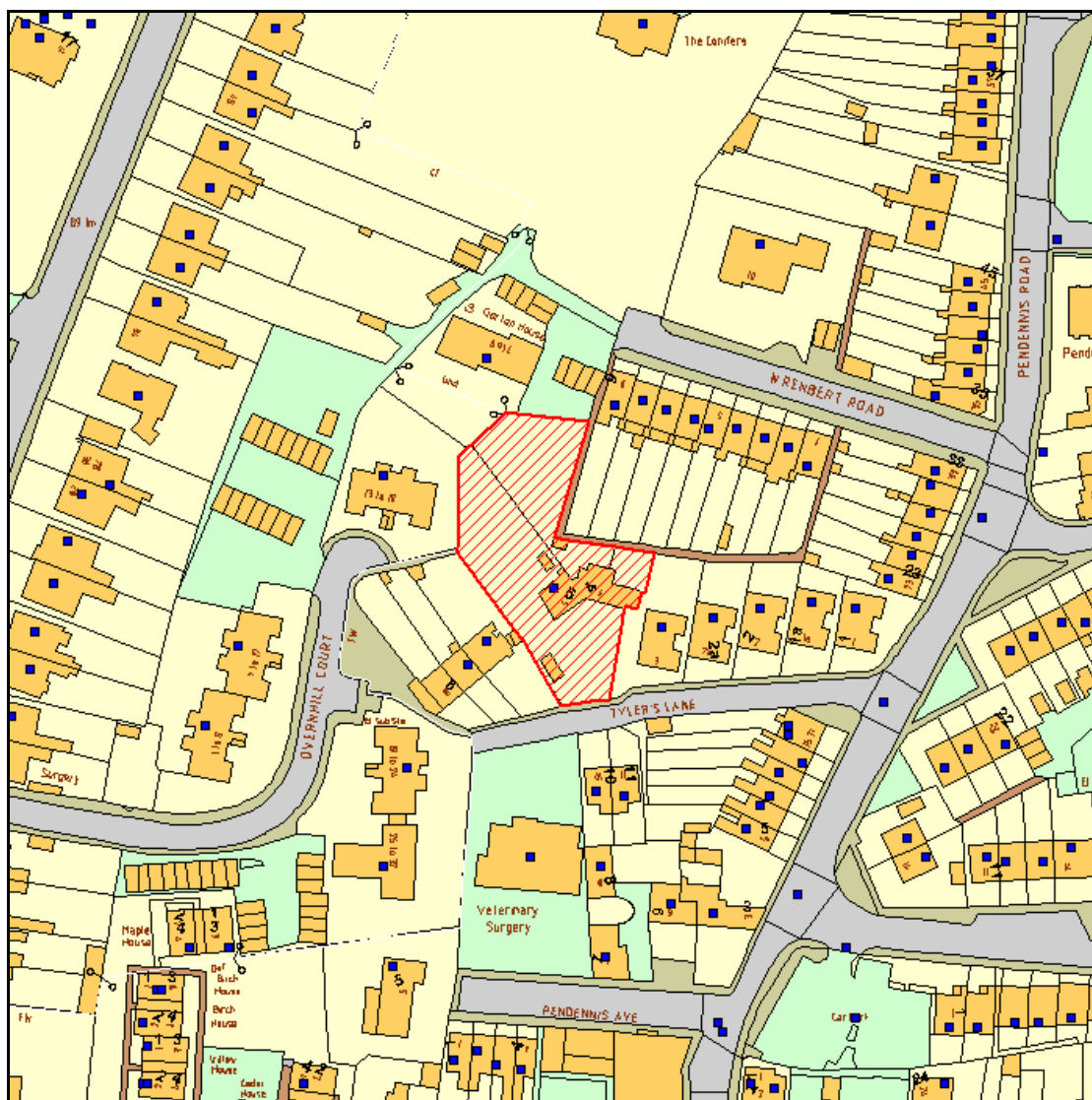
Contact Officer: Sean Herbert
Tel. No. 01454 863056

REASON

1. Evidence has been submitted to demonstrate that on the balance of probabilities, the proposal falls within permitted development under Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008.

CIRCULATED SCHEDULE NO. 46/11 – 25 NOVEMBER 2011

| | | | |
|------------------------------|--|---------------------|---------------------|
| App No.: | PK11/2928/F | Applicant: | Ms L Slater |
| Site: | 4 Tylers Lane Staple Hill Bristol South Gloucestershire BS16 5JD | Date Reg: | 16th September 2011 |
| Proposal: | Erection of first floor side and rear extensions to facilitate the conversion of existing dwelling to form 3no. dwellings with associated works. | Parish: | None |
| Map Ref: | 364593 176087 | Ward: | Staple Hill |
| Application Category: | Minor | Target Date: | 8th November 2011 |



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK11/2928/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application relates to a large detached house, located on the northern side of Tylers Lane, a narrow cul-de-sac in the heart of Staple Hill. The house is set centrally in a large plot and well back from the Tylers Lane frontage. The existing building is a combination of two-storey main section with single-storey extensions to the rear and side, and has an irregular shaped foot-print laid out as two wings with an attached double garage. The property was historically three cottages, which were demolished to facilitate the erection of the existing property. Vehicular and pedestrian access is via a driveway off Tylers Lane, which is an un-adopted road. The property has a large garden to the rear and is surrounded by a mix of housing types and styles.
- 1.2 It is proposed to convert the property to provide 3no. self-contained houses; 2no. 3 bedroom and 1no. 4 bedroom. The conversion would not extend the existing built footprint but would involve the creation of first-floor extensions to the existing single-storey elements. A new parking layout would be created in the front garden area and the existing access widened.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 - Delivering Sustainable Development
PPS3 - Housing as revised June 9th 2010.
PPG13 - Transport
PPS25 - Development and Flood Risk
Ministerial Statement 9th June 2010
Draft National Planning Policy Framework June 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 Pre-Submission Publication Draft March 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
- L5 - Open areas
- L9 - Species Protection
- 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
- T7 - Cycle Parking Provision
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development

Supplementary Planning Guidance

- The South Gloucestershire Design Check List (SPD) Adopted Aug 2007
- Trees On Development Sites (SPG) Adopted Nov. 2005.

3. RELEVANT PLANNING HISTORY

- 3.1 K1958 Outline application for demolition of existing cottages and erection of 6no. houses and 6 garages. Alterations to existing vehicular and pedestrian access.
Refused 20 Sept. 1977
- 3.2 K1958/1 Convert three cottages into a single dwelling.
Withdrawn 19 April 1978
- 3.3 K1958/2 Renovation and extension of existing cottages to provide one dwelling. Relocation of existing garage.
Approved 15 Aug 1978
- 3.4 K1958/3 Proposed two new dwellings with associated parking and turning area.
Approved 24 July 1985
- 3.5 K1958/4 Erection of 2 dwellings with associated parking and turning area.
Refused 20 Jan 1986
- 3.6 K1958/5 Erection of 2no. detached bungalows and 2no. garages.
Construction of new access (Outline).
Refused 12 Oct. 1987
- 3.7 K1958/6 Change of use of single dwelling to 2no. dwellings. Construction of new access.
Approved 5 Nov 1987
- 3.8 PK02/0469/F Erection of single-storey side extension to form double garage.
Approved 9 April 2002

- 3.9 PK04/4127/O Erection of 1no. detached dwelling (Outline) with access and siting to be determined. All other matters to be reserved.
Refused 3 Feb. 2005

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council

No comment.

4.2 Other Consultees [including internal consultees of the Council]

Sustainable Transport

No objection subject to conditions to secure the parking provision shown on the submitted plans and to ensure that the driveways are constructed of suitable material to provide adequate hard-standing.

Historic Environment

No comment.

Other Representations

4.3 Local Residents

5no. letters were received from local residents. Of the 5 only 3no. objected whilst the remaining 2no. did not object per se. The concerns raised are summarised as follows:

- Inadequate drains.
- Increased traffic on un-adopted road.
- The end of Tylers Lane is in a poor condition and not surfaced to adoptable standards.
- Access to the private lane at the rear and side of nos. 1-9 Wrenbert Road will be a security risk and create additional disturbance.
- There is no right of way from the application site over the private lane.
- Adverse impact on ecology of the site.
- Trees will be affected.
- Access off un-adopted road.
- Loss of privacy due to overlooking of gardens of nos. 9 & 8 Wrenbert Road.
- Loss of sunlight and overbearing impact to nos. 9 & 8 Wrenbert Road.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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.

- 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. In this case all of the new build would be on the existing building footprint although some of the existing front garden would be laid to hard-standing.
- 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 to H2. 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 The site is not subject to unacceptable levels of noise, disturbance, air pollution, smell, dust or contamination. There is adequate provision in the locality for Education, Leisure, Recreation and other Community Facilities to meet the needs arising from the proposal.

5.8 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.

5.9 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.”*

5.10 Officers are satisfied that having regard to the site’s constraints relating to pattern of development, size, access, and impact on residential amenity, three dwellings could be accommodated on the site, indeed three cottages historically stood on the plot. The level of proposed density is considered appropriate for this location and accords with the established density of development around Tylers Lane. In this respect the proposal is not therefore considered to be an overdevelopment of the site.

5.11 Scale and Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 requires a good standard of design, in particular the siting, layout, form, scale, height, detailing, colour and materials should be informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality. These criteria are carried over into Policy CS1 of The South Gloucestershire Core Strategy Submission Draft Dec 2010.

5.12 The location has a rich mix of house types, sizes and designs, ranging from modern blocks of flats and bungalows to traditional terraces and later semi-detached houses. The existing property is fairly unique in appearance and is constructed of white rendered block with a concrete tiled roof.

5.13 The existing single-storey, side double garage, would be extended upwards and converted into a self-contained, 3 bedroom house, with the main roof extended over this element and a two-storey rear section, all maintaining the main roof ridge height.

5.14 The wing next to the double garage currently has a single-storey rear kitchen extension, which would be further extended by a first-floor element, which again would maintain the main ridge height. This section would be converted to a 3 bedroom house.

5.15 The third section currently has a single-storey bedroom extension, which would be further extended by a first-floor element to form a 4 bedroom house.

5.16 Officers consider that the extensions would adequately integrate within the existing form of the building and character of the street scene. All materials to be used in the conversion would match those of the existing house. For these reasons, the proposed scale and design are considered to be acceptable and

would accord with the requirements of Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

5.16 Impact Upon Residential Amenity

Adequate private amenity space would be retained to serve the proposed dwellings and in this respect the scheme is not considered to be an overdevelopment of the site. The existing boundary treatments would be maintained, whilst new boundary treatments would be provided to sub-divide the rear garden. A condition could control the hours of working on the site so as to lessen the disturbance to neighbouring residential property during the construction phase.

5.17 The extensions would be maintained within the existing building footprint and would not be overbearing, as they would still be an adequate distance from neighbouring property and for most part would be screened by tall trees. In terms of overlooking and loss of privacy, officers consider that some overlooking of neighbouring gardens from first floor windows is a ubiquitous situation in densely populated urban areas such as this. There are however numerous trees on the rear boundaries of the site, which would baffle views into and out of the site; furthermore any overlooking of the gardens to the rear i.e. serving houses in Wrenbert Road; from the proposed first floor windows, would be from a reasonable distance and would be a similar scenario to that existing. In any event it would be fully 28m between the proposed rear elevation windows and those in the rear of houses in Wrenbert Road. The new bathroom window in section 3 would be obscurely glazed and fixed.

5.18 As regards those properties to the side i.e. nos. 6 and 3 Tylers Lane, neither have significant windows in their side elevations. There would be more than adequate distance to the properties on the opposite side of Tylers Lane.

5.19 The scheme as originally submitted proposed to introduce gates to provide access to the narrow private lane to the side and rear of the terraced houses in Wrenbert Road. A good deal of objection was raised to this by local residents, who were concerned about issues of, right of access, loss of privacy and loss of security. Officers were also concerned that the provision of the gates would punch holes in the historic walls located on the site boundary. Following negotiation, the applicant very reasonably submitted revised plans showing the gates deleted from the scheme.

5.20 Having regard to all of the above, officers are satisfied that on balance the proposal would not result in any significant adverse impact on neighbouring residential amenity and as such the proposal would accord with Policies D1, H4 and H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.21 Transportation Issues

The existing vehicular access off Tylers Lane would be widened from 4.5m to 6.9m to allow access to the additional parking spaces proposed for the development. Each plot would be provided with 2no. off-street car parking spaces in a tandem format. Each space would be 2.4m x 4.8m with ample manoeuvring space in front to allow access onto Tylers Lane. Secure cycle parking would be provided in sheds located to the rear of the proposed

- dwellings. For ease of collection, adequate bin storage areas would be available to the front of the dwellings.
- 5.22 Tylers Lane is not an adopted highway but much of it has been surfaced to near adoptable standards, the exception being the western end, including the section directly opposite the application site frontage; this end section is currently poorly maintained with numerous potholes. Responsibility for the maintenance of the lane is unclear but the applicant has confirmed that he does not own it.
- 5.23 Most of the traffic using Tylers Lane visits the Veterinary Surgery located at the far western end. Given the relatively small increase in traffic that would be generated by the proposal, officers raise no objection to the increased use of the lane. The site, being so close to the centre of Staple Hill, lies in a highly sustainable location, which should help to keep the need for vehicular journeys to a minimum. The proposal is therefore considered to accord with Policies T8, T12 and T7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.24 Landscape Issues
Policy L1 seeks to conserve and enhance the character, distinctiveness, quality and amenity of the landscape. There are numerous trees in and around the site. The trees within the rear garden and along the northern boundary of the site are relatively mature specimens that have a high amenity value. Since the proposed extensions would be above the existing foot-print of the building, none of these trees would be adversely affected.
- 5.25 The trees within the front garden are smaller garden specimens, which do have some amenity value but would certainly not meet the criteria for Tree Preservation Order. The proposed new parking arrangements and hard-standings will most likely result in the loss of some of this vegetation, however compensatory planting is proposed to mitigate for their loss. Officers consider that a condition is required to secure a landscape scheme to fully identify any trees to be lost or retained; proposed new planting, hard-standings and new boundary treatments. Subject to this condition, there are no landscape objections to the proposal. Furthermore the extensions would not result in the loss of important open space and therefore accords with Policy L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.26 Drainage
PPS25 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 require that proposed development ensures that foul and surface water disposal arrangements are acceptable and incorporate sustainable drainage principles. In addition, development will not be permitted where it could increase the risk of flooding. The proposal would be the subject of Building Control. Any connection to the public sewer system would first have to be agreed with Wessex Water. The applicant has confirmed that there is in fact an existing pumping station within the front garden, which connects to the sewer in the road. The proposal is therefore considered to accord with Local Plan Policy EP2.

5.27 Environmental Issues

Policy EP1 does not permit development that would unacceptably harm the environment, or the health, safety and amenity of users of the site or surrounding land, as a result of pollution to water, air or soil, or through noise, vibration, light, heat or radiation. Whilst there will inevitably be some disturbance for neighbouring occupiers during the construction phase, this can be adequately mitigated for by imposing a condition to limit the hours of construction. There are therefore no objections on environmental grounds.

5.28 Ecology

It is acknowledged that the trees within the garden, particularly to the rear, provide habitat for a variety of wildlife. The site is not however part of any designated site of wildlife conservation. Compensatory planting would be secured to mitigate for the loss of any trees within the front garden. Appropriate informatives would be added to any Decision Notice regarding nesting birds or harm to protected species. The proposal therefore accords with Local Plan Policy L9.

5.29 Community Services Department

The proposal is for 2no. houses (net) only and since this falls below the 10 unit threshold for contributions to Community Services, no contributions are requested in this case.

5.30 Education Service

Due to the small size of the development including only 2no. new houses (net), it is considered that no contributions to education provision can be justified for this development.

5.31 Affordable Housing

The site area (0.14ha) is below 0.5 hectares in area and the proposed number of new units (2 net) is below local and national policy guidance on the threshold for requiring affordable housing (15). There is therefore no requirement for the provision of affordable housing in this case.

6. **CONCLUSION**

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

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

1. Consideration has been given to the proposal's scale and design and is considered to accord with Policies D1 and H4(A) of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Submission Draft Dec 2011.

2. The scheme is not considered to adversely affect residential amenity in terms of overlooking, loss of privacy, overbearing impact or loss of amenity space and therefore accords with Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
3. The proposal would have no adverse highway implications in accordance with Policy H2(A), H4(C), T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
4. Consideration has been given to the drainage implications of the scheme and its impact upon the environment in accordance with Policies EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
5. The proposal would not have any significant adverse effects on any features of the landscape and accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
6. The proposal would not result in the loss of an open area of significant amenity value and is therefore in accordance with Policy L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
7. Consideration has been given to the impact of the proposal on wildlife and their habitats in accordance with Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

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

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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 the development hereby approved, 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 and to protect wildlife habitat; to accord with Policies H4/D1/L1/L9 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 a programme to be agreed with the Local Planning Authority.

Reason

To protect the character and appearance of the area and to protect wildlife habitat; to accord with Policies H4/D1/L1/L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The off-street parking facilities (for all vehicles, including cycles), access and manoeuvring facilities shown on the Proposed Site Plan Rev A no. 2305/5 hereby approved, shall be provided before any of the houses are first occupied, and thereafter retained for that purpose and used only in conjunction with the buildings purpose as residential dwellings.

Reason 1

To ensure the satisfactory provision of parking and access 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.

Reason 2

To encourage sustainable forms of transport in accordance with Policy T7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

7. Prior to the first occupation of the houses hereby approved, the proposed driveway and hard-standings as shown on the approved Proposed Site Plan Rev A no. 2305/5,

shall be surfaced with a bound and permeable material 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 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 46/11 – 25 NOVEMBER 2011

| | | | |
|------------------------------|--|---------------------|-----------------------------|
| App No.: | PK11/3085/RVC | Applicant: | Mr And Mrs R And L Sheppard |
| Site: | 204 North Road Yate Bristol South Gloucestershire BS37 7LQ | Date Reg: | 3rd October 2011 |
| Proposal: | Removal of condition 2 attached to planning permission PK11/2000/F to retain full Permitted Development rights. Also variation of conditions 3, 6, 7 and 9 so that the conditions shall read - Prior to commencement of works of construction. | Parish: | Iron Acton Parish Council |
| Map Ref: | 369934 183625 | Ward: | Ladden Brook |
| Application Category: | Minor | Target Date: | 25th November 2011 |



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK11/3085/RVC**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 No. 204 North Road lies within the Established Settlement Boundary of Iron Acton and is situated on the eastern side of North Road. The property is a 3 bedroom, two-storey dwelling of simple traditional design constructed of rough render, with double roman roof tiles. The property has gable ends with a roof that drops via a 'catslide', to single-storey at the rear. A further concrete block, single-storey extension also lies to the rear. The property has a run-down appearance and is currently in a state of disrepair.
- 1.2 The property is flanked to either side by detached dwellings of age and distinction. To the rear of the site lie commercial properties. An existing vehicular access from North Road is shared by no.204 and the 'works' to the rear.
- 1.3 Planning permission PK11/2000/F was granted to demolish no.204 and replace it with a new 5 bedroom dwelling with detached garage. The existing access would be retained.
- 1.4 The permission was granted subject to 10 conditions. Condition 2 related to the removal of permitted development rights from the new dwelling to be constructed; it is proposed to remove this condition and therefore restore all permitted development rights to the new dwelling.
- 1.5 Conditions 3, 6, 7 and 9 are pre-commencement conditions relating to the submission of: a drainage scheme; samples of roof tiles; samples of facing materials (other than stonework) and a coal mining report. It is proposed to vary the wording of each of these conditions to read '*Prior to the commencement of the works of construction.....*'.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport
PPS23 Planning and Pollution Control
Circular 11/95 : Use of Negative Conditions
Ministerial Statement by the Rt. Hon Greg Clark MP 23 March 2011
The Draft National Planning Policy Framework July 2011

2.2 Development Plans

Joint Replacement Structure Plan

Policy 1 - Sustainable development objectives.
Policy 2 - Location of development.

Policy 33 - Housing provision and distribution.

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) January 2006

D1 Design
L1 Landscape Protection and Enhancement
L9 Species Protection
L11 Archaeology
L17 & L18 The Water Environment
EP1 Environmental Pollution
EP2 Flood Risk and Development
H2 Residential Development within the Urban Area and Established Settlement Boundaries.
H4 Development within Residential Curtilages
T8 Parking Standards
T12 Transportation Development Control Policy for New Development

The Minerals and Waste Local Plan (Adopted) May 2002

Policy 37 – Waste Reduction and Re-Use

South Gloucestershire Core Strategy -Submission Draft (December 2010)

CS1 - High Quality Design

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist – August 2007
Trees on Development Sites SPG - Nov 2005

3. RELEVANT PLANNING HISTORY

- 3.1 P97/2445/CL - Certificate of Lawfulness (Existing Use) Storage of Vans. Granted 9 April 1998.
- 3.2 P99/2390 - Residential Development (outline). Refused 2 Dec 1999
- 3.3 PK00/0369/O - Demolition of 204 North Road and residential development. Construction of access (Outline). Withdrawn 11 March 2004.
- 3.4 PK03/0795/O - Residential development on 0.5ha of land with means of access (Outline). Withdrawn 16 May 2003.

- 3.5 PK07/1109/F - Demolition of 204 North Road to facilitate the construction of new vehicular access.
Approved 16 July 2007.
- 3.6 PK11/2000/F - Demolition of existing dwelling to facilitate the erection of replacement dwelling with detached double garage and associated works.
Approved 7th Sept. 2011

4. CONSULTATION RESPONSES

4.1 Iron Acton Parish Council

Removal of Condition 2 – The Parish Council wish to object to the removal of this clause.

Variation of Conditions 3, 6, 7 and 9 – The Parish Council has no objection to this variation.

4.2 Other Consultees [including internal consultees of the Council]

Sustainable Transport

The proposals relate to visual conditions, the coal mining report and drainage, as such there will be no impact on the highway.

Tree Officer

There are no tree comments.

Archaeology

No response.

Technical Support Street Care

No comments.

Other Representations

4.3 Local Residents

2no. letters of objection were received from local residents; the concerns raised are summarised as follows:

- There is no reason to remove the restrictions.
- Condition 2 is to safeguard the visual impression.
- The safeguards that these restrictions protect ensure that the applicant does everything in the right order and properly.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In the determination of this application officers must consider the reasons why the conditions were applied in the first place and whether or not there is now justification for their removal or variation to their wording. In making this assessment, any relevant changes in Local Plan Policy or government

guidance, since the original planning permission was granted, are material considerations.

Removal of Condition 2

- 5.2 Condition 2 relates to the removal of permitted development rights and reads as follows:

Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E and G), or any minor operations as specified in Part 2 (Class A, B), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure the satisfactory appearance of the development in the interests of visual amenity and to protect the character of the area and the residential amenity of the neighbouring occupiers and to accord with Policies D1/L1/H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 5.3 The condition would remove normal permitted development rights from the new dwelling for the following items:

GPDO Schedule 2

Part 1 – Curtilage of Dwelling House

| | | |
|---------|---|---|
| Class A | - | Enlargement, improvement or other alteration of a dwelling house. |
| Class B | - | Alteration to roof. |
| Class D | - | Erection of Porch |
| Class E | - | Buildings/Enclosures in the Curtilage |
| Class G | - | Installation of chimney or flue. |

Part 2 – Minor Operations

| | | |
|---------|---|--------------------|
| Class A | - | Erection of Fences |
| Class B | - | Access to Highway |

This does not mean that any of the above operational developments could never be carried out; it merely means that for these developments planning permission would be required, therefore giving the Council control over the developments in the interests of visual amenity, the character of the area and the amenity of neighbouring occupiers – see reason for the condition para. 5.2 above.

- 5.4 The applicant has submitted a written statement of justification for the removal of condition 2. The applicant considers that Condition 2 does not meet the test of reasonableness. Officers have noted however that the proposed dwelling would be considerably bigger than that it would replace, thus bringing the flank

elevations much closer to the boundaries of neighbouring properties. If permitted development rights were retained, it would be possible to erect bulky extensions to the building, outbuildings and fences, which officers fear would have the potential to overdevelop the site to the detriment of neighbouring amenity, either in terms of overbearing impact, overshadowing or loss of outlook.

5.5 Furthermore, the period properties to either side of the house are distinctive in their appearance. This is clearly acknowledged by the applicant, as the originally submitted Design and Access Statement for PK11/200/F clearly states that the new house has been designed, '*..along the lines of the neighbouring properties..*'. The Design and Access Statement also lists a number of parameters that influenced the design and layout; these included:

- *The existing house at 204 North Road is substandard and needs to be replaced with a house of high standard throughout.*
- *The new house is to be neighbourly – in terms of its architecture and relationship with the neighbouring houses and the street scene.*
- *The materials in the principal elevation are to reflect those of the more traditional buildings in North Road – with the rear parts to have a more contemporary feel.*

Officers consider that additional, uncontrolled, piecemeal developments of the property, could easily go against the above design rationale, to the detriment of the character and visual amenity of the area. On balance therefore, the condition is in this case, considered to be justified and for the reasons given above should be retained.

Rewording of Conditions 3,6,7 and 9

5.6 The description of the development approved under PK11/2000/F included '*Demolition of existing dwelling...*' Conditions 3, 6, 7 and 9 are all pre-commencement conditions i.e. they require the submission and written approval of the Council of a variety of details, prior to the commencement of the development approved, which in this case would be the demolition phase.

5.7 The applicant seeks to vary the wording of the conditions, such that the various details would only need to be submitted and approved, prior to the commencement of the construction phase, thus allowing the applicant to commence with the demolition of the existing cottage at the earliest convenience.

5.8 In justification for the revised wording of the conditions, the applicant has indicated that the existing cottage is now unoccupied, the original tenant having moved out. As such the applicant is concerned that squatters or undesirables may inhabit the cottage in the interim.

5.9 Officers consider that this is a reasonable concern and have no objection to the cottage being demolished prior to the submission and approval of the various

details listed in para. 1.5 above, all of which relate to the construction of the new dwelling.

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 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 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 a split decision 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 in the case of the removal of Condition 2, that permission be REFUSED.

Reason:

That uncontrolled, piecemeal development of the property approved, has the potential to adversely affect the character and visual amenity of the area and

the residential amenity for neighbouring occupiers; contrary to Policies D1/L1/H2/H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

- 7.2 That in the case of the variation of Conditions 3, 6, 7 and 9 that approval is GRANTED and that in each case the words '*Prior to commencement of development...*' be replaced with '*Prior to the commencement of the works of construction...*'

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. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E and G), or any minor operations as specified in Part 2 (Class A, B), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure the satisfactory appearance of the development in the interests of visual amenity and to protect the character of the area and the residential amenity of the neighbouring occupiers and to accord with Policies D1/L1/H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of the works of construction, 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 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

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

Reason

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

6. Prior to the commencement of the works of construction hereby approved, samples/details of the roof tiles to be used within the development shall be submitted to and approved in writing by the Local Planning Authority, thereafter the development shall proceed in full accordance with the details so approved.

Reason

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

7. Prior to the commencement of the works of construction hereby approved, details/samples of the external facing materials (other than the stonework) 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 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

9. Prior to the commencement of the works of construction, a Coal Mining Report shall be submitted to and approved in writing by, the Local Planning Authority.

Reason

To ensure that the development can be safely implemented having regard to past coal mining in the area and to identify the possible presence of shafts, adits, drainage levels and culverts, in accordance with Policies EP2 and EP7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

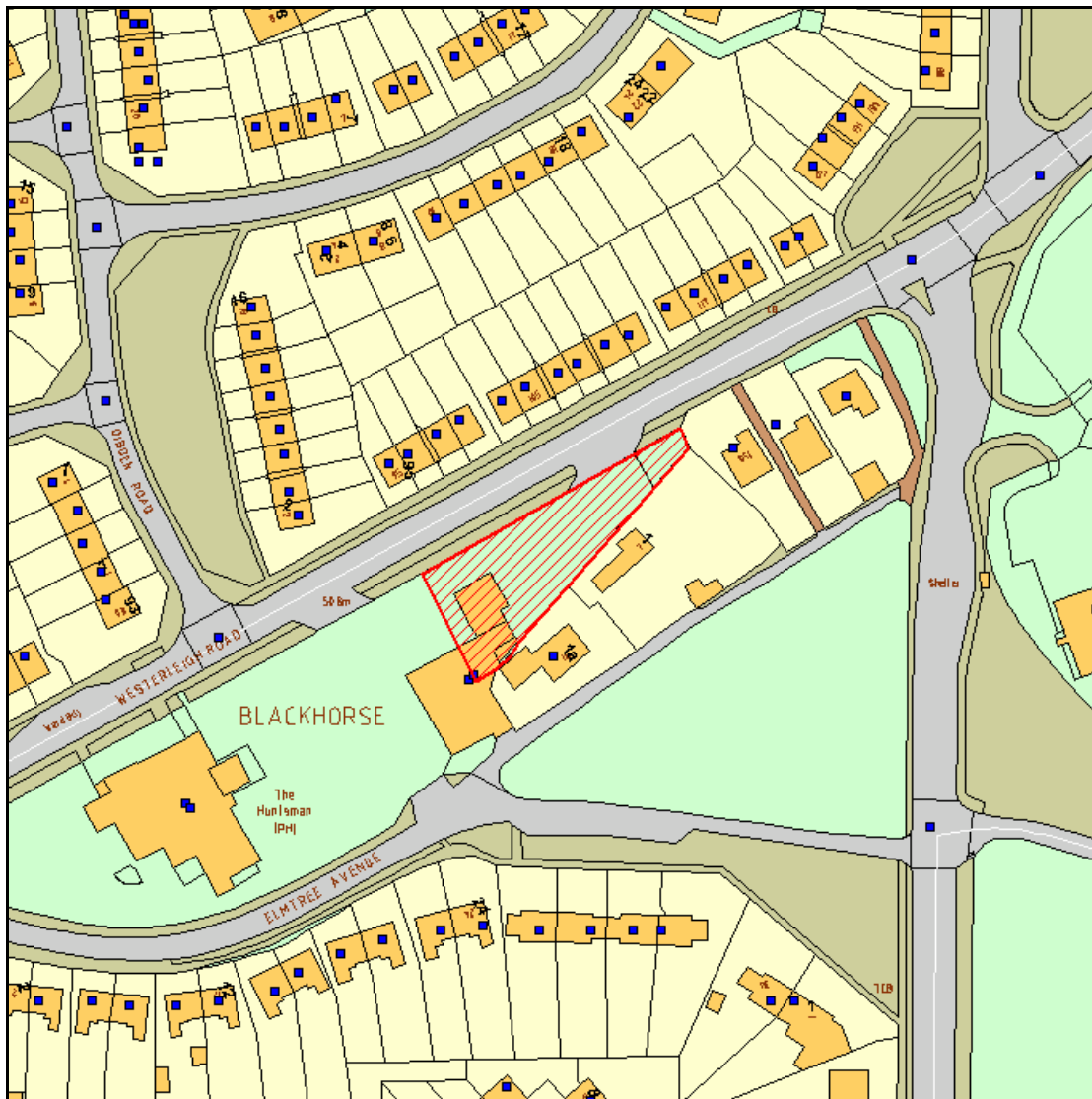
10. Prior to the first occupation of the dwelling hereby approved, the footway along the entire frontage of the site shall be widened to 2 metres and the boundary wall re-built in accordance with a plan to be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

CIRCULATED SCHEDULE NO. 46/11 – 25 NOVEMBER 2011

| | | | |
|------------------------------|--|---------------------|-----------------------------------|
| App No.: | PK11/3240/F | Applicant: | Mr P Manning |
| Site: | The Huntsman Garage Westerleigh Road Downend South Gloucestershire | Date Reg: | |
| Proposal: | Change of use from Car and Van Rentals (Sui Generis) to Hand Car Wash and Car Sales (Sui Generis) as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended). Creation of new vehicular access. | Parish: | Mangotsfield Rural Parish Council |
| Map Ref: | 366279 177386 | Ward: | Rodway |
| Application Category: | Minor | Target Date: | 6th December 2011 |



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty’s Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK11/3240/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the change of use of part of The Huntsman Garage from a car and van rentals to a hand car wash and car sales (Sui Generis). The proposal also seeks consent for the creation of a new vehicular access.
- 1.2 The application site is located to the southern side of Westerleigh Road within the established urban area. From the information submitted and from visiting the site it is apparent that the car hand wash is already in place, as such the proposal is considered to be retrospective.
- 1.3 It should be noted that the advertisements on site are not being considered as part of this application.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPS4 Economic Growth
PPG13 Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development
E3 Employment Development within the Urban Area
EP1 Environmental Protection
EP4 Noise Sensitive Development
T8 Parking Standards
T12 Transportation Development Control

South Gloucestershire Core Strategy -Submission Draft (December 2010)

CS1 High Quality Design
CS5 Location of Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 P98/4250 Change of use from petrol filling station to use for car and van rentals (Sui Generis)
Approved November 1998
- 3.2 PK00/0001/F Retention of floodlighting and variation of condition 8 of P98/4250 to alter approved parking layout.

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No objections
- 4.2 Sustainable Transport
No objections
- 4.3 Environmental Protection
No objections subject to the attachment of conditions

Other Representations

- 4.4 Local Residents
One letter of objection has been received from a local resident raising the following concerns:
- More traffic on a busy road
 - Request no bright or flashing lights and no loud music
 - Already one entrance made for the hand car wash, would object to another entrance on the busy road

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy E3 of the South Gloucestershire Local plan allows for proposals for employment development within the urban area provided that the proposal would not result in any unacceptable environmental impacts, would not detrimentally impact highway safety or the character of the area and provided that there is no unacceptable impact on residential amenity.
- 5.2 Design / Visual Amenity
No extensions have been carried out to facilitate the change of use of the site. The fascia signage has been changed and free standing signage has been erected. The signage does not form part of the current application and an informative would be attached to any decision notice to ensure that the applicant/agent is aware of this.

The proposal includes the removal of a hedge and low wall to allow for the reopening of a previous vehicular access. The change is considered to be small in scale and is not considered to result in any demonstrable harm to the visual amenity of the site. Furthermore, given that there are no proposed changes to the scale or footprint of the main building or existing canopy it is not considered that the proposal would have any significant impact on the character of the area or the visual amenity of the site. The proposal is therefore acceptable in design terms.

5.3 Impact on Residential Amenity

The application site is surrounded by residential properties to the north south and east and adjacent to the Huntsman Public House to the west. The proposed hours of operation are 08.00 – 18.00 Monday – Saturday and 09.00-16.00 Sundays and Bank Holidays. The decision notice for the previous authorised use as a car and van rental restricted the hours of operation to 08.00 –18.00 Monday - Friday, 08.00 – 12.30 Saturdays with no opening on Sundays or bank holidays.

Whilst it is accepted that the proposal is allowing for an increase in opening hours on weekends and bank holidays, the Councils Environmental Protection Officer has assessed the application and has raised no objections to the proposal. A condition would be attached to ensure the hours of operation are restricted to the hours proposed. It is noted that in addition to the hand wash the application indicates that there will be a valeting process, however no details of any plant or machinery is listed in the application. The applicant has confirmed that the proposal includes the use of a portable sprayer to clean the cars and a basic valeting service, as such it is considered unlikely that the proposal would result in any significant increase in noise and disturbance over and above the previous use of the site. Given the location of the site, surrounded by residential properties, it is considered that it is necessary to attach a condition to restrict the installation of any additional lighting.

Consequently, it is considered that having regard to the previous use of the site (which included a drive through car wash) and its location adjacent to a public house, there will be no significant increase in noise and disturbance.

5.4 Parking and Highway Safety

The proposal seeks consent for the change of use of the site and for the creation of a new vehicular access onto Westerleigh Road. From looking at past images of the site it is apparent that the proposed access has been created in the location of a previous access, a low wall and planting had to be removed to enable the creation of the access. The councils Sustainable Transport Officer has assessed the proposal and it is considered that the vehicle movements would not be dissimilar to those of the previous business that was run at the site. As such, given that the proposal includes the re-opening of an existing access/egress to allow two way movements through the site in combination with the proposed hours of operation and the fact that the access and egress location are well established, it is not considered that the proposal would result in any detrimental impacts to highway safety.

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 works are of a satisfactory standard in design, furthermore the proposal will not result in any demonstrable harm to the existing residential amenities of the neighbouring properties. The proposal is acceptable in highway safety terms. As such the proposal is considered to be compliant with Policies D1, EP1, E3 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

7. RECOMMENDATION

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

Contact Officer: Kirstie Henshaw
Tel. No. 01454 865207

CONDITIONS

1. The use hereby permitted shall not be open to customers outside the following times 08.00 - 18.00 Monday - Saturday and 09.00-16.00 Sundays and Bank Holidays.

Reason

To minimise disturbance to occupiers of nearby residential properties and to accord with Policies EP1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

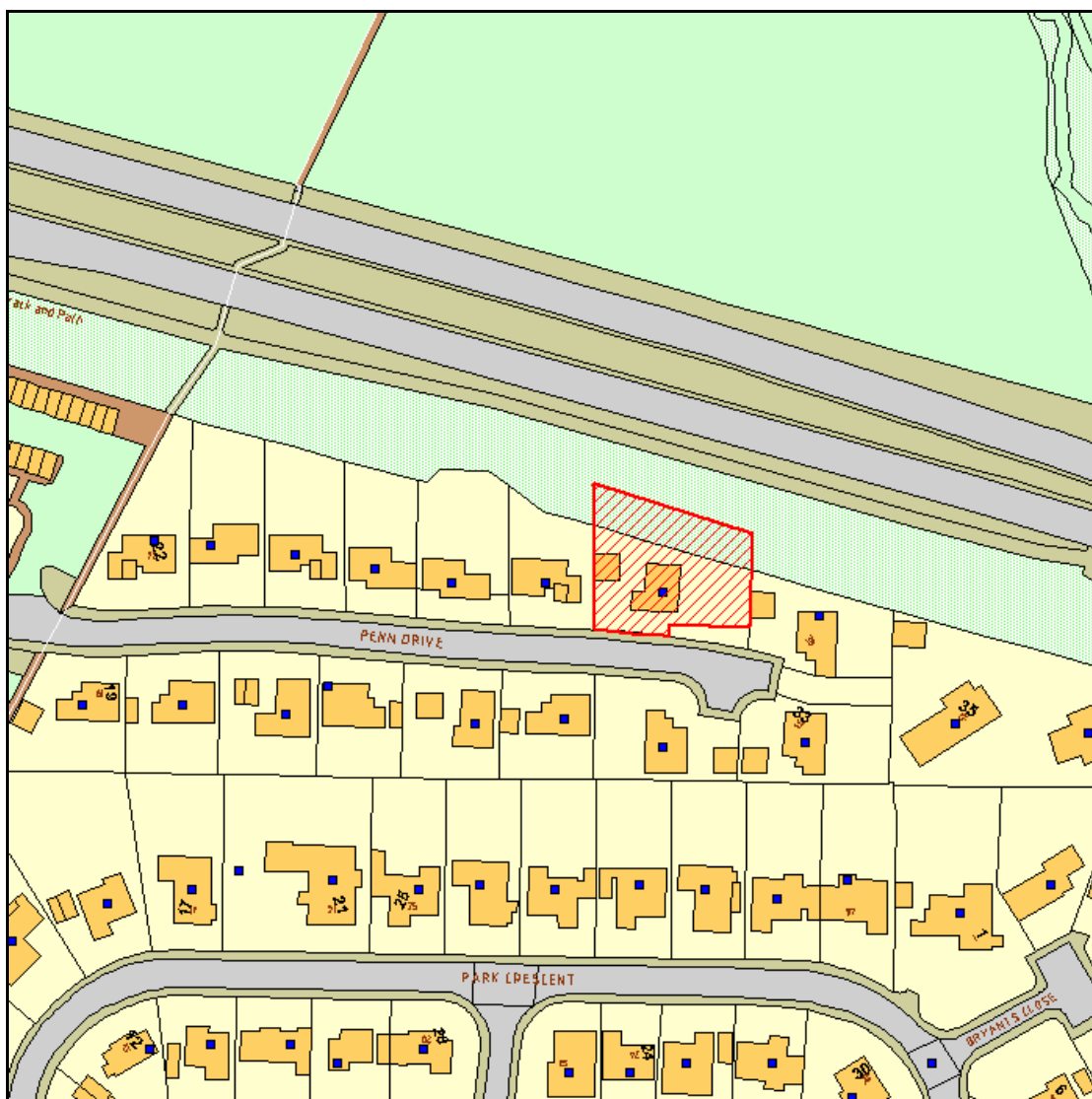
2. No floodlighting or external illuminations shall be installed without the prior written consent of the Local Planning Authority.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies EP1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 46/11 – 25 NOVEMBER 2011

| | | | |
|------------------------------|--|---------------------|-----------------------------|
| App No.: | PT11/2424/F | Applicant: | Mr Singh |
| Site: | 34 Penn Drive Frenchay Bristol South Gloucestershire BS16 1NN | Date Reg: | 14th October 2011 |
| Proposal: | Erection of two storey side and single storey rear extension to provide additional living accommodation. (Amendment to previously approved scheme PT10/1181/F) | Parish: | Winterbourne Parish Council |
| Map Ref: | 364366 178314 | Ward: | Frenchay And Stoke Park |
| Application Category: | Householder | Target Date: | 7th December 2011 |



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PT11/2424/F**

INTRODUCTION

This application appears on the Circulated Schedule in view of the letters of objection that have been received.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a two-storey side extension and a single-storey rear extension.
- 1.2 The application relates to a two-storey detached dwelling on the north side of Penn Drive, Frenchay. The property lies within the built up area outside of the Frenchay Conservation Area.
- 1.3 This application seeks an amendment to PT10/1181/F that was approved last year. This amendment would allow an increase in size of the single-storey rear extension; there is no change to the two-storey side extension.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development
PPG13: Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development
H4: Development within Residential Curtilages
L1: Landscape Protection and Enhancement
T12: Transportation Development Control Policy for New Development

South Gloucestershire Core Strategy -Submission Draft (December 2010)

CS1: High Quality Design
CS9: Environmental Resources and Built Heritage
CS17: Housing Diversity

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)
Trees on Development Sites

3. RELEVANT PLANNING HISTORY

- 3.1 P84/1558: Erection of lean-to greenhouse between front boundary wall and side of dwelling. Permitted: 27 June 1984
- 3.2 P96/1942/T: Reduce height of 4 trees covered by TPO. Permitted: 19 March 1997
- 3.3 PT09/1201/TRE: works to fell three maple trees (T1, T3 and T4) and one Rowan covered (T2) covered by TPO. Split decision: 11 August 2009

- 3.4 PT10/1181/F: Erection of two-storey side and single-storey rear extension to provide additional living accommodation. Permitted: 17 August 2010

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

No Objection to the amended extension. However, the committee would like confirmation regarding the trees. There is permission to remove some of the trees, but also a condition 6 of the decision dated 17 August 2010 ensures the retention of a Field Maple. The Committee would like the South Gloucestershire Tree Officer to confirm that only those trees that already have permission to be felled are to be removed.

4.2 Other Consultees

Tree Officer: no objection subject to conditions

Other Representations

4.3 Summary of Local Residents Comments:

Four letters received expressing the following concerns:

- o If possible, can the side wall of the new extension facing the road be constructed of stone (all extensions in Penn Drive had done this);
- o Removal of the field maple (tree no. 4) is contrary to the original condition- this tree is not close to the house or extension;
- o The three field maples that are the subject of a TPO should not be removed- these screen/ provide noise protection from the ring road;
- o The numerous applications are not in the interest of neighbours and the local community as a whole;
- o Queries are raised regarding the landscape plan submitted as part of the previous application (with the replacement planting smaller and inferior to that which presently exists);
- o Removal of the TPO trees in such sensitive circumstances may be a breach of the spirit and letter of the law.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 allows for the principle of residential development subject to considerations of design, residential amenity and highway safety.

- 5.2 Planning policy L1 advises that in order that the character, distinctiveness, quality and amenity of the landscape is conserved and enhanced, new development will only be permitted where attributes of the landscape that make a significant contribution to the landscape are conserved and where possible enhanced. Further, they should be protected and managed in a way that ensures their long-term viability with the amenity of the landscape conserved and where possible, enhanced.

5.3 Design/ Visual Amenity

The application seeks planning permission for the erection of a two-storey side extension and a single-storey rear extension. The side extension remains as approved and would build to the north side of the dwelling providing a utility room and pantry on the ground floor with a new bedroom and ensuite to an existing bedroom above. This would adopt a subservient appearance to the dwelling and in view of the extant planning permission, this element of the proposal is considered to be acceptable.

5.4 The rear extension would provide a breakfast room and stand behind the main dwelling. As approved, this would have measured 3.5m in depth and 5m in width; in this instance the depth would remain the same albeit with its width increased to 8m with the roof shape altered to allow a lean-to structure. This alteration is considered to be acceptable thus there is no objection to the application on this basis.

5.5 In response to the issues raised, it is considered that issues in respect of the materials could be appropriately dealt with by means of a condition in the event that planning permission is granted.

5.6 Residential Amenity

The host unit faces west with its flank elevation fronting the highway. For this reason, the two-storey side extension would be located towards the rear of the site. Given that this element of the proposal remains unaltered from the previous permission, its impact on residential amenity has already been established as acceptable having regard to its relationship with the neighbouring dwellings.

5.7 The neighbouring dwelling behind forms a single-storey dwelling with its detached garage adjoining the rear boundary of the application site; there are no windows within the facing wall of this garage. Nevertheless, given the size of the single-storey rear extension and its distance from this property, it is not considered that any significant adverse impact in residential amenity would be caused.

5.8 Impact on Protected Trees

As before, the proposal would necessitate removal of protected trees. At the time of the previous application it was noted that the branch structure of T1 (Field Maple) is poor with numerous tight forks whilst its proximity to the house is likely to increase pressure for remedial works preventing the tree from realising its full growth whilst T2 (Rowan) is a suppressed specimen with a structurally poor stem and similarly to T1, T3 (Field Maple) has poor branch structure and its position close to the property constrains its full growth potential.

5.9 In view of the above, the trees are considered to have a limited useful life expectancy with it noted that the larger trees to the rear of the property on the ring road verge have a greater visual merit. Nonetheless, a scheme of replacement planting was secured at the time of the previous permission; this replacement planting will allow development of mature specimens that will help screen the acoustic fence and which will not be compromised by the

development. It will also help provide additional noise mitigation from the adjoining ring road.

5.10 Comments from the Councils Tree Officer advise that the impact of the proposed amended development on the existing trees remains as per the approved development (PT10/1181F). On this basis, there is no tree related objection to this application provided the similar conditions in respect of trees and the landscaping are also applied to this development.

5.11 Highway Safety

The proposal would not impact on the parking and access arrangements with the drive and detached double garage retained. As such, there is no highways objection to this application.

6. CONCLUSION

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

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

6.3 Planning permission is recommended for the following reasons:

1. The design, scale and massing of the extensions proposed would be in keeping with the design of the host property and the development within the surrounding area. The proposal is therefore considered to accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The proposal would not cause any significant adverse impact in residential amenity thus is considered to accord with Planning Policy H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The proposed scheme of replacement planting would offset the loss of the protected trees and help preserve the character and appearance of the area; all in accordance with Planning Policies D1 (Achieving Good Quality Design in New Development) and L1 (Landscape Protection and Enhancement) of the South Gloucestershire Local Plan (Adopted) January 2006.
4. The proposal is considered to be acceptable in highway safety terms and would accord with Planning Policy T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

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

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

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

Reason

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

2. Prior to the commencement of development details of the 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 Planning Policy D1 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 west (front) elevation of the property as extended.

Reason

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

4. Within two months of the date of this decision, a Tree Protection Plan and Detailed Arboricultural Method Statement in accordance with BS5837:2005 Trees in Relation to Construction shall be submitted to and approved in writing by the Local Planning Authority. Development shall accord with these approved details. For the avoidance of doubt, those details submitted in respect of application PT10/1181/F (on 5th July 2011) will require adjustment in respect of this amended scheme.

Reason

In order to protect the retained trees in the interests of visual amenity and to accord with Planning Policies D1, L1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Within two months of the date of this decision, a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting) which shall include details of three replacement trees, their size, species and location to mitigate against the loss of

the 2 Maple trees and the Rowan; boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details. For the avoidance of doubt, those details submitted in respect of application PT10/1181/F (on 5th July 2011) will require adjustment in respect of this amended scheme.

Reason

To mitigate for the removal of 3 No. trees protected by a Tree Preservation Order and to accord with Planning Policies D1, L1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. For the avoidance of doubt this permission expressly does not grant consent for the removal of Field Maple no. 4 (and covered by the TPO) as detailed on the submitted block plan.

Reason

Tree 04 could be satisfactorily retained and incorporated as part of the proposal in accordance with planning policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 46/11 – 25 NOVEMBER 2011

| | | | |
|----------------------------------|---|-------------------------|----------------------------|
| App No.: | PT11/2971/F | Applicant: | Mr Steven Richards |
| Site: | Land At Lower Tockington Road Tockington South Gloucestershire BS32 4LE | Date Reg: | 10th October 2011 |
| Proposal: | Erection of agricultural building with associated hardstanding, parking and access. | Parish: | Olveston Parish Council |
| Map Ref: | 360918 186109 | Ward: | Severn |
| Application Category: | Minor | Target Date: | 2nd December 2011 |



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
 Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright
 and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PT11/2971/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because an objection has been received from the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of an agricultural building with associated hardstanding, parking and access.
- 1.2 The application site comprises approximately 0.69 hectares of agricultural land on the southeastern side of Lower Tockington Road within the Tockington Conservation Area and the open Green Belt outside the defined settlement boundary.
- 1.3 Amendments have been received to the scale, siting and orientation of the proposed building so that it is located adjacent to the western boundary and orientated lengthways to the boundary. Access to the site is off a long driveway shared with The East Barn. The grade II listed Lower Farm and associated buildings is located to the west of the site and the western boundary of the site forms the curtilage listed boundary. A public right of way extends to the west of the site.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS7 Sustainable Development in Rural Areas
PPS4 Planning for Sustainable Economic Development
PPS5 Planning for the Historic Environment
PPG2 Green Belts
PPG13 Transportation
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
GB1 Development in the Green Belt
L1 Landscape Protection and Enhancement
L12 Conservation Areas
L13 Listed Buildings
L17/L18 The Water Environment
T12 Transportation Development Control Policy for New Development
E9 Agricultural Development
EP1 Environmental Pollution

South Gloucestershire Core Strategy -Submission Draft Proposed Changes (December 2010)
CS1 High Quality Design
CS9 Managing the Environment and Heritage
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

3. RECENT PLANNING HISTORY

- 3.1 PT00/0004/F, conversion of barn to form one dwellinghouse, together with the erection of double garage, approval, 08/08/00.
- 3.2 PT00/0005/LB, conversion of barn to form one dwellinghouse together with erection of double garage and demolition of dutch barn, approval, 08/08/00.
- 3.3 PT11/0605/LB, erection of replacement porch and reinstatement of window on rear elevation. Removal of cementitious render on the northwest and southwest elevations to be replaced with lime render; and various internal works including alterations to partitioning and replacement of ground floor staircase, approval, 21/04/11.

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
Objection – This planning application is within the Conservation Area and the Parish Council considers that there is insufficient holding to warrant this size and design of building.
- 4.2 Public Right of Way Officer
The development will affect the nearest public right of way
- 4.3 Tree Officer
There are no tree comments
- 4.4 Drainage Officer
No objection
- 4.5 Highway Officer
No objection
- 4.6 Conservation Officer
No objection subject to conditions
- 4.7 Landscape Officer
No objection subject to conditions

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

The proposal is for the erection of an agricultural building. The principle of the proposal is therefore, acceptable by virtue of policies GB1 and E9 of the South Gloucestershire Local Plan (adopted) January 2006. The main issues to consider are the appearance/form of the building and the impact on the character of the surrounding landscape, Conservation Area and setting of the listed building (policies D1, E9, GB1, L1, L12 and L13 of the Local Plan); the impact on the residential amenity of the neighbouring occupiers (policy E9 of the Local Plan); the environmental effects (policies L1 and E9 of the Local Plan) and the transportation effects (policies T12 and E9 of the Local Plan).

5.2 There are no existing buildings on the site, which are capable of conversion.

5.3 Appearance/Form and Impact on the Conservation Area

The principle of the proposed agricultural building is acceptable in this location, and it is understood that the building needs to be functional for the intended use. However, this needs to be balanced against the impact on the open character of the rural area, and the character and visual amenity of the Conservation Area in accordance with policies GB1, L1 L12 and E10 of the South Gloucestershire Local Plan (adopted) January 2006. The site is visible from the public realm through the main access, between buildings and over hedges. In addition, it provides a green-buffer between individual groups of buildings that make up three distinct and historic farmsteads and contributes positively to the character of the area.

The building was originally orientated horizontally adjacent to the southern rear boundary of the site. The plans also included a large amount of gravel and concrete areas for parking. The Officers requested that the building be orientated vertically and the amount of parking be reduced in order to lessen the impact on the Conservation Area. Amended plans have been received which have moved the building closer to the cluster of existing buildings to the west and orientated it by 90 degrees so that it is positioned vertically to the southern boundary. The amount of parking has been reduced and additional planting is proposed to help screen views of the parking area from the Conservation Area. Whilst the amendments are an improvement, there are still concerns regarding the scale of the building. The ridge height has been reduced by 900mm, however, with a width of approximately 6.8 metres, a length of 12.9 metres and ridge and eaves heights of 5.7 metres and 4.7 metres respectively, the building is still considerable in size and larger than the vernacular agricultural buildings within close proximity to the site. The Officers have requested a reduction to the scale and footprint of the building and have suggested that the lintels above the vehicular doors be removed and be replaced by a strengthened wall plate, which will allow the eaves and ridge heights of the building to be reduced further. Amended plans have been received, which have further reduced the ridge and eaves height by 200mm. In addition, the applicant has proposed the planting a belt of Greengage trees and Apple trees along with Plum trees to help screen views of the building from the surrounding area. Although the building is still wide, it will be well screened from views from the surrounding area and surrounding landscape by virtue of the amended siting, scale and landscaping. The open gable in the northern elevation will also help to break up the bulk and massing of the building from glimpses to the north. A condition is recommended to ensure that the opening

in the northern elevation is retained. The applicant has specified the materials stone and timber for the walls and clay tiles for the roof. The materials are considered to be acceptable, however, a condition is recommended to ensure that samples are obtained.

A number of amendments have been made to the design of the building to improve its appearance and to respect the character of the Conservation Area and on balance, it is considered that the proposal achieves a high enough standard of design to comply with Policy D1 of the Local Plan and will not adversely effect the character of the surrounding area.

5.4 Impact on the Setting of the Listed Buildings

The application site lies to the east of the grade II listed farms Little Brodbury Farm and Lower Farm and the associated curtilage listed buildings associated with the converted East Barn. The proposed building will be viewed in conjunction with the cluster of buildings associated with the grade II listed Lower Farm and therefore, consideration is required as to the impact on the setting of the listed buildings required by PPS5 and Policy L13 of the South Gloucestershire Local Plan (adopted) January 2006. In terms of setting, the field forms part of the rural setting of the listed Lower Farm and also the setting of the locally listed Brook Farm to the north. Under PPS5, setting is defined as the surroundings in which an asset is experienced and is generally more extensive than curtilage. The way in which we experience an asset can also be influenced by spatial associations and by our understanding of the historic relationship between places. The location of the footpaths also greatly increases the public appreciation of the rural qualities and character of this part of the village and the contribution it makes to the setting of the surrounding properties. The openness and distinctly rural character of the fields around the two farms can, therefore, be considered to make a positive contribution to their setting. The amendments made to the design of the building are such that it will preserve the character and setting of the surrounding listed buildings and therefore, the proposal complies with PPS5 and Policy L13 of the South Gloucestershire Local Plan (adopted) January 2006.

5.5 Residential Amenity

The residential properties Lower Farm and The East Barn are situated to the west of the site and the amended plans received have moved the proposal closer to these neighbouring properties. The proposal is approximately 25 metres from the neighbouring property Lower Farm, and this distance is considered to be sufficient to ensure that the occupier's residential amenity will not be adversely effected by the proposal. The proposal is approximately 10 metres from the dwelling The East Barn and directly faces the neighbouring dwelling. However, given the scale of the proposal it is considered that the separation distance is sufficient to ensure that the proposal will not have a significant adverse overbearing impact through loss of sunlight or outlook to adversely effect the residential amenity of the neighbouring occupiers. Given the nature of the building and the fact that no windows are proposed in the western elevation, it is considered that not significant adverse privacy issues will be introduced as a result of the proposal.

5.6 Transportation

An existing access from the driveway onto the field will serve the proposed building. Two parking spaces and a gravel turning area are proposed to serve the building, which is acceptable. In addition, the scale of the building is such that it will be unlikely to generate a significant amount of vehicular traffic to have an adverse impact on local highway conditions.

5.7 Further Matters

The concerns of the Parish Council have been taken into consideration and the building has been reduced in scale. The size of the land holding is noted, however, it is considered that the main issue is the appearance of the building and the affect on the Conservation Area and listed buildings. This issue has been carefully considered. In addition, the design of the building is such that it will function acceptably for the intended agricultural use.

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 design of the proposal is such that it will likely function of agricultural purposes. The principle of the development is therefore, acceptable – policies GB1 and E9 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not have a significant adverse impact on the residential amenity of the neighbouring occupiers through loss of natural light or privacy – policy E9 of the South Gloucestershire Local Plan (adopted) January 2006.

The design of the proposal, including its scale, parking and turning areas, are such that it will not have a significant adverse impact on the local highway conditions – policies T12 and E9 of the South Gloucestershire Local Plan (adopted) January 2006.

A number of improvements have been made to the proposed scheme. On balance, it is considered that the proposal is sympathetic to the character of the surrounding built form in terms of scale, form, siting and materials and will not adversely affect the character of the surrounding Conservation Area – policies D1, L12, L1, GB1 and E9 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will preserve the character and setting of the adjacent listed buildings – policy L13 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

7.1 Planning Permission is GRANTED subject to the conditions in the decision notice.

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).

2. No doors or shutters shall be introduced at any time in the opening to the machinery store in the north facing gable.

Reason

In the interests of the appearance of the building and to preserve the character and setting of the surrounding Conservation Area and adjacent listed buildings and to accord with policies D1, L12 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

3. Prior to the commencement of the development, full details comprising plans at a scale of 1:5 with full size moulding cross sections of the following items shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

- a) all new external doors including frames, lintels, door furniture and fittings
- b) eaves, verges and ridges
- c) all new extracts and vents

Reason

To achieve an acceptable standard of external appearance and to preserve the character and setting of the surrounding Conservation Area and adjacent listed buildings and to accord with policies D1, L12 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

4. Prior to the commencement of the development samples of the clay roof tiles and external facing materials proposed to be used, including the finished cladding, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To achieve a satisfactory standard of external appearance and to preserve the character and setting of the Conservation Area and adjacent listed buildings and to

accord with policies D1, L12 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

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

Reason

To ensure a satisfactory standard of external appearance and to preserve the character and setting of the Conservation Area and adjacent listed buildings and to accord with policies D1, L12 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

6. All new external rainwater and soil pipes shall be formed in cast metal and painted black.

To achieve a satisfactory standard of external appearance and to preserve the character and setting of the Conservation Area and adjacent listed buildings and to accord with policies D1, L12 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

7. Prior to the commencement of the development, notwithstanding the details submitted 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 through the course of the development; proposed planting and times of planting, a schedule of maintenance of planting for a minimum period of 3 years, measures for the protection of proposed planting from grazing damage; details of areas of hard surfacing, shall be submitted to the Local Planning Authority for approval. The agreed works shall be carried out in accordance with the approved details and prior to the occupation of any part of the occupation of any part of the development.

Reason

To protect the character and appearance of the area and to accord with policies D1, L1, L12, L13 and GB1 of the South Gloucestershire Local Plan (adopted) January 2006.

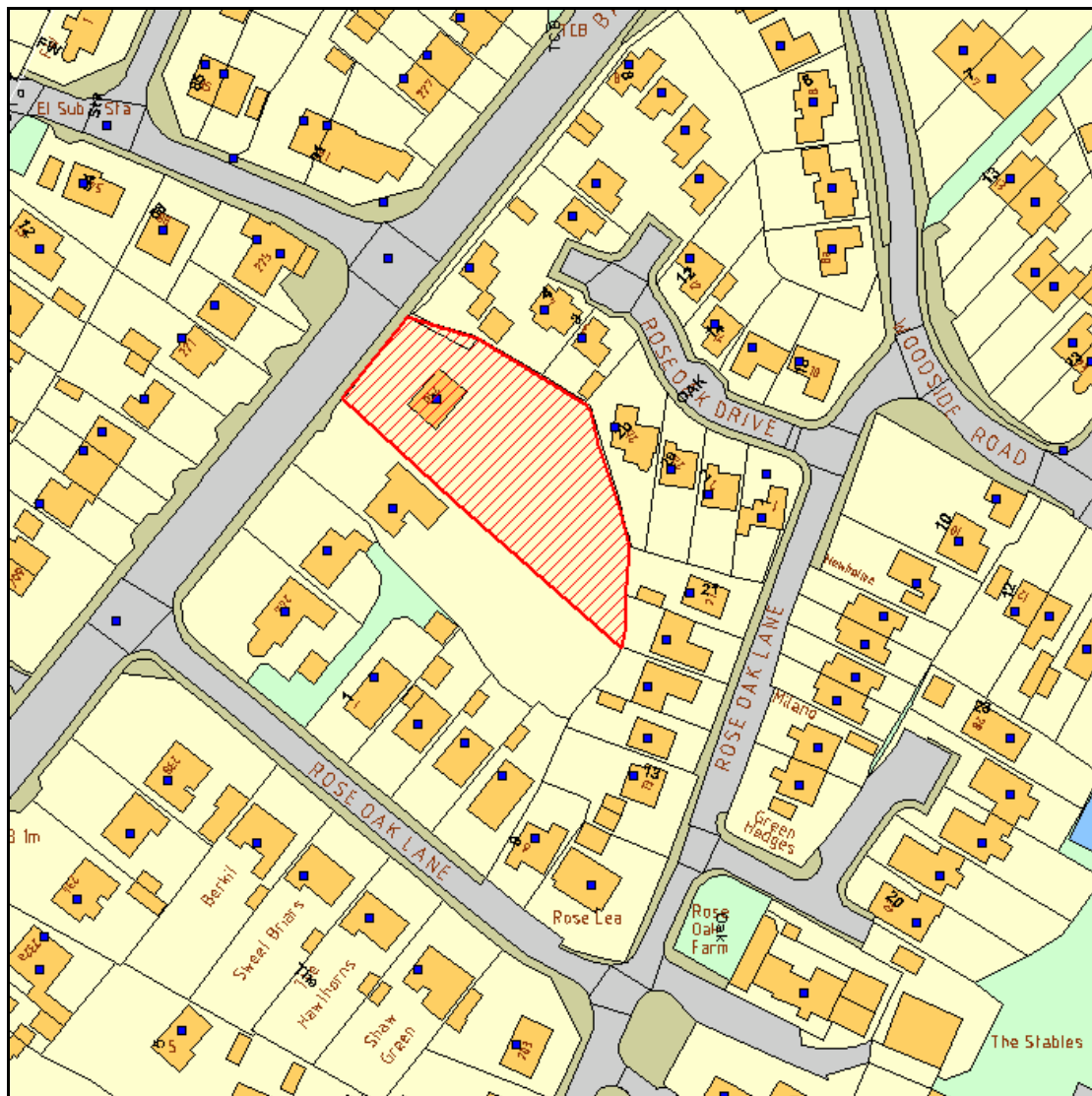
8. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning 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, L8, EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 46/11 – 25 NOVEMBER 2011

| | | | |
|------------------------------|--|---------------------|----------------------------|
| App No.: | PT11/2996/F | Applicant: | Home Orchard Developments |
| Site: | 250 Badminton Road Coalpit Heath Bristol South Gloucestershire BS36 2QH | Date Reg: | 27th September 2011 |
| Proposal: | Demolition of existing dwelling and erection of 4 no. detached dwellings and associated works. | Parish: | Westerleigh Parish Council |
| Map Ref: | 367770 181146 | Ward: | Westerleigh |
| Application Category: | Minor | Target Date: | 21st November 2011 |



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PT11/2996/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to letters of objection received from local residents contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This full application relates to the demolition of an existing dwelling and the erection of 4 no. detached 4 bed dwellings at 250 Badminton Road, Coalpit Heath. At present the site consists of a dilapidated dwelling located to the front of the site, which is just under 0.2 hectares in area. It is a level plot with a depth of some 80m. The site was completely overgrown but has recently been cleared. The properties of Rose Oak Lane and Rose Oak Drive lie adjacent to the side/ rear boundary. The bungalow and curtilage of 248 Badminton Road forms the southern boundary to the site. Access is via an existing driveway to the north-west corner of the site, adjacent to 248 Badminton Road.
- 1.2 The current house is a double fronted bay villa from the early 20th century. It is in a poor state of repair and of no architectural merit. The proposed development is for 4no. two-storey detached 4 bed dwellings, each with an integral garage. Units 1 and 2 are positioned to the front of the site, maintaining the existing building line along the main road frontage. Units 3 and 4 are located to the rear. Access to the site remains at its existing location, the entrance widened to allow for 2-way traffic. Units 1 and 2 will be accessed via a drive to the front with the access serving the properties to the rear running along the boundary with 248 Badminton Road. Two off-street parking spaces are provided for each dwelling.
- 1.3 The application site lies within the settlement boundary of Coalpit Heath.

2. POLICY CONTEXT

2.1 National Guidance

| | |
|--|------------------------------------|
| PPS1 | Delivering Sustainable Development |
| PPS3 | Housing |
| PPG13 | Transport |
| PPG14 | Development on Unstable Land |
| Draft National Planning Policy Framework | |

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

| | |
|-----|--|
| D1 | Achieving Good Quality Design |
| H2 | Proposals for Residential Development Within the Existing Urban Area and Defined Settlement Boundaries |
| H4 | Development within Existing Residential Curtilages, Including Extensions and New Dwellings |
| T7 | Cycle Parking |
| T8 | Parking Standards |
| T12 | Transportation Development Control Policy for New Development |

| | |
|-----|--------------------------------------|
| L1 | Landscape Protection and Enhancement |
| L18 | The Water Environment |
| EP1 | Environmental Pollution |
| EP7 | Unstable Land |

- 2.3 Supplementary Planning Guidance
 South Gloucestershire Design Checklist (Adopted)
 Frampton Cotterell and Coalpit Heath Village Design Statement
- 2.4 South Gloucestershire Core Strategy – Proposed Changes Submission Draft December 2010
- | | |
|------|-------------------------|
| CS1 | High Quality Design |
| CS5 | Location of Development |
| CS16 | Housing Density |
| CS17 | Housing Diversity |
| CS34 | Rural Areas |

3. **RELEVANT PLANNING HISTORY**

- 3.1 None.

4. **CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council
 No objection.
- 4.2 Frampton Cotterell
 No objection.
- 4.3 Westerleigh Parish Council
 No objection
- 4.3 Sustainable Transport
 No objection: Given that road conditions have not changed significantly since the previously approved planning application, PT08/0136/F, there is no transportation objection raised. It should, however, be noted that a contribution towards the North Fringe scheme (transport matters) is no longer applicable for developments of this size and so is not requested.
- 4.4 Other Consultees
 Technical Services (Drainage): No objection in principle
 Environmental Protection: No objection in principle
 Coal Authority: condition required

Other Representations

- 4.5 Local Residents
 6 letters have been received objecting to the proposal on the following grounds:
 a) Highway safety; (including concerns that Highway Officer comments do not adequately address the concerns that have been raised);

- b) Numerous accidents including fatalities have occurred at the Badminton Road/ The Causeway junction;
- c) Increased traffic;
- d) Overlooking/ loss of privacy;
- e) Materials;
- f) Vegetation- loss of existing trees and replacement planting required;
- g) Habitat along the site boundaries needs to be preserved;
- h) Conditions should limit working hours to reduce any disruption;
- i) Care should be taken of the neighbours fence;
- j) Plot 1 will overshadow the neighbours garden behind and have a detrimental impact on their outlook;
- k) Trees on 17, 19, 21 Rose Oak Lane boundary should be retained with this to form the basis of a condition;
- l) Part of the application site falls with the neighbouring garden (5 Rose Oak Drive).

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The site lies within the settlement boundary of Coalpit Heath. Advice contained within PPS3 and policies H2 and H4 of the adopted Local Plan allows for new residential development within settlement boundaries and the curtilages of dwellings, subject to certain criteria, and as such the proposed development would be acceptable in principle.

5.2 PPS3 requires housing schemes to make the most effective use of sites by achieving the maximum density compatible with the site's accessibility, environmental constraints and the character of its surroundings. This is reflected in Policy H2 of the Local Plan where all housing developments are expected to achieve a minimum density of 30 dwellings per hectare. However, this advice has now been superseded. In June 2010 the Coalition Government issued a Ministerial Statement entitled '*New Powers for Local Authorities to Stop 'Garden Grabbing'*'. This statement made the following changes to PPS3 : Housing.

- 1) The definition of 'previously developed land' has been amended to exclude private residential gardens;
- 2) The national indicative minimum density target of 30 dwellings per hectare for new housing development has been removed.

5.3 These changes have been introduced to reflect the concerns regarding over-development of neighbourhoods, loss of green space and the impact upon local character. PPS3 is a material consideration in relation to planning applications for housing development and as such these amendments are material to the determination of this application.

5.4 Policies H2 and H4 of the South Gloucestershire Local Plan allow for residential development on sites that are within the defined settlement boundaries or urban areas, without reference to whether or not such land is brownfield or previously developed land. As such, it is not considered that the change to the definition of 'previously developed land' would make a significant

- difference to the approach that the Council take in considering applications for residential development, and thus the proposed development is regarded as acceptable in principle.
- 5.5 Nevertheless the Ministerial Statement has raised some important points regarding the design and density of new residential development. Firstly the statement reiterated the need to ensure that residential development does not result in the over-development of neighbourhoods, the loss of green space, and does not adversely detract from the local character of the area. These matters can be reasonably assessed on the basis of existing policies (D1, H2 and H4) of the South Gloucestershire Local Plan.
- 5.6 The second point relates to the requirement in PPS3 for all new residential developments to achieve the national indicative density target of 30 dwellings per hectare. This policy objective was reflected in Policy H2(b) of the South Gloucestershire Local Plan which stated that the maximum density compatible with the sites location should be achieved, but with an expectation that it will achieve a minimum density of 30 dwellings per hectare. The Ministerial Statement has removed the requirement for new residential development to achieve the national indicative minimum density, and thus very limited weight should be given to Policy H2(b).
- 5.7 The remaining advice in PPS3 states *“Good design is fundamental to using land efficiently”* (Para. 48) and *“Careful attention to design is particularly important when chosen local strategy involves intensification of the existing urban fabric. However when well designed and built in the right location, it can enhance the character and quality of an area”* (Para. 49). *“Density is a measure of the number of dwellings that can be accommodated on a site or in an area. The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”* (Para. 50)
- 5.8 On this basis the need to achieve an efficient use of land is still an important material consideration. However this need should be carefully balanced against the requirement to consider the character of the area and whether the proposal is good quality design. Policy D1 of the South Gloucestershire Local Plan recognises this, and density is one of the design factors that this policy requires to be assessed. These issues will be discussed below.
- 5.9 Also of relevance is the South Gloucestershire Core Strategy (Proposed Changes Version December 2010) that is a material consideration. The thrust of the policies contained in the Core Strategy would continue to support the principle of the development of this site for new residential dwellings. In addition, the emerging Draft National Planning Policy Framework is supportive of new housing development, especially where it promotes sustainable development. The principle of development at this site is therefore acceptable, subject to the other material considerations set out below.

5.10 Design/Visual Amenity

The proposed dwellings are two-storey in nature with hipped roof type. They are traditional in appearance, incorporating bonnet roofs to minimise impact and to allow the development to blend in with its surroundings. The two dwellings to the front of the site maintain the established building line and road frontage and the proposed materials will utilise local materials characteristic of the area. The ridge height of the dwellings measures some 7.8m in height but the overall bulk of the scheme is reduced by the hipped nature of the roof and the use of dormer windows. The overall design is considered to be attractive in appearance and appropriate to the site's context, especially as the street scene is characterised by a wide variety of house types and designs. Further, it is considered that the overall design approach would also accord with the Frampton Cotterell and Coalpit Heath Village Design Statement that provides guidance on the prevalent materials and design style within the local area. Accordingly, the development is considered to be sympathetic to the visual amenity of the locality and is acceptable.

5.11 Density

The site has an area of approximately 0.18 hectares. The resulting development gives a housing density of 22 dwellings per hectare. Although relatively low density, it is in keeping with the density of the area and appropriate to the street scene.

5.12 Residential Amenity

Due to the existing boundary treatment, the site is well screened. The dwellings have been sited/ orientated to ensure that no overlooking or loss of privacy will result from the development to any material degree. In addition, the only windows at first floor level to the side elevations serve bathrooms or en-suite accommodation. The dwellings have also been sited to provide ample distance between surrounding development, ensuring that no overbearing impact or loss of light will result. The garden areas are also of sufficient depth and size to serve the size of dwellings proposed. The proposed boundary treatment consists of 6m close-boarded timber fencing, with low stonewall to the site frontage. The proposal is therefore acceptable in this regard.

5.13 Transportation

The proposed access arrangement and on site configuration is considered acceptable to serve the proposed development. Concern has been raised by local residents in relation to the safety of the access and the locality and it is recognized that there has been a tragic accident in 1996 opposite this site that resulted in multiple fatalities. However, since this date in the last 15 years there have been no personal injury accidents recorded within 100m of the site. Since the fatal accident the traffic calming has changed and the speed limit reduced from 40mph to 30mph that has contributed towards a safer environment. The development is also acceptable in terms of off-street parking, providing 2 car spaces and integral garage per dwelling. Adequate on-site turning is available and bin storage has also been incorporated within the development.

5.14 Sustainability Issues

The site is located in a sustainable location, in close proximity to services and employment. In addition, the dwellings will be constructed to comply with the Building Regulations Part L1A, 2010 and all materials will be from sustainable sources. The materials from the demolition of the house will be utilised on site as hardcore with the remainder taken off site for recycling.

5.15 Outstanding Issues

Concern has been raised that part of the development would occupy land that forms part of the neighbouring site. The agent has verbally confirmed that the red edge site plan is considered to be correct with the right certificate having been signed (certificate A). Accordingly, planning permission cannot be reasonably withheld on this basis with it noted that issues of land ownership comprise a civil matter.

5.16 Concern has been raised regarding the natural habitat that the site might support. In response, at the time of the officer site visit, the site had been cleared with large piles of cut vegetation at the centre of the site (some burnt) and with rubbish also strewn throughout the site. On this basis, it is considered unlikely that the site (that was previously a private domestic garden) would support any protected species although it is proposed to retain the trees along the site boundaries; this should form the basis of an appropriately worded planning condition.

6. CONCLUSION

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

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

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

1. The proposed new dwellings are considered acceptable in terms of design, siting, density, visual and residential amenity. The proposal would therefore accord with Planning Policies D1, L1, H2, and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The proposal is acceptable in transportation terms. As such the proposal is considered to be compliant with Planning Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

7.1 That planning permission is 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

The form and appearance of the building(s) is out of character with the surrounding area and is permitted for a limited period only because of the special circumstances of the case.

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

Reason

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

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

Reason

To minimise disturbance to occupiers of surrounding dwellings and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The existing trees on the site and along the site boundary shall be retained. Prior to the commencement of development, details of protective measures for the trees during the course of the development shall be submitted to and approved in writing by the Local Planning Authority with the agreed protective measures installed prior to any construction works undertaken. Development when carried out shall conform to the details so approved.

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. 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 L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The buildings shall not be occupied until the means of vehicular access and off-street parking and turning facilities have been constructed in accordance with the approved plans.

Reason

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

7. Prior to the occupation of the dwellings hereby permitted, details of the screen to the bin store shall be submitted to and approved in writing by the Local Planning Authority and the development when carried out shall be in accordance with the approved details.

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

8. Prior to the commencement of development, the results of the site investigation works in respect of past coal mining activity shall be submitted to and approved in writing by the Local Planning Authority. In the event that these site investigations confirm the need for remedial works to treat areas of shallow mining, details of these works shall also be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the safety of the future development and to comply with the provisions of PPG14 and Planning Policy EP7 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. 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 Planning Policies H4, D1, L1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 46/11 – 25 NOVEMBER 2011

| | | | |
|----------------------------------|---|-------------------------|--------------------------------|
| App No.: | PT11/3096/F | Applicant: | Mr S Ali |
| Site: | Taj Brasserie 41 High Street Winterbourne South Gloucestershire BS36 1JG | Date Reg: | 12th October 2011 |
| Proposal: | Installation of 1 no. external flue to roof and alteration to 1 no. existing flue (Re- Submission of PT11/2180/F) | Parish: | Winterbourne Parish Council |
| Map Ref: | 365019 180949 | Ward: | Winterbourne |
| Application Category: | Minor | Target Date: | 6th December 2011 |



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
 Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright
 and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PT11/3096/F**

REASON FOR REFERRAL TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule owing to a letter of objection that has been received from a neighbouring resident.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the installation of an external flue and alterations to an existing flue.
- 1.2 The application relates to the Taj Brasserie on the east side of Winterbourne High Street, Winterbourne.
- 1.3 The application is a resubmission of PT11/2180/F that was refused for the following reason:

Insufficient details have been submitted in respect of the type of extraction equipment installed and its suitability for the food being prepared to demonstrate that it would not have an adverse impact on residential amenity in terms of noise and smell. The proposal is therefore considered to be contrary to Planning Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPG13: Transport
PPS23: Planning and Pollution Control
PPS24: Planning and Noise
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
CS1: High Quality Design

South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
EP1: Environmental Pollution
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)
Planning for Growth (Ministerial Statement, March 2011)

3. RELEVANT PLANNING HISTORY

- 3.1 N1514: Erection of front porch. Permitted: 12 June 1975
- 3.2 P85/2815: Installation of 1 tonne calor gas tank cylinder at rear of premises. Permitted: 29 January 1986

- 3.3 P88/1018: Change of use of rear garden at 43 High Street to provide extension to public house car park and re-siting of existing propane gas storage tank. Permitted: 2 March 1988
- 3.4 P98/1380: Conversion and extension of public house and dwelling house to form 10-bedroom hotel with restaurant, bar and function room areas to include amendments to front elevation. Permitted: 30 October 1998
- 3.5 PT08/2668/RVC: Removal of condition 4 attached to P98/1380 to allow the function room to be used for purposes other than ancillary to the use of the letting rooms. Permitted: 11 November 2008
- 3.6 PT10/2345/F: Installation of external flue to roof (retrospective); erection of two 2 metre high pillars to entrance. Split Decision: 15 October 2010- Appeal Dismissed
- 3.7 PT11/2180/F: Installation of 1 external flue to roof and alteration to 1 existing flue (resubmission of PT10/2345/F). Refused: 7 September 2011

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection: as long as the installation solves the problem of smoke and smell coming from the restaurant
- 4.2 Other Consultees
Environmental Services: no adverse comments

Other Representations

- 4.3 Summary of Local Residents Comments
One letter received expressing the following concerns:
- o Strong objection to both flues, neighbours want them both removed;
 - o They are unsightly, noisy and smelly.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Planning policy D1 cites that development will only be permitted where good standards of site planning and design are achieved.
- 5.2 Policy EP1 advises that development will not be permitted that would unacceptably harm the environment, or the health, safety and amenity of users of the site or the surrounding land, as a result of pollution to water, air or soil, or through noise, vibration, light, heat or radiation.

5.3 Design/ Visual Amenity

PT10/2345/F in part, sought retrospective approval for two roof-mounted flues. These comprised twin exhaust flues the design of which attracted the first reason for refusal:

By reason of their size, design and prominent position, the flues detract from the character and appearance of the existing building and that of the surrounding area. The proposal is therefore considered to be contrary to Planning Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.

5.4 At the subsequent appeal, the Inspector commented:

'the Taj Brasserie, which is generally constructed of traditional materials, is an attractive building. In terms of public vantage points, there are clear, uninterrupted views towards the flues from the High Street to the south-west of the appeal site. From here, the flues stand out as a feature, which is entirely alien to the character and appearance of the appeal building. This is because of their shape, their bright metallic materials, and their height above the ridgeline of the building. Moreover, given their location above the ridgeline of the building, I consider the flues are visually prominent when seen from the south-west. Consequently, they have a material adverse impact on the wider character and appearance of the area.'

5.5 In the light of the above, the design of the flues was amended as part of the most recent application (PT11/2096/F) to facilitate two much smaller flues that would appear more akin to two small chimney pots (and which would be lower than the existing chimneys). On this basis, it was considered that this revised proposal would address the previous refusal reason and thus there was no objection to the PT11/2096/F on design/ visual amenity grounds.

5.6 The design of the flues remains unchanged from the time of the previous application. On this basis, there remains no objection to this application on design/ visual amenity grounds subject to a condition requiring removal of the existing exhaust flues.

5.7 Residential Amenity

The second refusal reason in respect of PT10/2345/F related to the noise and smell associated with the flues. On this second issue, the Inspector commented: *'I am not satisfied that the schemes before me do not result in material harm to the living conditions of the occupiers of neighbouring properties in terms of both noise and smell'*.

5.8 Limited information was submitted at the time of the previous application to help address this concern with the Councils Environmental Health Officer drawing attention to the DEFRA document "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems". This states that Indian food will require a high level of odour abatement emphasising the need for a sufficient filtering system. Planning permission was refused on this basis.

5.9 In this instance, further details have been received which address these previous concerns. On this basis, and given the small size and position of the proposals, there is now no objection to this application on residential amenity grounds.

5.10 Highway Safety

There is no objection to this application on highway safety grounds.

6. CONCLUSION

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

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

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

1. The design of the flues is considered to be in general keeping with the character of the building and the surrounding area and thus would accord with Planning Policy D1 (Achieving Good Quality Design in New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The proposal would not cause any significant adverse impact in residential amenity and would accord with Planning Policy EP1 (Environmental Pollution) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

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

Contact Officer: Peter Burridge

Tel. No. 01454 865262

CONDITIONS

1. The flues and extraction equipment hereby permitted shall be installed in accordance with the plans and technical data submitted with this application (dated October 11th 2011) within three months of the date of this decision with the existing unauthorised flues removed within three months of the date of this decision.

Reason

In the interest of visual and residential amenity and to accord with Planning Policies D1 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 46/11 – 25 NOVEMBER 2011

| | | | |
|----------------------------------|---|-------------------------|--------------------------------------|
| App No.: | PT11/3228/F | Applicant: | Mr And Mrs N Evans |
| Site: | 27 Rectory Road Frampton Cotterell Bristol South Gloucestershire BS36 2BN | Date Reg: | 11th October 2011 |
| Proposal: | Erection of single storey front, side and rear extension to form garage and conservatory. | Parish: | Frampton Cotterell Parish Council |
| Map Ref: | 366596 181669 | Ward: | Frampton Cotterell |
| Application Category: | Householder | Target Date: | 2nd December 2011 |



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
 Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright
 and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PT11/3228/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a single storey front, side and rear extension to form garage and conservatory.
- 1.2 This is a modern detached property located within the settlement boundary of Frampton Cotterell. The proposal involves the extension of the main dwelling and the demolition of an existing double garage to the rear.

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 Frampton Cotterell Parish Council

No objection.

Other Representations

4.2 Local Residents

One letter of objection received raising the following concerns:

- Existing garage to be removed but no details shown regarding replacement of fence/wall
- All other properties part of 'mock Tudor' development have detached double garages and so development is out of character
- Plans have no measurements or dimensions. New building would be close to neighbouring wall which is to be maintained by no. 27 Rectory Road but might not be able to be due to close proximity
- Loss of light and loss of view

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 the proposal would not be overbearing on the residential amenity of neighbouring occupiers. The depth (3.6 m) and height (3.1 m) of the proposed conservatory is considered to have an acceptable relationship with no. 25 Rectory Road and would not result in an undue loss of amenity in terms of outlook from the rear of this property. It is also considered that the removal of the existing double garage could improve light levels into adjacent rear gardens and the outlook of neighbouring occupiers.

Privacy Analysis

The proposed fenestration in the conservatory would only add to existing on the rear of the host dwelling. Two side windows are proposed to let light into the garage and these are above 2 m in height from floor level so therefore there would be no overlooking or loss of privacy as a result of the proposal.

Amenity Space

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

Highway Safety Analysis

The existing detached double garage is being demolished however an attached single garage is proposed as part of the redevelopment and there would be an additional space available in front of this. The provision of off street parking is therefore acceptable and the proposal would not prejudice highway safety.

5.3 Design / Visual Amenity

The proposal is considered satisfactory 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. The existing double garage is well screened from the public realm and it is not considered its demolition would harm the visual amenity. A condition requiring the removal of the garage will be attached to the decision notice as any potential reuse of the building would require further consideration in planning terms.

5.4 Other Matters

- A local resident has questioned the lack of measurements on the plans. The plans submitted are to scale and have given Officers an acceptable level of understanding of the proposed development.
- A local resident also raised concern regarding the maintenance of the extension due to its close proximity to a neighbouring wall. Future maintenance of the development is the property owner's responsibility, although it is noted there will be a gap of approximately 0.5 m between the side elevation wall of the extension and the boundary with no. 25 Rectory Road.
- A local resident questioned whether boundary treatment was to be retained. The proposal has been assessed on the submitted plans and no details have been submitted in regard to boundary treatment. The replacement of boundary treatment would likely fall within householder 'permitted development' rights, in any case.

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. Prior to the first occupation of the development hereby permitted the detached double garage (as shown on drawing no. 0500/4) shall be removed and the land made good.

Reason

Any reuse of the building would require further consideration by the Local Planning Authority, in terms of Policies D1, H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006.