

**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS  
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY  
THE DIRECTOR OF ENVIRONMENT AND COMMUNITY SERVICES**

**CIRCULATED SCHEDULE NO. 50/13**

**Date to Members: 13/12/13**

**Member's Deadline: 19/12/13 (5pm)**

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

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

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

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

## NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

## GUIDANCE FOR 'REFERRING' APPLICATIONS

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

- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. Please do not leave it to the last minute
- Always make your referral request by e-mail to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk), where referrals can be picked up quickly by the Development Management Technical Support Team. If in exceptional circumstances, you are unable to e-mail your request, please contact 01454 863519, 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**  
**Christmas & New Year Period 2013**

<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline</b>
51/13	Friday 20 Dec 2013	5pm Thursday 02 Jan 2014
01/14	Friday 03 Jan 2014	5pm Thursday 09 Jan 2014

Above are details of the schedules that will be affected by date changes due to the Bank Holidays at Christmas & New Year 2013.

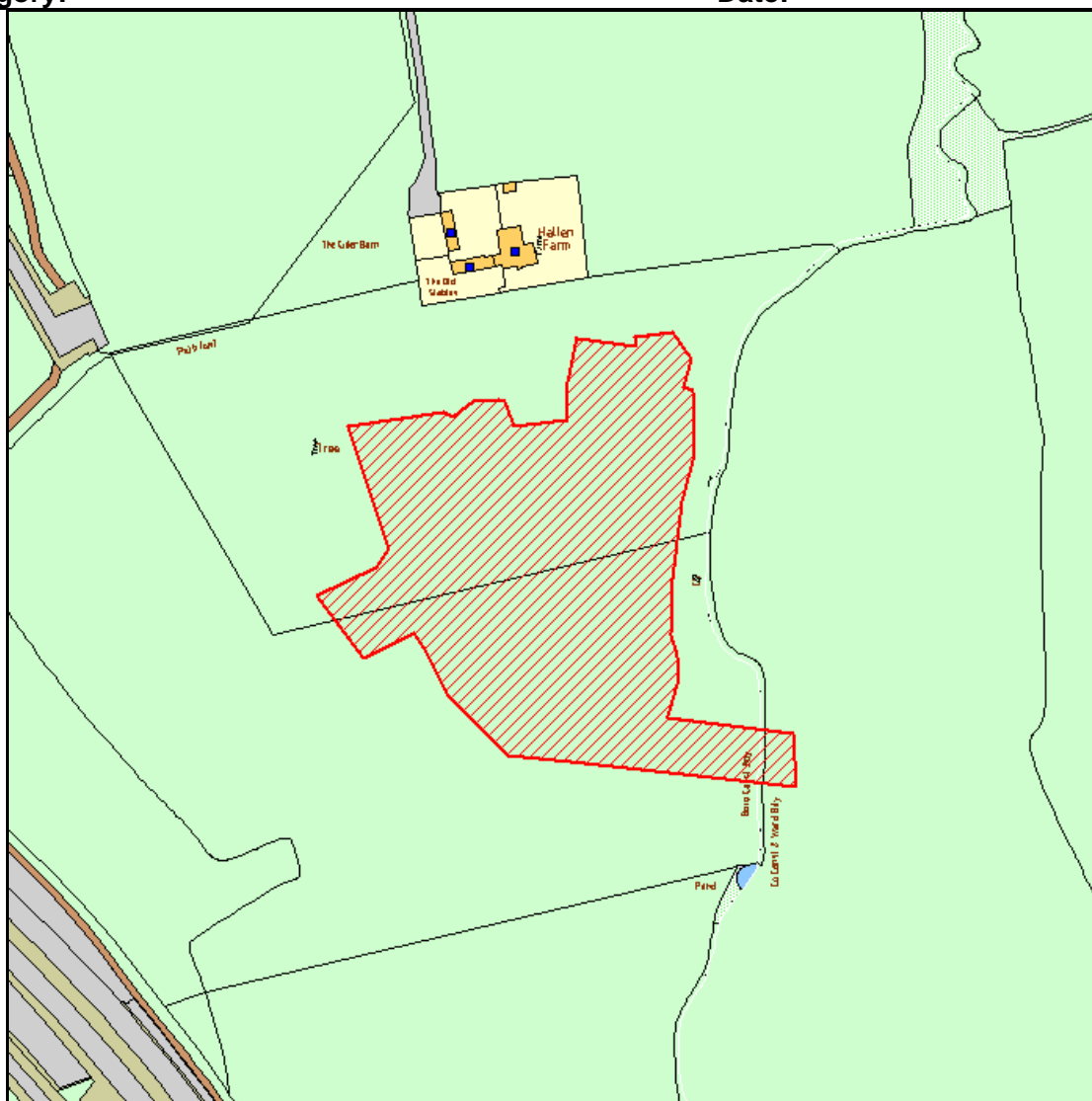
All other deadline dates remain as usual.

# CIRCULATED SCHEDULE – 13 DECEMBER 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/2646/RM	Approve with Conditions	Parcel 3 Land At Emersons Green East South Gloucestershire BS16 7AQ	Emersons	Mangotsfield Rural Parish Council
2	PK13/3484/F	Approve	34 Chiltern Close Warmley South Gloucestershire BS30 8UL	Oldland	Bitton Parish Council
3	PK13/3516/F	Approve with Conditions	Land Off Barry Road Oldland Common South Gloucestershire BS30 6QX	Bitton	Bitton Parish Council
4	PK13/3808/O	Approve with Conditions	68 Court Farm Road Longwell Green South Gloucestershire BS30 9AD	Longwell Green	Hanham Abbots Parish Council
5	PK13/3871/O	Approve with Conditions	7 Beechwood Avenue Hanham South Gloucestershire BS15 3QN	Hanham	Hanham Parish Council
6	PK13/3926/F	Approve with Conditions	64 Court Road Oldland Common South Gloucestershire BS30 9SP	Oldland	Bitton Parish Council
7	PK13/3932/CLE	Approve	Land Adj Clovermead Farm Lodge Road Wick South Gloucestershire BS30 5TU	Boyd Valley	Wick And Abson Parish Council
8	PK13/3993/F	Approve with Conditions	4 Skippon Court Hanham South Gloucestershire BS15 3SN	Hanham	Hanham Parish Council
9	PK13/4027/CLP	Approve with Conditions	10 Fontwell Drive Downend South Gloucestershire	Emersons	Downend And Bromley Heath Parish Council
10	PK13/4263/PNH	No Objection	7 Caddick Close Kingswood South Gloucestershire	Kings Chase	None
11	PT13/3730/F	Approve with Conditions	2 The Newlands Frenchay South Gloucestershire BS16 1NQ	Frenchay And Stoke Park	Winterbourne Parish Council
12	PT13/3740/CLE	Refusal	Bagstone Garage Bagstone Road Rangeworthy Wotton Under Edge South Gloucestershire	Ladden Brook	Rangeworthy Parish Council
13	PT13/3937/F	Approve with Conditions	The Brindles Strode Common Alveston South Gloucestershire BS35 3PJ	Thornbury South And	Alveston Parish Council
14	PT13/3990/PNC	No Objection	Alexandra Workwear Midland Way Thornbury South Gloucestershire BS35 2NT	Thornbury South And	Thornbury Town Council

**CIRCULATED SCHEDULE NO. 50/13 – 13 DECEMBER 2013**

<b>App No.:</b>	PK13/2646/RM	<b>Applicant:</b>	Persimmon
<b>Site:</b>	Parcel 3 Land At Emersons Green East South Gloucestershire BS16 7AQ	<b>Date Reg:</b>	24th July 2013
<b>Proposal:</b>	Erection of 56no. dwellings, garaging, parking, landscaping and associated works. (Approval of reserved matters to be read in conjunction with outline planning permission PK04/1965/O).	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	367495 177657	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Major	<b>Target Date:</b>	18th October 2013



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 100023410, 2008. **N.T.S.** **PK13/2646/RM**

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

The application for reserved matters approval follows the grant of outline consent for this major mixed use development. The application has been forwarded to the Council's Circulated Schedule of applications in accordance with the adopted scheme of delegation as it relates to major development.

### **1. THE PROPOSAL**

- 1.1 The application seeks reserved matters consent for the erection of 56 dwellings, garaging, parking, landscaping and associated works. The reserved matters, which comprise landscaping, appearance, layout and scale, should be read in conjunction with outline planning permission PK04/1965/O for an urban extension on 99 hectares of land including residential development of up to 2550 dwellings. This outline consent included details of access to the site as a whole off the Rosary roundabout. The site has the benefit of an approved Detailed Masterplan and approved Design Code.
- 1.2 The proposal is for the development of parcel 3 which is within the first phase of development, on the spine road to the south of Hallen Farm, an existing listed building within the western part of the Emersons Green East (EGE) urban extension.
- 1.3 Full planning permission has already been granted for the infrastructure road known as the 'Green Road' leading from the Rosary Roundabout to this parcel. Reserved Matters approved has been given for Parcel 5 which lies to the west of the current application site.
- 1.4 The 56 dwellings, including 14 affordable units, would comprise a mix of houses and flats of 2, 3 and 4 bedrooms, ranging from between 2, 2.5 and 3 storeys in height.
- 1.5 In support of the application, the applicant has submitted the following:
  - Compliance Statement
  - Landscaping Details
  - Landscape Maintenance Schedule

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans (At the time of writing the report)

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

D1	Design
L1	Landscape Protection and Enhancement
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy
M2	Site 5 Major mixed use development at Emersons Green East
H6	Affordable Housing

L13 Listed Buildings

EP2 Flood Risk and Development  
L17 and 18 The Water Environment

*Other material considerations*

2.3 South Gloucestershire Local Plan: Core Strategy incorporating Inspector's Main Modifications (November 2013).

At the time of writing this report, but before the decision will be finally made, the Core Strategy is to go to Full Council on 11<sup>th</sup> December 2013 for adoption.

CS1 High Quality Design

CS9 Managing the Environment and Heritage

CS2 Green Infrastructure

CS18 Affordable Housing

CS29 Communities of the East Fringe of Bristol Urban Area

2.4 Supplementary Planning Documents

Adopted South Gloucestershire Design Checklist SPD

Residential Parking Standards SPD March 2013 (endorsed for Development Management purposes).

**3. RELEVANT PLANNING HISTORY**

3.1 PK04/1965/O Urban extension on 99 hectares of land comprising of :- Residential development of up to 2550 dwellings; up to 100,000m<sup>2</sup> of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m<sup>2</sup> of small scale A1, A2, A3, A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavillion (Class D1) and health centre. Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycleways. Structural landscaping. Formal and informal open space. Surface water attenuation areas. (Outline) with means of access to be determined.  
Approved 14<sup>th</sup> June 2013.

3.2 Development Control East Committee on 15<sup>th</sup> February 2013 approved the Detailed Masterplan associated with outline planning permission PK04/1965/O at Emersons Green East.

3.3 PK10/0473/F Construction of Multi Modal Interchange, Green Road and access to the A4174 Ring Road from Rosary Roundabout. Full planning permission granted 7.1.13

3.4 Environmental Impact Assessment was carried out for the Outline planning permission for this development and officers can confirm that the current RM application does not raise any issues that would call into question the EIA conclusions.

- 3.5 PK13/2790/RM: Parcel 5 - Reserved matters consent for the erection of 45 dwellings, garaging, parking, landscaping and associated works on 1ha of land to be read in conjunction with outline planning permission PK04/1965/O. Consent granted October 2013.
- 3.6 PK13/2602/RM: Construction of Road 2A, including carriageway and footway. Construction of steps (down to Road 1A) and associated landscaping. Approval of Reserved Matters to be read in conjunction with outline planning permission Pk04/1965/O. Approved 22<sup>nd</sup> October 2013

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

##### **4.1 Mangotsfield Rural Parish Council**

No objection. However we are concerned about the safety aspects at the Rosary Roundabout, since the development will bring about a huge increase in traffic. The committee requests that any planned safety measures for the Rosary Roundabout are in place before any dwellings are occupied. They also ask for the other road entrances to the EGE development, from Lyde Green roundabout and Folly Bridge roundabout to be built early on the development stage since this will also ease the traffic at the Rosary roundabout.

##### **OTHER CONSULTEES**

##### **4.2 Environment Agency**

At present insufficient technical information had been submitted on surface water drainage. Therefore we ask that the following information/clarification from the developers on surface water drainage to ensure the above Reserved Matters applications accord with the approved Emerson's Green East Development Drainage Strategy and Flood Risk Statement, dated 01 October 2012. This is to avoid an objection on each Reserved Matters applications.

Reserved Matters applications for Phase 1 should provide the following information to enable us to provide a supportive response.

1) The Reserved Matters site impermeable areas must accord with the Halcrow drainage strategy matrix. Where plots overlap this must be articulated so that this is fully understood. Please provide a drawing showing the red line boundary overlaid on top of the individual catchment plot boundaries (PJF089-574) shown in the Halcrow strategy so that a comparison of impermeable areas can be achieved.

2) A key element of the drainage strategy is to increase the capacity of the on-site watercourses (Folly Brook Tributary, Lyde Green watercourse and the Parkfield watercourse) to allow the developments runoff to be conveyed to the downstream reservoir and the other on site attenuation features. For phase 1 the Folly Brook Tributary will need to be enlarged. We are requesting that where a Reserved Matters application is freely discharging into a watercourse or the watercourse is within the red line boundary details must be provided to prove that these works are going to be undertaken but more importantly in accordance with the approved channel modelling included in the Halcrow Drainage Strategy 2012.



3) Where technically feasible we require Sustainable drainage systems for water quality improvements within each plot. It is our understanding that all plots within Phase 1 are residential. We require a technical assessment of the SUD techniques that are available for these plots as described in Chapter 6 of the Halcrow strategy. We would expect the developers of each plot take a joined up approach to determine if linkages can be achieved so the scope of SUDs being considered are not confined to the individual red line Reserved Matters boundary. In our opinion there are opportunities for SUDS for e.g. lined permeable paving within jointly owned courtyards and water butts for all properties. We are mindful that you have reservations regarding swales being incorporated along the highways, but if opportunities do present themselves for additional SUD measures we would welcome further discussions.

4) The Phase 1 plots have a direct discharge, via surface water sewers, to a tributary of the Folly Brook. We would expect the developer to undertake hydraulic modelling (Micro-drainage or using similar sewer modelling software) to determine if there are any overland flow routes between the individual property sewers located in the highway to the receiving watercourses. For design exceedance and for sewers adoption the 1in 30 year event must be contained in the sewer. However are there any properties at risk from a surcharged sewer when considering a 1in 100 rainfall event? Please provide details demonstrating that the highway system is being designed to contain any surcharged sewer water.

#### 4.3 Wessex Water

Scottish and Southern Electricity are the statutory water and sewerage undertaker for the development. Whilst our agreement for bulk supply of sewerage services would dictate connection points for their foul and surface water network to ours, we have no further detailed comments to make on the reserved matters applications.

#### 4.4 Coal Authority

The Coal Authority originally objected to the application due to the proposed development being in close proximity to the recorded mine entry (shaft) in relation to two of the plots. The applicant subsequently submitted a ground investigation report providing information on the extensive site investigation works that have been undertaken on the site in order to try and locate the recorded mine entry, however to date, this has not been successfully located. Due to the level of investigation that has been undertaken the Coal Authority consider that the applicant has taken appropriate steps to address the coal mining legacy and is therefore able to withdraw its objection. An informative is however recommended.

#### 4.5 English Heritage

No objection. The application should be determined in accordance with the Council's own specialist conservation advice.

#### 4.6 Highways Agency

No objection

#### 4.7 SGC Highway Engineer

This is Reserved Matters application and it is pursuant to outline permission PK04/1965/O for up to 2550 dwellings and supporting infrastructure. The applicant has provided a 'Statement of Compliance with the Design Codes', I concur that the revised scheme complies with the Design Codes and is acceptable.

#### 4.8 SGC Housing Enabling

Any provision of Affordable Housing on this parcel must be provided in accordance with schedule 12 of the S106 agreement approved with Outline Planning Permission PK04/1965/O and the Affordable Housing Schedule for Distribution Rev B approved by planning condition.

The affordable housing mix proposed on Parcel 3 is provided in accordance with the approved Affordable Housing Schedule for Distribution Rev B. The parcel comprises of 56 units in total with 14 provided as affordable, which equates to 25% of the total units on the RM application site.

The applicant is required by the S 106 to seek grant for a 4 month period in accordance with the S106 agreement and has submitted a report to the Council showing the steps it has taken to comply with its obligations in paras 1.3.1 and 1.3.2. in Part 2 of the S106 schedule.

#### 4.9 SGC Listed Building Officer

Since the original concerns, revised drawings have been received and are acceptable from a layout point of view from a conservation perspective, subject to agreement of materials and large scale construction details – eaves, verges, windows, doors, bay windows and chimneys. In the absence of this detail, conditions are required.

#### 4.10 SGC Urban Design Officer

The outline application has the benefit of a site wide master plan and approved Design Codes (June 2013). The Design Codes set out detailed parameters with respect to structural elements, street design, layout and appearance and landscape treatment. Parcel 6 & 7 comprises part of the Central Character Area and fronts the Spine / Boulevard and Central Key Space. The applicant has provided a 'Statement of Compliance [with the Design Codes]'. Concerns regarding the originally submitted scheme included the following:

A consistent building line is needed fronting the public open space adjacent to the listed building.

Widths of some of the roads can be decreased in places to improved the visual amenity of the area as well as enable an increase of the informal public open space to the east of the site.

The double garage on the spine road is not in accordance with the code.

Window door and rainwater goods colours should be specified, in accordance with the code.

Following the receipt of revised plans the Council's Urban Design Officer has no objections to the scheme.

#### 4.11 SGC Landscape Architect

Landscaping revisions were sought in relation to the appearance of the shared streets, the Local Area of Play and the frontage to Hallen Farm. The originally submitted application did not include any detailed landscaping plans, however these have now been submitted as well as revisions sought including additional tree planting in gardens, additional planting in parking courts, some areas of larger tree species to take account of the greater space available and improvements to the local area of play. The Council's Landscape Architect has confirmed that the revised details are acceptable.

#### **Other Representations**

#### 4.12 Local Residents

No responses received.

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

#### 5.1 Principle of Development

The principle of development has been established with the approval of outline planning permission PK04/1965/O, which covers a substantial part of the Emersons Green East (EGE) development, allocated by Policy M2 in the South Gloucestershire Local Plan. The outline planning permission reserved all matters for future consideration, except means of access off the Rosary roundabout, which has been approved in detail.

5.2 The DC East Committee, in February 2013, approved the site wide detailed masterplan, and subsequently officers approved the design code under delegated powers for the whole of the outline application site.

5.3 Parcel 3 is located within phase 1 of the development area, and the residential development, with no other land uses on this parcel is in accordance with the masterplan. It is considered therefore that the proposal is acceptable in principle.

#### 5.4 Urban Design

In accordance with the Design and Access Statement approved at outline stage, the approved design code seeks to deliver a series of three distinct character areas – southern, northern and central, each of which contains sub areas- spine, core or edge. The idea is to provide continuity and consistency in some elements within the character areas and within the sub areas, with the aim of creating a development that is harmonious yet legible and varied.

The proposal is for 56 residential units to the eastern side of the main spine road through the site. The site lies within the Central character area as outlined in the Design and Access statement and the design codes of the site wide master plan. The northern part of the site adjacent to the listed Hallen Farm is classed as 'Edge', the western edge is 'Spine' and the rest of the site is 'Core'.

Condition 6 attached to the outline planning permission requires applications for the approval of reserved matters to be in accordance with the approved Design and Access Statement parameter plans, masterplan and design code; and that a compliance statement is submitted with each reserved matters application. The application includes a compliance statement. The design has been significantly modified since the pre application phase and during the period of assessment of the application.

#### *Parameter Plans*

For this site, the parameter plans approved at outline stage require a main frontage along the spine road, and views provided along the spine road, and a density range of between 40 and 80 dph, with development up to 4 storeys in height on most of the site, but two storeys only adjacent to the listed building and 3 storeys on the part of the spine road adjacent to the listed building. The proposal complies with these parameters and has a density of 40 dwellings per hectare.

#### *Street Hierarchy*

Apart from the Spine Road – Boulevard which forms the western boundary of the site (and the road itself is outside the application site) Parcel 5 includes tertiary routes and informal homezones. The only road types currently under consideration within the application therefore are tertiary and homezones. The details of the homezones are considered below under *Urban Design*. The design code is considered to be complied with in terms of the detailed design of the tertiary roads within the site.

#### *Safe Routes to School*

The approved Design Codes include a network of Safe Routes to School within the EGE area. Within parcel 3 there are two routes – one running along the eastern site boundary and one cutting through the site to the footpath to the south of the listed building. Detailed negotiation on these routes has ensured that they are on routes considered safe by virtue of them being homezones, in accordance with the Design Code. Nationally available evidence on the use of shared spaces shows that the aforementioned scenario is not considered a hazard as the pedestrians command priority and vehicles give way. This has been supported by SGC Road Safety Manager. In further support of this an independent Stage 1 Road Safety Audit has been undertaken by the developer for the Emerson's scheme which supports the use of Home Zones in accommodating SRTS. The Audit Team felt that the Home Zone type of environment provided a 'Sympathetic' and 'Safe' environment suitable for a SRTS. This point was also supported by the Council's Road Safety manager. The proposal is therefore considered to comply with the design Code in respect of SRTC.

#### *Waste Collection and Storage*

The locations of storage and collection points have been set out on the planning layout. As there is only one terrace in this layout, the issue of bins being stored to the front of dwellings is not considered an overriding issue. The proposal is considered to be in accordance with the code.

#### *Layout and Appearance*

It is considered that the proposal would provide a well-defined strong frontage development along the spine road, in accordance with the code. For the spine, the design code requires largely continuous frontage, a minimum 6-7 m setback, a consistent roof pitch and an eaves and verge overhang of at least 300mm.

Contemporary fenestration of a limited palette of colours and materials of buff multi brick, grey render together with man- made slate roof tiles are all provided in accordance with the code. Boundary treatments are rendered piers with black metal ball top railings, in accordance with the code. A landmark building is not proposed to the frontage of the main Spine, however it is considered that the strong rhythm and unique curved nature of the townhouses along this frontage will be a landmark in itself.

The northern part of the site is classed as 'Edge' and lies adjacent to the listed Hallen Farm buildings. In this area the site has been revised to ensure that the setting of the listed building is not harmed, through the orientation and separation distances. In addition the boundary treatments of these buildings are now natural stone walling on order to enhance local distinctiveness. It is considered that the Design Code and masterplan is now adhered to in this area. (The issue is discussed on more detail under the *Listed Building* section of this report).

For the remainder of the site, the code requirements for the central character area core are adhered to.

#### *Homezone*

As noted above, the Masterplan requires informal homezones within the current application site, and these are provided accordingly. These areas have been revised since the originally submitted scheme, and provide shared space for informal play and amenity space, as well as highway and parking. There will be a common shared surface to the street, drainage gulleys to the edges, and seating areas overlooking the spaces, Localised narrowing emphasises the need for vehicles to slow down to less than 20mph in these areas.

#### *Local Area of Play (LAP)*

The approved Masterplan requires a Local Area of Play within this application site, and accordingly, one has been provided adjacent to the linear public open space to the east of the site. This is an additional feature over and above the need for a home zone, but it is considered that their proximity enhances both facilities. Detailed plans of the LAP and play equipment within it have now been received, and it is intended that this area is for use by toddlers, hence there will be a low boundary between it and the homezone. The details of the LAP have been amended and are now considered acceptable by the Council's play area officer.

#### *Urban Design Conclusion*

Following pre- application discussions, significant improvements to the layout of the scheme were made, and following submission of the application a number of changes and clarifications were required by the Council's Urban Design Officer, all of which have been resolved, subject to a condition regarding lighting. Following the receipt of revised plans to take account of these, the scheme is now considered to fully comply with the masterplan and design codes as well as Policies D1 of the SGLP and CS1 of the Core Strategy, and officers consider that the proposal would constitute a high quality of design.

## 5.6 Listed Building Issues

This parcel lies to the south of the grade II listed Hallen Farm and its curtilage listed farm buildings. These 17<sup>th</sup> century buildings together form a square group on a prominent ridge in the landscape, with the farmhouse facing due south. The Design Code identifies Hallen Farm as one of the seven designated features within the wider Emerson's Green East site and describes measures that have been incorporated into the Masterplan to minimize the adverse effects on the significance of the setting of the farm buildings. Whilst the mitigation measures are intended to influence certain design parameters, the actual design of individual buildings in and around the central character area must still have regard to the desirability of preserving the setting of listed buildings in accordance with Policy L13 of the Adopted Local Plan, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 131 of the NPPF.

As stated in the *Consultation* section of this report, the Council's Listed Building Office had concerns regarding the proposed layout, this was due to the orientation of the buildings which did not adequately take account of the adjacent listed building. These have now been resolved and the Council's Listed Building Officer is happy with the layout. Further, sections have been submitted which show that the finished floor levels will be cut into the gently sloping site rather than raised up, so that the dwellings will remain subservient to the listed buildings.

There are matters of detail however that require further information. The applicant has agreed that the materials used around the Hallen Farm complex will be of a higher standard than the less sensitive parts of the parcel. In this respect, natural clay tiles and or natural slates should be specified on the adjacent plots. Samples of the render are required prior to commencement. Further there are some variations in the footprint of certain plots around the POS that indicate a departure from the standard designs of the buildings, for example the inclusion of additional bays that are not illustrated in the information submitted to date. Additional information in respect of this should be submitted through a condition.

Large scale details of the porches, windows, cills and reveals should be secured via condition. Windows should be set in reveals c10cm deep, to give depth and interest to the elevation. Eaves, verge and ridges – traditional detailing of eaves, verge and ridges will assist in creating a distinctive local identity which will set the Hallen Farm group apart from the remainder of the parcel. Simplification of eaves details, avoiding plain or large fascias and bargeboards will impart a traditional character and distinctiveness to the group. Large scale details of these too will be required.

The development includes a lot of natural stone boundary walls around the Hallen Farm area. Sample panels, at least 1m square are to be secured via condition to demonstrate the stone, colour, coursing, jointing, pointing and different coping to ensure that they reinforce local distinctiveness and respect the setting of the listed farm group. Stone should be locally sourced pennant rubble, and the lower walls fronting the green space should have a dry-stone wall appearance - the core can be mortared for stability if required.

Subject to the condition/s covering the above matters therefore, the revised scheme is therefore considered to comply with the Heritage Assessment, Design Codes and Policy L13 in terms of listed building issues.

## 5.7 Landscaping

The scheme has been amended generally to reduce the amount of hard surfacing within the scheme and pull some of the buildings out of the designated linear informal open space forming the northern and eastern boundaries of the site in order to comply with the approved masterplan.

In terms of the detailed landscaping scheme, amendments include additional tree planting in gardens, additional tree and shrub planting in rear parking courts, and improvements to the Local Area of Play (LAP). Further, improvements to the quality of some of the hard surfacing have been achieved too.

The revised proposal is considered to be in accordance with Policy L1 of the South Gloucestershire Local Plan and the approved Design Code and Masterplan for EGE.

## 5.8 Transportation

The site will primarily be accessed by a new road from the Rosary Roundabout, which was granted full permission under application reference PK10/0473/F. That road (formerly known as the Green Road) would provide the spine road access Parcel 3.

The application complies with the site wide requirement to design to a 20mph speed limit and lower in the informal homezone.

The Council's Highway Engineer had some initial concerns regarding the detailed layout and parking and these have now been resolved. In terms of Safe Routes to School, this is covered in *Urban Design* above.

The compliance statement includes a parking details to identify the number of allocated parking spaces and visitor parking spaces, which include on plot and courtyard parking. The EGE Design Code was drafted at the same time as the Council's Parking Standards SPD, therefore the application in compliance with the Design Code will ensure compliance with the SPD. The submitted Compliance Statement states that the required parking ratio has been met and the Council's highway Engineer has confirmed this.

Courtyards comply with the Design Code in terms of maximum sizes, and in terms of cycle storage, and this is provided in either enlarged garages or in rear garden sheds.

It is noted that Mangotsfield Parish Council have concerns regarding the safety of the Rosary roundabout, and assurances regarding the triggers for safety measures incorporated into this roundabout. Although not the remit of the application currently under consideration, officers can advise members that the Rosary roundabout access already has full planning permission, granted under the outline consent, as well as the MMI consent and therefore the safety of it was considered at this time. The Section 106 Agreements associated with these applications require that a toucan crossing is installed on the ring road adjacent to the Rosary roundabout. This is required to be implemented at the latest within one year of the first occupation of any dwelling on EGE. The construction of the fourth arm of the Rosary roundabout into the EGE development also includes the formation of a splitter island and toucan crossing on the 'Green Road' and the extension of the ring road cycleway into the site. At a later stage both arms of the Rosary roundabout and the entry arm from Emerson Way will be signalised. There is no necessity to construct the access from the northern part of

the Science Park at an early stage, however the applicant has indicated that it is likely to be at a relatively early stage to enable to two haul routes to be in use.

The Council's highway engineer is satisfied that the scheme is acceptable in transportation terms and complied with the code and Policy T12 of the SGLP

#### 5.9 Residential amenity

The originally submitted scheme included a number of areas where it was considered by officers that future residents would not have a sufficiently good standard of residential amenity. Since then, revised plans have been received including the relocation of plots to provide adequate intervisibility distances of and no significant overbearing impact caused by adjacent dwellings.

The closest existing dwellings are at Hallen Farm, but at some 40m from the nearest proposed dwelling, and with the public open space and existing stone boundary wall between, they are not considered to be affected by the proposal, apart from the general change that will result from the principle of residential development on a previously Greenfield site, as granted at outline stage.

All of the proposed houses are now considered to have reasonably sized gardens. It is considered that the scheme would ensure an adequate level of residential amenity in terms of privacy, and without any significant overbearing effect caused by neighbouring dwellings. Despite the gently sloping nature of the site, a section through the site has been provided which provides further clarification on this issue.

Given the above, it is considered that the proposed scheme is acceptable in terms of residential amenity.

#### 5.10 Affordable Housing

As is noted in the consultation section of this report, the proposed 14 affordable units are in accordance with the approved affordable housing phasing plan and comprise 25% of the parcel total. The units are spread though the site two different streets. They are also of the correct size and mix of unit size. Since the application has been submitted, the applicant has clarified that steps have been taken to investigate funding towards 'target affordable housing units' and provided confirmation from the Homes and Communities Agency that no such funding is available for this development. The Section 106 associated with the Outline consent requires evidence to be provided to demonstrate that grant has been sought for a 4 month period carried out to increase the 25% to the target of 33.3%. This included approaching the directly HCA as well as the Housing Associations themselves who also have grant allocations. It was confirmed however that no grant funding was available. The Council's Housing Enabling Team have confirmed that this process has been carried out correctly and therefore the scheme is in compliance with the S 106.

Hence the scheme is therefore acceptable in terms of affordable housing.

#### 5.11 Drainage

As noted in the consultation section of this report, the Environment Agency has requested additional information in order to be able to confirm whether the Folly Brook Drainage Strategy for EGE has been complied with. The applicant has now provided this information, and the EA's further comments are awaited.



The approved Drainage Strategy and Flood Risk Assessment for the Folly Brook Catchment (October 2012 & April 2013 Addendum) divides the EGE area into 3 sub catchments each discharging into separate tributaries of the Folly Brook. A key element of the Drainage Strategy is to increase the capacity of the on-site watercourses to allow the development runoff to be conveyed downstream to the downstream reservoir and the other on-site attenuation features. For phase 1 the Folly Brook Tributary will need to be enlarged, however Parcel 5 does not abut this watercourse, so this element of the strategy is not relevant for the current application, although its surface water sewers will lead eventually to the Folly Brook .

The required attenuation for Phase 1 is provided through the extension of the existing attenuation area Pond C3. These engineering works have recently been completed.

The Drainage Strategy also requires where technically feasible, SUDS for individual Reserved Matters parcels for water quality improvements. The current application includes water butts for all properties.

The Drainage Strategy includes a matrix table indicating percentages of impervious area used for each catchment. This matrix is intended as a base line against which all Reserved Matters applications can be checked. Confirmation of whether the matrix has been complied with is currently awaited from the EA and delegated authority is sought to approve the application should the EA confirm acceptance of the drainage details.

#### 5.12 Ecology

As members may know, the site has already been cleared, apart from trees and hedges to be retained and earthworks carried out. In terms of ecology, the following activities and surveys have recently been undertaken:

##### *Badgers*

A pre-construction badger survey was undertaken on 6<sup>th</sup> June 2013. The survey showed that some of the setts were still in use. A 20m protection zone was set up around Sett K earlier in the year and marked with poles and bunting. The poles and bunting was replaced by Herras fencing later in the year. A subsequent inspection on 09 Sept 13 suggested that the sett is no longer in use although plans are being formulated to improve the sett to encourage repopulation when a badger sett on the Gateway site is closed under licence.

A further sett was also in current use. The sett is now protected by tree protection heras fencing and the earthworks to housing parcels 6,7 and 8 is now complete. Works were carried out to form the artificial setts in 2013. Further improvement works to the artificial setts, which include improving the drainage at sett B, is scheduled to be undertaken in October 2013.

##### *Slow-worm and other reptiles*

A presence/absence reptile survey was undertaken in July 2013 in the area which was urgently required for the balancing pond C3 extension.

One common lizard was found during the survey and therefore it was recommended that measures were undertaken to avoid harm and disturbance to reptiles. This included strimming the vegetation by hand to 6 inches prior to the soil stripping to

discourage reptiles from the working areas. The strimming of vegetation was subsequently undertaken by commencing the balancing pond works.

#### *Great Crested Newt*

A watching brief, which included a hand-search and destructive search whilst the topsoil was stripped, was undertaken on 1<sup>st</sup> and 2<sup>nd</sup> July 2013 in parts of the site that fell within 500m of the great crested newt ponds at Shortwood Quarry. No great crested newts or other amphibians were found during the watching brief.

#### *Breeding birds*

Checks for active nests were undertaken in potential bird nesting habitats prior to the topsoil stripping along the Folly Brook tributary on 1<sup>st</sup> July 2013. No active nests were found. Checks for active nests were also undertaken in the area of trees and scrub which needed to be cleared for the balancing pond extension between 4<sup>th</sup> – 9<sup>th</sup> July 2013. During the checks, a number of active nests were noted in some of the shrubs and therefore these areas were not cleared.

Officers are satisfied therefore that there is no further ecology works required to be included as part of this Reserved Matters 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.

## **7. RECOMMENDATION**

Delegate to officers that subject to no objection from the Environment Agency, and in the event that the Core Strategy is adopted before the decision is made, that delegated authority be granted to amend the Policy reasons in the conditions as necessary, the Reserved Matters submitted in accordance with Conditions 1, 2 10 and 27 associated with Outline Planning Permission PK04/1965/O dated 14th June 2013 be APPROVED, subject to the following conditions:

**Contact Officer: Helen Ainsley**  
**Tel. No. 01454 863788**

## **CONDITIONS**

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

Reason

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

2. The bin storage shown on the drawings hereby approved shall be provided before the buildings are first occupied, and thereafter retained for that purpose.

Reason

To ensure appropriate bin storage for the proposed dwellings and to accord with Policy D1 of the adopted Local Plan.

3. The boundary walls to plots 41, 42, 43, 44, 45, 53, and 54 hereby approved, shall be finished in local natural stone, in accordance with that shown in the approved Design Code and in accordance with a sample panel constructed on site and previously approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The retaining wall shall be completed in accordance with the details as approved prior to the first occupation of any of the associated plot hereby approved.

Reason

To ensure a good standard of visual amenity in accordance with local distinctiveness and in accordance with Policy D1 and L1 of the South Gloucestershire Local Plan.

4. Prior to the commencement of the development hereby approved, protective fencing shall be erected, in accordance with details to be previously approved in writing by the Local Planning Authority, along the existing hedgerow adjacent to the eastern boundary of the site. It shall be retained as such throughout the construction period.

Reason

To protect the character and appearance of the area and to provide a buffer between the employment use to the west of the site and in accordance with Policy D1 and L1 of the South Gloucestershire Local Plan.

5. Prior to the commencement of the development hereby approved, a programme for implementation of the hard and soft landscaping hereby approved shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscaping shall be carried out in accordance with the approved details and in accordance with the agreed programme.

Reason

To protect the character and appearance of the area to accord with Policies D1 and L1 of the South Gloucestershire Local Plan.

6. Prior to the commencement of the development hereby approved, details of street lighting 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 that the lighting scheme does not adversely impact on the landscaping scheme, and in accordance with Policies D1 and L1 of the South Gloucestershire Local Plan.

7. Sample panels of all proposed brickwork types shall be erected on site and approved in writing by the Local Planning Authority prior to construction above slab level of any of the dwellings hereby approved. The approved sample panel shall be kept on site for reference until the brickwork is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure a good quality of external appearance and to accord with the approved Design Code and Policy D1 of the SGLP.

8. The Local Area of Play (LAP) shall be provided in its entirety, in accordance with the details hereby approved, prior to the last occupation of dwelling numbers 52, 46, 24 and 25 ( as numbered on the Planning Layout Drawing hereby approved).

Reason

In the interests of the amenity of future residents and to ensure that the LAP is provided in phase with the development and in accordance with the approved Outline consent and Design Code.

9. Plots 1-16 inclusive and 47-41 inclusive shall be finished in K Rend Stirling White and or Grey, with rooftiles of Marley Eternit Thrutone in Blue/black.

Reason

To ensure a good quality of external appearance and to accord with the approved Design Code and Policy D1 of the SGLP.

10. Prior to the commencement of any of plots 41, 42, 43, 44, 45, 53 and 54, detailed plans at a scale of 1:20 of the following items for these plots shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

- a) Porches
- b) Windows, cills and reveals
- c) Eaves and verges

Reason

To maintain and enhance the character and setting of the adjacent listed building, and to accord with Policy L13 of the South Gloucestershire Local Plan.

11. Notwithstanding the submitted materials details, plots 41, 42, 43, 44, 45, 53 and 54, shall be roofed in natural clay tiles, details of which shall be approved in writing by the Local Planning Authority prior to the commencement of any of these plots.

Reason

To maintain and enhance the character and setting of the adjacent listed building, and to accord with Policy L13 of the South Gloucestershire Local Plan.

**CIRCULATED SCHEDULE NO. 50/13 – 13 DECEMBER 2013**

<b>App No.:</b>	PK13/3484/F	<b>Applicant:</b>	Mr M Ridgway
<b>Site:</b>	34 Chiltern Close Warmley South Gloucestershire BS30 8UL	<b>Date Reg:</b>	6th November 2013
<b>Proposal:</b>	Erection of 1.2 metre high garden fence	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367156 172215	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Householder	<b>Target Date:</b>	30th December 2013



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

4.1 Bitton Parish Council

No objection

4.2 Drainage

No comment

4.3 Enforcement

The Planning Enforcement team do not consider it expedient to take formal enforcement action against the fence as erected.

#### **Other Representations**

4.4 Local Residents

One letter of objection has been received raising the following issues:

- Fence is detrimental to the green areas;
- Fence is visually unattractive;
- Fence restricts openness;
- Fence may devalue property;
- Fence is encroaching into green area over what is reasonable.

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

5.1 This application seeks retrospective planning permission to retain a 1.2 high metre fence at a property in Warmley.

5.2 Principle of Development

All development within the District must accord with the Council's design standard, as set in policy D1 of the Local Plan. In addition to this, policy L5 does not permit development that has an adverse affect on an open area. Finally, when assessing development proposals within residential curtilages policy H4 is relevant.

5.3 In this instance, the development is acceptable in principle. However, the application will be determined against the criteria of the above listed polices as set out in the analysis below.

5.4 Impact on Open Area

Development that has an adverse impact on the quality, character, amenity or distinctiveness of open areas within the locality will not be permitted under policy L5. Open space can comprise areas of public, semi-private or private land.

5.5 The open areas within this locality contribute to visual amenity and the setting of the development. A number of fences have been erected within close proximity of the application site. These would appear to be lawful due to the length of time they have stood. There are also examples of screen planting as boundary treatments which are beyond the control of the Local Planning Authority.

- 5.6 The fence, when assessed on its own merits, is not harmful to the visual amenity of the open areas of the estate. The fence follows the route of the footpath which separates the large open green and the smaller, more residential areas. As a number of other fences are present nearby, it is not out of place or character with the locality.
- 5.7 It is also considered that the fence maintains the setting of the estate. A large open area is located immediately to the west of the application site. This area provides a backdrop to the properties on Chiltern Close and Malvern Drive and maintains the open-plan character of the estate.
- 5.8 It is not considered that the development has an adverse impact on the setting of the estate or the open areas within the existing urban area and therefore accords with policy L5.
- 5.9 Design  
A close-board timber fence has been erected. The fence is a half-height fence, of 1.2 metres high. Timber is an appropriate fencing material and the height of the fence allows views in and out of the site while providing some enclosure.
- 5.10 The fence follows the route of the pedestrian footpath and circles the building. It links the different pedestrian routes that run through the area and does not extend beyond the area that could reasonably be considered as residential curtilage.
- 5.11 Overall, the design and siting of the fence is considered to be appropriate and is not harmful to visual amenity.
- 5.12 Amenity  
Development should protect residential amenity. The fence does not materially alter the existing arrangements with regard to residential amenity as it does not change the use of the land or impede the use of the wider area.
- 5.13 Other Matters  
It has been stated that the fence may reduce property values. House values are not a material planning consideration and have therefore not been addressed above.

## 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 existing fence has been assessed on the design and appearance and the impact on residential amenity and the function of the open area adjacent. It is considered that the design of the fence is appropriate and that it does not have an adverse impact on either residential amenity or the amenity of the locality, including the open areas.



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.

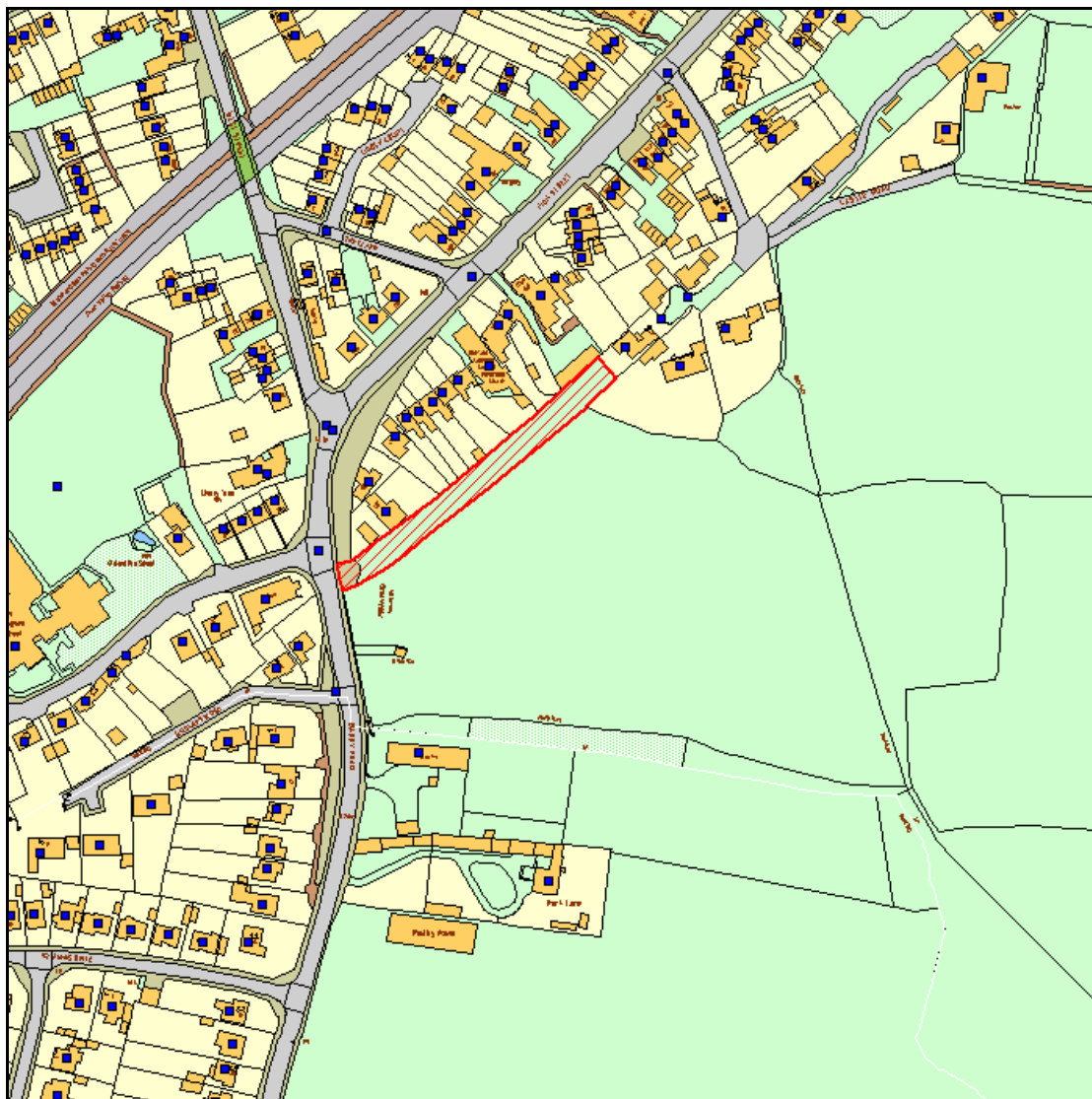
## **7. RECOMMENDATION**

7.1 It is recommended that this application be APPROVED.

**Contact Officer: Griffith Bunce**  
**Tel. No. 01454 863438**

**CIRCULATED SCHEDULE NO. 50/13 - 13 DECEMBER 2013**

<b>App No.:</b>	PK13/3516/F	<b>Applicant:</b>	Messrs Concrete Contractors Ltd
<b>Site:</b>	Land Off Barry Road Oldland Common Bristol South Gloucestershire BS30 6QX	<b>Date Reg:</b>	25th October 2013
<b>Proposal:</b>	Erection of 1no. detached dwelling with access, parking and associated works.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367308 171107	<b>Ward:</b>	Bitton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	17th December 2013



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

Objections have been received, contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a detached bungalow towards the end of a long, narrow site, accessed through a field gate off Barry Road. The site is part of the route of the Dramway, where other houses have been built to the north of this site. The site's eastern boundary marks the edge of the Green Belt and separates the site from an open agricultural field, rising to the East. The western boundary is primarily with the back gardens of a row of Listed cottages and the design of the bungalow presents a blank elevation in that direction.
- 1.2 Due to the shape of the site, an access drive is proposed to lead up to the bungalow, which is almost the width of the site. The access drive also provides open parking from two vehicles and a turning area. This application follows the withdrawal of a previous application for two dwellings on the site.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
L11 Archaeology  
EP2 Flood Risk  
EP6 Contaminated Land  
T12 Highway Safety  
L13 Listed Buildings
- South Gloucestershire Local Plan Core Strategy (Adopted) December 2013  
CS1 High Quality Design  
CS3 Green Infrastructure  
CS5 Location of Development  
CS9 Heritage assets
- 2.3 Supplementary Planning Guidance  
Development in the Green Belt  
Residential Parking Standards (April 2013)

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

- 3.1 PK12/3439/F Erection of two detached dwellings and garages      Withdrawn  
on officer advice

### **4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
No objection in principle, but the Parish has concerns over use of this access, given the level of parking related to the school opposite. The veluxes could lead to overlooking of the rear gardens.
- 4.2 Other Consultees

#### Transportation

No objection, subject to conditions.

#### Archaeologist

No objection, following receipt of further information.

#### Tree Officer

No objection, subject to the inclusion of a condition requiring that the development is undertaken in accordance with the submitted arboricultural report.

#### Landscape

No objection, following receipt of amended landscaping drawings.

#### Conservation Officer

No objection to the amended plans.

#### Environmental Protection

No objection in principle, subject to the inclusion of a contaminated land condition.

#### Technical Services

No objection, subject to the inclusion of a condition requiring a SUDS-compliant drainage plan.

### **Other Representations**

#### 4.3 Local Residents

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

- Loss of privacy in rear gardens of Listed cottages
- The access is too close to a roundabout and school traffic and pedestrians
- The site is too narrow for building on
- Overbearing impact on the rear gardens
- The Design and Access Statement mentions 2 houses – will another follow this proposal?
- The owners could increase the height of the bungalow
- Development out of character with nearby Listed Buildings
- The house should be located nearer to the site access
- One of the last parts of the Dramway would be lost
- A large ash tree with roots under the Dramway would be affected
- The ground is often waterlogged and there is a risk of flooding – the Dramway drainage manhole would be situated beneath the dwelling
- Loss of views
- Impact on wildlife
- The development will devalue properties

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The first issue is the impact on the openness of the Green Belt. There is also the issue of building above the Dramway route and the archaeological impact of this; the design and its impact of the development upon the setting of the Listed Buildings to the West of the site, highway concerns and an assessment of the proposal's impact on existing levels of residential amenity. These topics form the following headings for analysis.

### 5.2 Openness of the Green Belt

The site does not stand within the Green Belt, but next to it. There is no in principle objection to the development of this site as it falls within the urban boundary defined on the proposals map with the adopted South Gloucestershire Local Plan, but an assessment on the openness of the Green Belt under the provisions of the NPPF is necessary. In this regard, it should be noted that the impact of the scheme is much reduced in comparison with the previously withdrawn proposal. The number of dwellings has been reduced from two to one, the garages have been deleted from this proposal and the proposed dwelling is single storey. It is considered that there is no undue impact in the openness of the Green Belt arising from this proposal. Views from the public realm, Barry Road and the site entrance, already differentiate this site from the wide open field to the east of it and the introduction of a single storey dwelling on this site would not intrude on such views of the Green Belt itself. It is therefore considered that the proposal accords with the NPPF in terms of impact on openness.

### 5.3 Archaeology

The applicant has presented the results of an archaeological evaluation undertaken nearby the site, as requested in the original response. This information has been reviewed and there is no longer any need for a pre-determination assessment as this issue has been addressed. There is still opportunity to encounter archaeology relating to the dramway, but this has been dealt with by the relevant condition recommended below.

### 5.4 Design and Listed Buildings

The listed terrace of nos. 207 to 215 High Street dates from the mid-19<sup>th</sup> Century. It is considered to be attractive in appearance, being symmetrically laid out and constructed of snecked pennant stone rubble with coped parapet that is ramped up to nos 209 and 211, which in contrast to the main parts of the terrace, are taller and double fronted. The roofs are slate with coped verges and rendered brick chimneys. The windows have exposed frames and cambered heads, but it can be noted that since listing, the majority of windows have now been replaced with modern casement lights. In addition a number of the doors have also been replaced (nos 213 and 215 in particular) which have had a harmful impact on the historic character of the terrace.

In the assessment of the proposed scheme, there are the two following heritage issues to consider, impact upon the Dramway and impact upon the setting of the listed buildings.

1) The Dramway:

As set out in the previous Conservation comments for the last application (ref. PK12/3439/F dated 21/11/12), the Dramway can be considered an important non-designated heritage asset in light of its contribution to the industrial heritage of the area. 'The Dramway' was a horse-drawn railway used for the transportation of coal from collieries at Coalpit Heath down to the River Avon between 1830 and 1866. The former route of the Dramway that ran adjacent to and in some areas crossed the Oldland Common High Street has however been significantly fragmented as a result of recent housing developments that have been permitted adjacent to the application site. It is considered that due to the extent of the loss of the Dramway that has been permitted, although the application site is visible within the public realm, due to its limited scale it does not allow for any legible perception of the historic route of the Dramway. Therefore as previously noted, due to the decision to permit the developments to both the south and north of the application site, protection of this stretch of Dramway is now not considered possible, as the significance that can be attributed is not considered sufficient to sustain an objection at appeal. Subsequently and regrettably, no objection can realistically be raised to the principle of the development and the further erosion of the route of the Dramway. While the previous scheme was considered unacceptable on the grounds that the design and scale of the two previously proposed dwellings failed to reflect any sense of the local distinctiveness present with the High Street, .

2) Impact on Listed Buildings:

The previous scheme proposed 2no. large detached dwellings located within the confines of the liner configuration of the site. By reason of their siting, design and scale, the proposed houses failed to satisfactorily address the local context or incorporate any features of what can be considered to contribute towards the sense of local distinctiveness. Moreover due the edge of settlement siting and configuration of the site, it was considered that any proposed development for 2no. detached dwellings would be unacceptable by virtue of the visual harm they would create on the grounds of their incongruous nature.

With the principle of development on this site accepted, it was considered for any scheme to be successful, the design and scale would need to be significantly reconsidered so it could be seen to be far more sympathetic or recessive to its context. It was suggested that either a pair of mews cottages could be considered or a building that replicated the form of rural vernacular building could be proposed, as both options would provide a far softer edge to the setting which would subsequently have far less impact on the setting of the adjacent terrace of listed building.

Therefore prior to submission of this application, extensive negotiation took place to explore options to achieve one of the two suggested approaches. This has resulted in the scale of development reduced to 1no. single storey dwelling that is designed to read, at least at a glance or in silhouette, as a converted former agricultural building. The proposed building can be considered to comprise of three components; two main stone clad structures set under extensive asymmetrical pan tile roofs that flank a smaller central and

predominantly glazed structure. As the design rationale proposed can be considered to accord with one of the approaches suggested, there are no objections to the design or scale of the proposed building.

While there were concerns over the appearance of the roofs. With low eaves, steep pitch and high ridge levels of the two end structures, the building possesses a substantial roof plane that is too dominant and gives the building an almost 'top heavy' appearance. For practical reasons, however, a reduction in roof pitches could not be achieved. The step in roof pitch for the south east facing roof is noted and this would mitigate some of the massing of the building. Moreover, the two end structures also give the building a strong sense of symmetry, if only in silhouette, which would be desirable to break up in order to follow more accurately the rural vernacular, helping in the medium and long views to appear as a former detached rural building within the landscape. On balance, however, the degree of harm attributable to this factor is not considered to be sufficient to warrant a refusal reason.

The previous suggestion that the vertical timber boarding should run full height and not stop at what will appear as a stone plinth, has been shown on the amended plans and it is considered that the proposed new dwelling would integrate far more successfully than the previous proposals. Due also to its reduced scale of development, it is not considered that the proposed scheme would be harmful to the setting of the adjacent listed buildings, as the key views of the buildings from the south (which are considered first floor/ roofscape) would remain largely unaffected.

#### 5.5 Transportation

The total daily traffic generation from this site is estimated to be about 6 or 7 vehicular movements and this is not considered significant in terms of the main road that would serve the site, Barry Road. At this location, there are considered to be adequate visibility splays from site the access onto the public highway. The plans submitted with this application show visibility of 2.4m by 43m from site access onto the public highway and this meets the visibility standards as required in Manual for Streets guidance published by Department for Transport.

The site is within easy walking distance of both the main Oldland High Street and local shops, where access is available to public transport. The proposal also includes two car parking spaces and turning facility on site to ensure that vehicles can enter and exit the site access in forward gear and in safety.

In view of all above therefore, it is considered that the site is in a sustainable location and the access arrangements and parking accord with policy. A condition has been recommended below, requiring that the development is not occupied prior to the provision of parking, turning area and properly surfaced. Subject to compliance with this, the proposal is considered to accord with policy T12 of the adopted Local Plan.

#### 5.6 Residential Amenity

As stated above, the proposed dwelling presents a blank elevation to the rear gardens of the Listed cottages to the west of the site. The openings are almost all on the eastern elevation, giving views of the field. The front elevation also provides views down the access drive, while glazing on the northern elevation is limited to a bedroom window, overlooking the proposed garden for the dwelling. No windows therefore face other dwellings, other than that bedroom window. All glazing is at ground floor level due to the scale of the proposed dwelling and views in or out would therefore be curtailed by boundary treatments. The garden to be created to the north of the dwelling would only be overlooked at a distance from east and north. Regarding the rooflights, two of them have now been replaced by sunpipes on the amended plans and two others deleted, leaving a single rooflight, which would be high level and would not provide views in or out of the dwelling. The proposal is therefore considered not to have any adverse effect on privacy.

With regard to overbearing impact, the dwelling would only be single storey, with low eaves and would be located far enough from surrounding dwellings for this not to be an issue.

The garden size proposed is considered to be adequately proportioned to serve a three bedroom dwelling. The proposal is therefore considered to have no adverse impact on the residential amenity of surrounding occupiers or future occupiers of the site and accords with policy H2 in this regard. Regarding the issue raised about the height of the bungalows being increased, this would require planning permission and could be assessed if such an application were to be submitted. The size as shown is already considered to represent good sized family accommodation.

#### 5.7 Drainage

No drainage details have been submitted with this application. The scheme has been analysed by Technical Services and it is considered that the site is of a suitable size to offer a sustainable drainage solution and a condition recommended below require the submission of a drainage plan for approval prior to the commencement of development. Such a plan would also be expected to resolve the issue of the Dramway drainage manhole which would be situated beneath the proposed dwelling.

#### 5.8 Tree Issues

The proposed bungalow has been sited in order to avoid affecting the roots of the TPO'd oak tree on adjacent land. An arboricultural report has been submitted to accompany the application and this gives details of protective fencing while the works are carried out. It is considered that this would be a suitable means of protection for the tree and its root system. A condition recommended below requires adherence to the report in the provision of protective fencing and another requires further details to be supplied confirming that there will be a no dig method used in constructing the path that is proposed to lead to the property's front door. There are further trees which could be affected by this proposal and the response to this issue has been to curtail the drive before it reaches the root protection area of this tree. This is considered an appropriate measure to conserve the tree. Subject to the relevant conditions



recommended below it is considered that this element of the application accords with policy L1 of the adopted Local Plan.

#### 5.9 Other Issues

The consultation process has raised a number of other issues, such as loss of views and the potential for the proposal to devalue surrounding houses. Notwithstanding the fact that neither of these are relevant to the planning process, it is considered that first floor views would of the hill to the east of the site would still be obtainable over the building, which is single storey. The Design and Access Statement originally mentioned two houses and this was amended in a later DAS. Whether another proposal for a house will follow this proposal is a matter for conjecture and not relevant to the present proposal. However, as has been commented on above, the site is narrow and the width of the access road and turning spaces would further reduce its width, which is considered to preclude the necessary space for another dwelling.

The final two points raised are the impact on wildlife, which is considered to be minimal under this proposal and the suggestion that the house should be located nearer to the site access. In regard to the latter point, it is acknowledged that this would have created a longer rear garden and shorter access drive, but the proposed dwelling would also have been more prominent in public views and, given that the design has taken account of the site context it is considered that there would be no policy reason for insisting on different siting within this site.

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

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

## **CONDITIONS**

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

### Reason

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

2. A) Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.  
B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.  
C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.  
D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policies EP1 and EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The off-street parking and turning facilities shown on the plan hereby approved shall be provided using a bound surface, before the building is first occupied, and thereafter retained for that purpose.

Reason

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

4. Prior to the commencement of development a representative sample panel of natural facing stone, of at least one metre square, showing the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the approved panel, which shall be retained on site until completion of development, for consistency.

Reason

To maintain and enhance the character and setting of the listed building, and to accord with policy L13 of the adopted South Gloucestershire Local Plan and policies CS1 and CS9 of the adopted South Gloucestershire Core Strategy.

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

Reason

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

6. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

In order to ensure the adequate protection of archaeological remains, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. No windows other than those shown on the plans hereby approved shall be inserted at any time in the west-facing elevation or roofslope of the property.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013.

8. Protective fencing shall be erected in accordance with the Arboricultural Report, complying with BS5837:2012 Trees in Relation to Design, Demolition and Construction, before the commencement of development and retained for the duration of the works hereby approved.

Reason

In the interests of the long term health of the tree, and to accord with policy L1 of the adopted South Gloucestershire Local Plan and policies CS1 and CS3 of the adopted South Gloucestershire Core Strategy.

9. A method statement containing specific no-dig measures to be taken to avoid damaging the root system of tree T2 shall be submitted to the local planning authority prior to the commencement of development for approval in writing. The development shall proceed in accordance with the details so approved.

Reason

In the interests of the long term health of the tree, and to accord with policy L1 of the adopted South Gloucestershire Local Plan and policies CS1 and CS3 of the adopted South Gloucestershire Core Strategy.

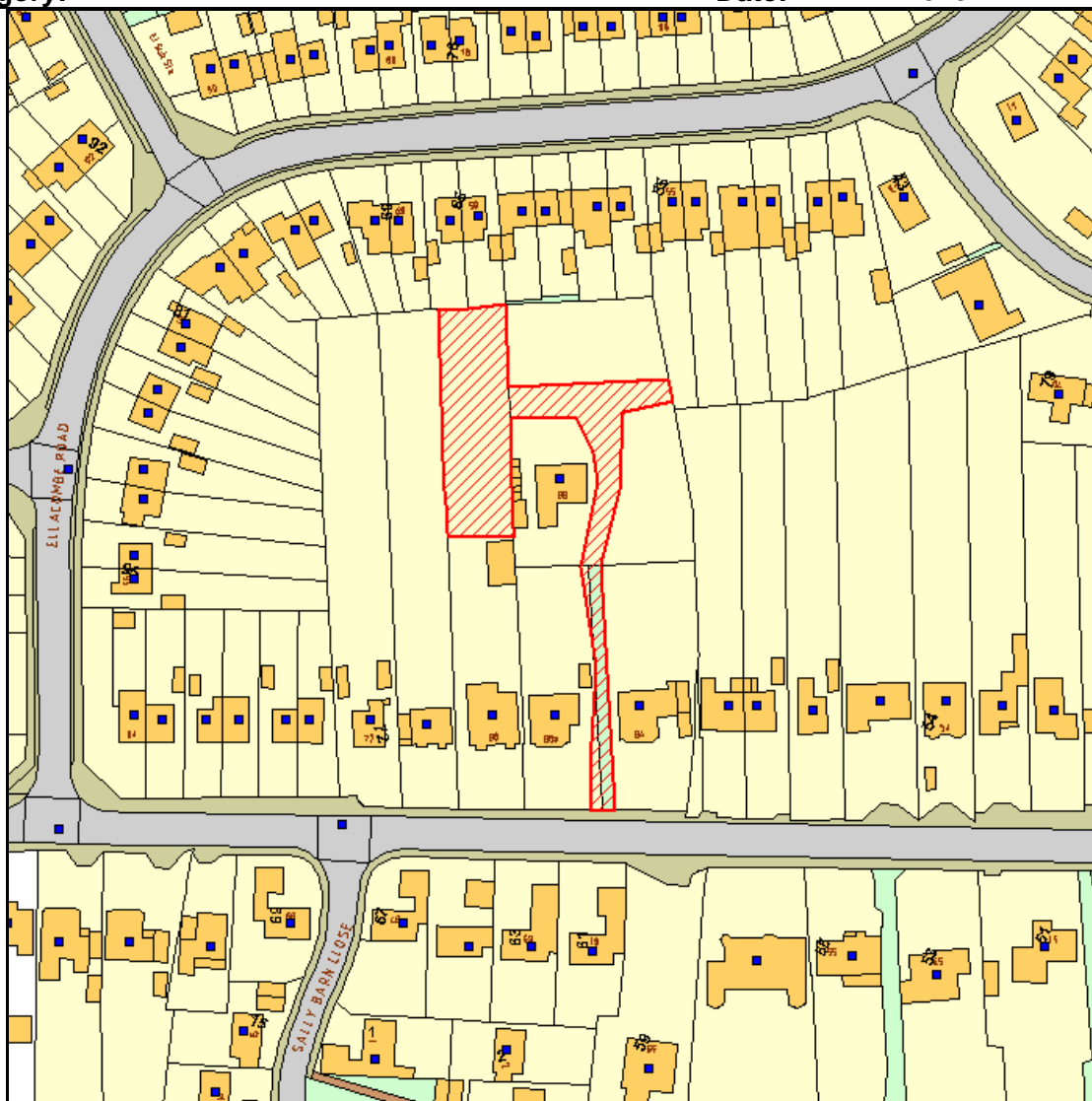
10. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS3 of the adopted South Gloucestershire Core Strategy..

**CIRCULATED SCHEDULE NO. 50/13 – 13 DECEMBER 2013**

<b>App No.:</b>	PK13/3808/O	<b>Applicant:</b>	Mr And Mrs A Coates
<b>Site:</b>	68 Court Farm Road Longwell Green Bristol South Gloucestershire BS30 9AD	<b>Date Reg:</b>	18th October 2013
<b>Proposal:</b>	Erection of 2no. dwellings (Outline) with access, appearance, layout and scale to be determined. Landscaping to be reserved. Resubmission of PK12/4213/O	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	365511 170646	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	10th December 2013



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

Objections have been received, contrary to the officer recommendation.

### **1. INTRODUCTION**

- 1.1 This application seeks outline planning permission for the erection of two dwellings, with all matters to be determined except for landscaping which is reserved for later consideration. The proposed dwellings would be 3 bedroom bungalows, to the rear of No. 68 Court Farm Road, using an access which is approved to run between No. 66A and No. 64 to serve the four previously approved bungalows. This access is at present a gravel track. It is proposed that the use of the access will be intensified to serve this development, as well as the original bungalow no. 66 and the four approved bungalows around it. Nos. 66 and 66A are both dormer bungalows, the four approved bungalows are standard bungalows as are the two additional dwellings proposed now, which have a similar design. The site is relatively flat, with the existing houses in Ellacombe Road to the rear on a taller ridge, with rear-facing windows overlooking the site.
- 1.2 The rear garden of No. 68 is fenced off. The layout shows a continuation westwards of the access road, with a bungalow on each side of it.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework (March 2012)
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H4 Development in residential cartilages  
H2 Housing  
T8 Parking Standards  
T12 Highway Safety  
L9 Wildlife Species Protection  
EP1 Environmental Pollution
- South Gloucestershire Local Plan: Core Strategy incorporating Inspector Main Modifications November 2013  
CS1 High Quality Design  
CS17 Housing diversity
- 2.3 Supplementary Planning Guidance  
Residential Parking Standards (adopted April 2013)

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

- 3.1 PK11/3880/O          Erection of 4 bungalows and construction of access  
Outline permission 2012

3.2 PK12/3621/RM Reserved matters application for the above  
Approved 2012

NB Both permissions above relate to the adjoining site and together approve permission for an access to that site, which is proposed to serve this site

3.3 PK12/4213/O Erection of 2 bungalows (outline) Withdrawn

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

##### 4.1 Hanham Abbots Parish Council

Objections. Cramped, dense, backland development, out of keeping with surrounding properties. The access road is narrow and could be problematic for emergency and refuse vehicles. Local infrastructure will be unable to cope. Quality of life for nearby residents will suffer.

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

No objection, subject to a condition controlling the provision of the access road connecting the site to Court Farm Road.

##### Technical Services

No objection, subject to the inclusion of a condition requiring the submission of a SUDS-compliant drainage plan.

##### Environmental Protection

No objection in principle. The site is within 250m of an area of filled ground. Should planning consent be given, a condition should be included requiring a risk assessment of the potential for landfill gas to migrate onto the site and if necessary incorporation of appropriate protection measures.

#### **Other Representations**

##### 4.3 Local Residents

8 letters of objection were received, two from the same writers as a result of reconsultation, citing the following concerns:

- Overlooking houses and gardens and impact on privacy levels
- Would like to see a condition to ensure that bungalows are built, not houses.
- Additional traffic on a 'rat run' and increase in density of development of the road, affecting local character
- Backland development causing loss of gardens
- Cramped development
- Noise, impact on security and light pollution
- To build in their own back garden the applicants should provide an access on their own land
- Does this application mean that the earlier permission should be revisited, given that the access would now serve 6 dwellings in all?
- Cross sections should be provided to assess the impact with the differing ground levels

In addition, three letters of support were received, stating that developing this small site is better than using a Greenfield site, it cannot be seen from the road, the bungalows are less conspicuous than houses and the garden sizes are adequate, without impinging on the amenity of adjacent properties. Another commented that the houses would be affordable, with negligible effects on transport and infrastructure. The third stated that development on this site would put less pressure on the Green Belt and Conservation Areas to take housing and that the access onto Court Farm Road would not be obscured.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

This application is in outline form and at this stage the issues to be resolved are limited to the principle of development, the proposed means of access, scale, design and appearance. This would leave the landscaping of the site as the only matter for later consideration as a Reserved Matters application. The proposal is for the siting of two bungalows: the amount of development. The additional plans show the proposed bungalows having a maximum height of 6.4 metres, maximum depth 10 metres and maximum width of 9 metres. This compares with the maximum height of 5.5 metres, maximum depth 8 metres and maximum width of 10 metres, for the bungalows approved to the east of the site.

### **5.2 Amount of development proposed and its impact**

Part of the consideration of this application is the amount of development proposed. A further consideration is whether it would constitute an efficient use of land, as required by policy H2 of the adopted Local Plan. The amount of development is proposed to be two single storey dwellings. The design aspects of this proposal are examined below. The amount is considered to be appropriate to the site, subject to the following consideration.

The site area is declared as being 0.075 hectares and the proposal is for two dwellings 26.6 dwellings per hectare. The government has removed the requirement to provide 30 dwellings per hectare, but the test of whether proposals make efficient use of land remains. The context of the proposal is considered to be of relevance to this and it is noted that Court Farm Road has generally a low density of development, with dwellings tending to be close to the road, within long, relatively narrow, plots. In places, there has been development in rear gardens but along the length of the road this is not considered to have significantly raised the density of development locally. It is considered that the proposal makes the optimum efficient use of land for this site.

### **5.3 Site Location and Residential Amenity**

The site stands to the rear of Court Farm Road and comprises a bungalow with a long garden. The existing bungalow on site, No. 66, is considered to have a backland relationship to Court Farm Road and specifically the two dwellings either side of its access. However, the proposal is to erect a further two dwellings in the garden of No. 68, which is not considered to set up a backland relationship in itself, but intensify the existing situation, primarily through greater use of the adjoining access.



With regard to the impact on No. 68 itself, vehicles and pedestrians accessing the proposed dwellings will only have to pass between the proposed bungalows, leaving the host dwelling unaffected. The impact in any direction through overlooking would not be considered to be significant since the site is fairly level and the additional submitted details confirm that the dwellings would be single storey. A condition has been included below to prevent the later insertion of dormers in the roofspace, which would change the proposed bungalows to chalet bungalows and potentially introduce overlooking issues. Given that details of boundary treatments are required to be disclosed with a subsequent reserved matters application, according to the condition recommended below, it is considered that overlooking would not be an issue. The effect on residential amenity of this proposal on the existing dwellings and for No. 66, from the point where the access leaves Court Farm Road, mitigated to some extent by boundary treatments, would be limited to additional slow-moving vehicles up to the end of a cul-de-sac and pedestrian movements to and from the dwelling, both of which are not considered to cause significant detrimental impact to the occupiers of No. 66, 66A and 64. In addition, the layout shows that No. 68 could retain a garden of a sufficient size to serve the occupants. The garden sizes for the proposed dwellings, although smaller than this are considered to be of a suitable size to meet the needs of future occupiers.

It is considered therefore that the proposal would not significantly harm the existing levels of residential amenity through additional vehicle movements generated by the proposal, nor through overlooking. The houses to the rear of the site are on higher ground and their rear elevations face the site. It is considered that some overlooking would occur over the site as happens at present. The layout shows garden to garden relationships between the existing dwellings to the rear and those proposed, which is standard in streets where some minor degree of overlooking will always occur. This proposal would set up a situation which is considered to occur in the same way that is normally the case where gardens abut gardens in urban areas, where the rear elevations of dwellings face each other. The floor plans of the proposed bungalows have been amended to remove a side-facing bedroom window in close proximity to the site's boundary treatment with the approved bungalows for Plot A and the rear garden of No. 70 for Plot B. All windows of habitable rooms are now considered to be lit effectively to the front and rear of each dwelling.

With regard to the impact of the proposal on existing levels of residential amenity enjoyed by surrounding occupiers of the site, it is considered that the proposal accords with policies H4 and H2 of the adopted Local Plan. The site is presently a garden and the layout would leave gardens bordering gardens of surrounding dwellings. This is considered to be unlikely to lead to any change in levels of noise in those rear gardens. The existing degree of security is considered to be unaffected, as access through the site to surrounding rear gardens would have to be achieved across gardens, as is the case at present. It is not considered that light levels would vary significantly as a result of this proposal and not to a degree that would warrant a refusal reason, given the distance to the surrounding houses.

#### 5.4 Means of Access and Parking Issues

The existing access leading to No. 66 is proposed to be used to serve the proposed development, intensifying its current and approved level of use. Some inaccuracies in the access have been corrected on the amended plans. This access will have to be in place prior to the commencement of the development on this site, so that the two proposed dwellings have an access to use. A further condition recommended below requires the provision of parking to serve the dwellings prior to first occupation. The issue raised through the consultation process regarding the suitability of using an independent access is fundamental to the design of the proposal. From a highway safety perspective, in principle it is considered that to concentrate traffic movements onto as few accesses as possible is preferable to creating additional accesses and this proposal is therefore considered a better option than insisting on an access alongside the host dwelling. Subject to provision of the access across the adjoining land to a suitable standard, this proposal is considered to accord with policy T12 of the adopted Local Plan.

#### 5.5 Scale

The scale of the bungalows is one storey and in this tertiary location, this is considered to be appropriate, alongside those already approved, sharing the same access road as this proposal. The road frontage of Court Farm Road features larger dwellings, while the secondary location of No. 66 demonstrates subservience with a chalet bungalow. The proposed bungalows should therefore appropriately demonstrate further subservience in their tertiary position, to those dwellings fronting Court Farm Road and no. 66, as has been demonstrated in the elevations submitted.

#### 5.6 Design and Appearance

At this outline stage, the design details were requested and received, so this is no longer a Reserved Matter for later consideration. The key design elements are considered to take into account the design of the bungalows previously approved that would share the same access and therefore have a close relationship to the two bungalows proposed here. These two have not been replicated exactly as under this proposal, the two additional bungalows would have a slightly larger floorplate and a slightly increased overall height. Uniformity, apart from in terms of scale, is not considered to be a decisive factor, however and the overall appearance, reading the proposed bungalow with those already approved, will be unified. It is considered that the proposal therefore accords with policy D1 of the adopted Local Plan.

#### 5.7 Drainage

With regard to the impact of the proposal on drainage concerns, Technical Services have commented at 4.2 above that they are satisfied that a SUDS-compliant drainage plan, required by condition below, would ensure that an adequate drainage solution is reached and this would not have to result in protection or upgrading of existing infrastructure.

#### 5.8 Other Issues

While gardens are no longer classified as brownfield land, in order to achieve efficient use of land it is still necessary to make use of land within the urban area and this can involve the use of gardens, where other interests are not

compromised. In response to the issue raised regarding whether the previous permission should now be revisited, this is a planning application on an adjoining site and, subject to the condition shown below that ensures the provision of an access, is appropriately analysed on its own merits. While it is acknowledged that the site is not level, the slope down towards Court Farm Road is slight and with the proposed development being single storey, overlooking out of the site is not considered to be a critical issue, given the condition below requiring the submission of boundary treatments with the Reserved Matters 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 approve outline permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

1. Approval of the details of the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

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

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

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

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

Reason

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

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

Reason

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

5. 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. Details of boundary treatments for the site shall be provided as part of the Reserved Matters application and all boundary treatments so approved shall be erected prior to the first occupation of the dwelling which they bound.

Reason

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

7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows or rooflights shall be constructed.

Reason

To protect the privacy and amenity of neighbouring occupiers and to ensure the appropriate subservient scale of this development, and to accord with Policies H4 and D1 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 0730 to 1800 Monday to Friday and 0730 to 1300 on Saturdays and no working shall take place on Sundays or Public Holidays unless with the prior written consent of the Local Planning Authority.

Reason

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

9. Full construction details of the access to the dwellings hereby approved from Court Farm Road as shown on drawing no. 68CFR rev 01 (received on 13 November 2013) shall be submitted to the Local Planning Authority for approval in writing. The access shall be constructed, to an adoptable standard, in accordance with the details so approved, prior to the commencement of the development hereby approved.

Reason

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

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

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of the Residential Parking Standards Supplementary Planning Guidance..

11.
  - A) Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
  - B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
  - C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
  - D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.

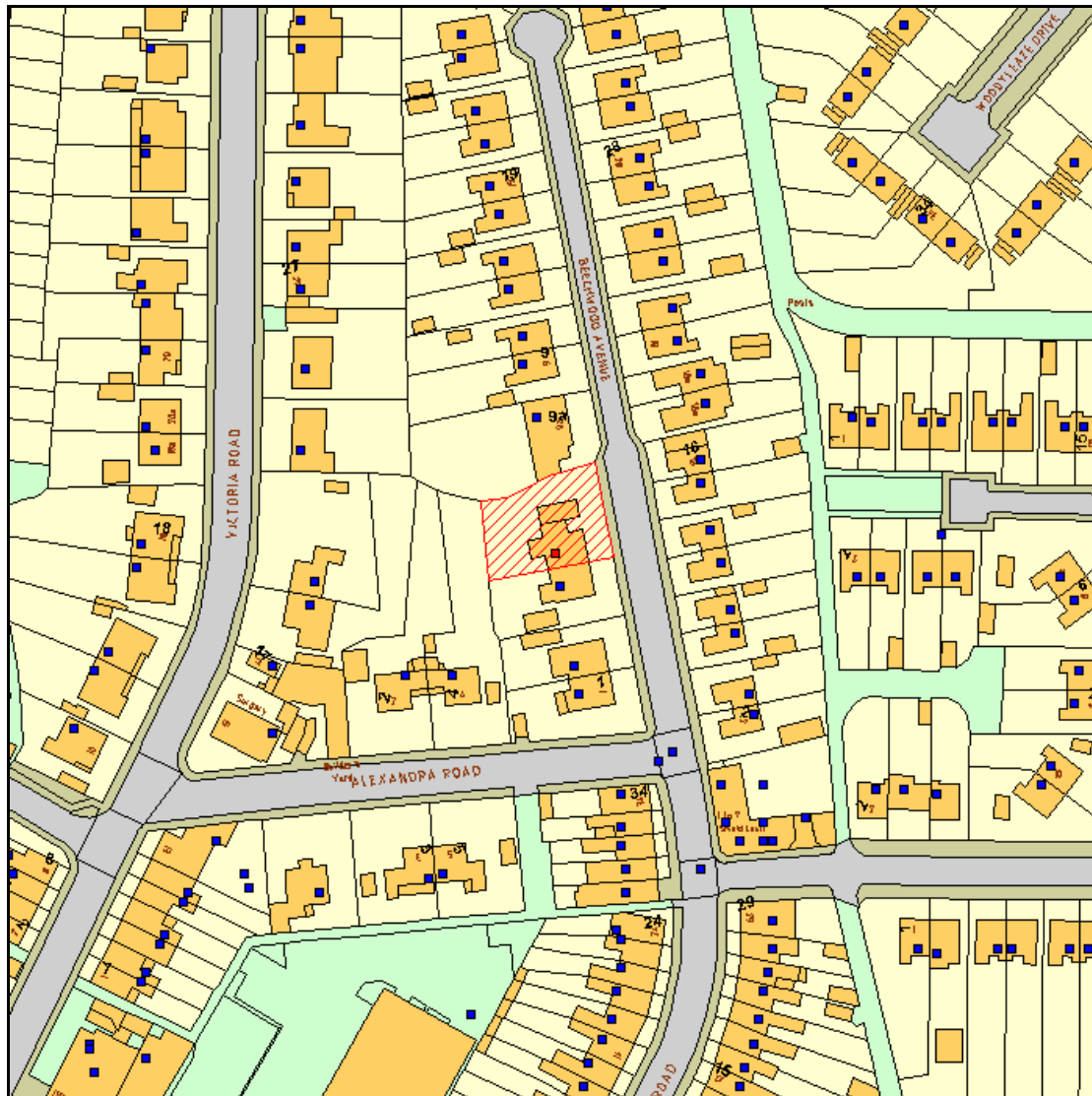
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
  - iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
  - iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policies EP1 and EP6\* of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 50/13 – 13 DECEMBER 2013**

<b>App No.:</b>	PK13/3871/O	<b>Applicant:</b>	Mr S MacLeod
<b>Site:</b>	7 Beechwood Avenue Hanham Bristol South Gloucestershire BS15 3QN	<b>Date Reg:</b>	6th November 2013
<b>Proposal:</b>	Erection of 1no. dwelling (Outline) with all matters reserved.	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	364553 172365	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	27th December 2013



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 100023410, 2008. **N.T.S.** **PK13/3871/O**

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

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

### **1. THE PROPOSAL**

- 1.1 This application seeks outline planning permission for the erection of 1no. dwelling at 7 Beechwood Avenue, Hanham. The only matter to be considered at this stage is the principle of the development all other matters would be kept until the reserved matters stage.
- 1.2 The application property is a semi-detached, chalet bungalow, the site is located to the western side of Beechwood Avenue, which is a cul-de-sac situated within the defined settlement boundary.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012

#### 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development

H2 Proposals for Residential Development within the Existing Urban Area

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

H6 Affordable Housing

L1 Landscape Protection and Enhancement

L9 Species Protection

L17 & L18 The Water Environment

EP1 Environmental Protection

T7 Cycle Parking

T12 Transportation Development Control

South Gloucestershire Local Plan Core Strategy incorporating Inspectors Main Modifications November 2013

CS1 High Quality Design

CS5 Location of Development

CS16 Housing Density

CS17 Housing Diversity

CS18 Affordable Housing

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.

South Gloucestershire Residential Parking Standards, approved for development management purposes March 2013.



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

- 3.1 PK02/2226/F                      Erection of attached garage/utility room and  
1no. dwelling with integral garage.  
Refused September 2002

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Parish Council  
No objections
- 4.2 Sustainable Transport  
No objections subject to acceptable parking arrangements
- 4.3 Drainage  
No objections subject to the attachment of conditions
- 4.4 Coal Authority  
Object to the proposal due to the lack of a Coal mining risk assessment report.

#### **Other Representations**

- 4.5 Local Residents  
One letter has been received from a neighbouring resident stating the following:
- No objections provided that the building is not attached to No. 7.
  - Strongly object to No. 5 becoming an end terrace dwelling
  - The building would need to blend in with the surroundings

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

- 5.1 Principle of Development  
The applicant has specified that all matters are reserved for future consideration. Accordingly the principle of the development is to be considered in this application.

Policy H2 of the South Gloucestershire Local Plan (Adopted) 2006 allows for residential development within the existing urban areas provided that the proposal would not have any unacceptable environmental or transportation effects and would not prejudice the amenities of the nearby occupiers. In addition policy T12 seeks to ensure that the impact on parking and highway safety is acceptable.

- 5.2 Design / Visual Amenity  
The application is proposing outline consent for the erection of 1no. detached dwelling that would be located on land within the curtilage of No. 7 Beechwood Avenue.

As this is an outline application with all other matters reserved, at this stage no precise details of design or materials have been received. No comments can therefore be made with regard to the specific design of the dwelling.

The submitted proposed site layout shows that the proposed dwelling would be detached and would have a footprint measuring 5.5 metres in width by a maximum of 11.1 metres in depth. The location of the dwelling would be in line with the established building frontage and the proposed ridge and eaves height would match those of No. 7 Beechwood which is considered appropriate.

Given the scale parameters set out in the submitted plan AD(0)020 rev 2, it is considered that a dwelling in this location could be designed to be in keeping with the character of the area and the surrounding pattern of development. A full and detailed assessment of the design of the proposal would however be made at the reserved matters stage.

### 5.3 Residential Amenity

There are two aspects of impact on residential amenity to be considered with this proposal. The impact of the proposed dwelling on those surrounding the site and the conditions that would be created for future residents, through the layout and positioning of the proposed dwelling.

The indicative plans show that the proposed dwelling would be situated adjacent to the existing dwelling. It has been specified on the plans that the proposal could have a maximum ridge height of 85.70 (height above sea level), which matches No. 7 Beechwood, as such, it is not considered that the proposal would result in any significant overshadowing or overbearing impact. Furthermore although it is accepted that the proposal would change views from neighbouring properties, it is considered that the proposal would be located a sufficient distance away from the surrounding neighbouring dwellings to not result in any loss of outlook.

With regard to loss of privacy and overlooking, no detailed plans have been submitted with regard to the design of the dwelling or the location of windows. It is however considered that any first floor windows on the northern or southern elevations could result in overlooking and loss of privacy, as such a condition would be attached to any permission, ensuring extra attention is given at reserved matters stage regarding the insertion of first floor windows on these elevations. Appropriately designed boundary treatments would mitigate against any inter-visibility or loss of privacy from ground floor windows. A full assessment of the impact in terms of overlooking and loss of privacy would need to be made at the reserved matters stage, when the exact location of windows would be known. However it is considered that with careful internal design and the appropriate siting of windows, a reasonable level of privacy for the surrounding properties maybe achievable.

Policy H2 and H4 of the South Gloucestershire Local plan seek to ensure that adequate provision is made for private amenity space. The submitted plan, AD(0)020 rev 2, is annotated to show that the existing dwelling is a two bedroom property and the proposed dwelling would also be a two bedroom property. The proposed garden is fairly large as is the garden retained for No. 7 Beechwood Avenue. As such it is considered that there would be ample private amenity space to serve both the proposed and existing dwellings.

#### 5.4 Impact on Parking and Highway Safety

The submitted plans shows that both the existing dwelling and the proposed dwelling would be accessed off Beechwood Avenue using a shared drive, furthermore the plans show that there would be space for at least two cars within the curtilage of the dwellings.

The proposal would need to be in compliance with the Councils residential parking standards which state that a two bedroom dwelling should have a minimum of one off street parking space. Whilst the submitted plan shows that the site is likely to be able to accommodate sufficient parking and turning space, full details of access and parking would need to be assessed at reserved matters stage.

#### 5.5 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by attaching a condition outlining the hours of construction. There are therefore no objections on environmental grounds. In terms of drainage the Councils Drainage Engineer has raised no objection to the proposal. A condition would however be required to secure the submission of a full drainage scheme for approval before development could commence. It has also been noted that the location of public sewers may effect the layout of the proposed development, as such the applicant is advised to contact Wessex water for advise on this matter.

The site is located within the former Bristol coalfields, no coal mining risk assessment report has been submitted as part of the application and whilst officers have been advised by the agent that this report is in progress, in order to determine the application in a timely manner it is considered appropriate that a condition is attached to ensure the submission and approval of a coal mining risk assessment report.

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

7.1 That the application be approved subject to the conditions outlined below.

**Contact Officer: Kirstie Henshaw**  
**Tel. No. 01454 865428**

## **CONDITIONS**

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

5. Application for the approval of the reserved matters shall be in accordance with the parameters shown on the proposed site layout plan (AD(0)020 Rev 2) hereby approved.

Reason

To ensure that the proposal is of a scale appropriate to the location and to accord with policies D1 and H2; of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies EP1, D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. Prior to the commencement of development a full Coal Mining Risk Assessment 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 that adequate measures have been taken to mitigate against risks associated with potential historic unrecorded coal mine workings to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. No windows expect for windows which are glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed, shall be inserted at any time in the upper floors of the northern or southern elevations of the property.

Reason

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

**CIRCULATED SCHEDULE NO. 50/13 – 13 DECEMBER 2013**

**App No.:** PK13/3926/F  
**Site:** 64 Court Road Oldland Common  
 Bristol South Gloucestershire BS30  
 9SP

**Applicant:** Mr Dave Miller  
**Date Reg:** 29th October 2013

**Proposal:** Erection of first floor rear extension to  
 provide additional living  
 accommodation.

**Parish:** Bitton Parish  
 Council

**Map Ref:** 366979 171347

**Ward:** Oldland Common

**Application Category:** Householder

**Target Date:** 23rd December  
 2013

**Category:**



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 100023410, 2008. **N.T.S.** **PK13/3926/F**

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

The application is referred to the Circulated Schedule as a representation has been made by the Parish Council, which is contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the erection of a first floor rear extension to form additional living accommodation.
- 1.2 The application relates to a detached double storey residential dwelling situated within an elevated position on the north side of Court Road, within an established residential area.
- 1.3 During the course of the application revised plans were submitted in response to Officer's comments in order to remove the proposed roof terrace and balcony. The description of development was amended accordingly and a re-consultation period of 14 days was undertaken. Therefore, the only development to be considered is the proposed first floor rear extension.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design  
H4 Development within Existing Residential Curtilages  
  
South Gloucestershire Local Plan Core Strategy incorporating Inspectors Main Modifications November 2013  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) 2007  
Residential Parking Standards SPD (Approved) 2013

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

- 3.1 K7132 – Loft Extension (Previous ID: K7132). Approved 11<sup>th</sup> March 1992

### **4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
Councillors objected to this application. The existing dwelling sits in a dominant and elevated position. The proposals would, in their view, constitute and over-intensification of use of the site and be to the detriment of nearby properties.

- 4.2 Other Consultees  
None received

### **Other Representations**

- 4.3 Local Residents  
No commented received

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The revised application seeks permission for the erection of a first floor rear extension to form additional living accommodation. Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highway safety and design.

### 5.2 Residential Amenity

The application relates to a detached dwelling situated in an elevated position to the north of Court Road. The gradient of the land increases from west to east. The nearest neighbouring properties to the application site are no.66 Court Road, a 1.5 storey dwelling situated to the west, and no. 62 Court Road, an end of terrace double storey dwelling situated to the east. The host dwelling (no.64) is set forwards from the front elevation of no.62 and on a similar building line with no.66. The application proposes to erect a first floor rear extension above the existing single storey rear lean-to. The foot print would remain the same and the proposed windows are shown as obscure glazed.

- 5.3 In terms of the impact on no.66, which is located to the west of the site, the revised proposal would not include any new habitable windows overlooking it. This will be secured through the use of condition. The proposed extension would be situated above the existing rear lean-to, which is adjacent to the east boundary. It is considered that the proposed extension by virtue of height and distance from no.66, would not have an overbearing impact to the occupiers of no.66 and would not result in a significant loss of light to them.

- 5.4 In terms of the impact on no. 62, the existing relationship between the host dwelling and no.62 is such that the existing double storey rear elevation of the host dwelling is set forwards of the front elevation of no.62 by approximately 6.2 metres. The east elevation of the host dwelling, which is double storey, is directly adjacent to the west boundary of no.62 extending the majority of the length of their amenity space. The proposal is to erect a first floor extension above the existing lean-to at the rear of the host dwelling. The proposed extension would result in a double storey wall 3 metres from the front elevation of no. 62. The outlook from the front windows of no.62 would therefore look onto a double storey wall at an angle of approximately 45 degrees. Although this relationship is undesirable it is recognised that this does not dramatically change from the existing outlook due to the existing relationship between the two buildings. Similarly, the proposed extension is unlikely to significantly alter the amount of light entering no.62 due to the existing bulk of the host dwelling. On balance it is considered that the proposed extension would not significantly



alter the residential amenity of the occupiers of no.62. There are therefore no reasonable reasons to warrant a refusal of the application. No windows are proposed on the east elevation of the dwelling and this will be secured by condition. The proposal would not affect the existing amenity space that serves the host dwelling.

#### 5.5 Design

The application relates to a double storey detached rendered dwelling, which is situated in an elevated position on Court Road. The dwelling is easily viewed from the east of Court Road to the West. The locality is characterised by a mix of dwelling types, sizes and materials.

5.6 The application proposed to extend above the existing rear lean to, to include a hipped roof set down from the maximum ridge height. The pitch of the roof would match the existing dwelling. It is considered that the proposed rear extension has been appropriately designed to remain visually subservient and in keeping with the character of the dwelling. Materials are described to match the existing dwelling. The extension would not detract from the character of the locality, which has a mix of dwelling types, styles and materials. It is considered that the extension would not appear visually dominant or overbearing in the street scene when viewed from east to west. There are therefore no concerns in relation to design.

#### 5.7 Highway Safety

The proposed development would not affect the existing parking provision and would not result in an increase in bedroom space. There are therefore no objections in terms of parking provision or 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 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 is APPROVED subject to the following conditions:

**Contact Officer: Sarah Fordham**  
**Tel. No. 01454 865207**

## **CONDITIONS**

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

Reason

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

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

Reason

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

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the property.

Reason

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

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

Reason

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

**CIRCULATED SCHEDULE NO. 50/13 – 13 DECEMBER 2013**

<b>App No.:</b>	PK13/3932/CLE	<b>Applicant:</b>	Mr And Mrs T Robb
<b>Site:</b>	Land Adj Clovermead Farm Lodge Road Wick Bristol South Gloucestershire BS30 5TU	<b>Date Reg:</b>	29th October 2013
<b>Proposal:</b>	Certificate of lawfulness for the existing use of building and land for the storage of motor vehicles, vehicle parts, tools and equipment.	<b>Parish:</b>	Wick And Abson Parish Council
<b>Map Ref:</b>	370076 174197	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	19th December 2013

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

This application is for a Certificate of Lawfulness, and as such, under the current scheme of delegation, is to be determined under the Circulated Schedule procedure.

### **1. THE PROPOSAL**

- 1.1 The application is for a Certificate of Lawfulness for the existing use of land and building for the storage of motor vehicles, vehicle parts, tools and equipment. The application seeks to make it clear that the land and building has not been used for any form of repairs or other works on the vehicles – the purpose has been purely for storage. The application therefore seeks to demonstrate that the building and land has been for this storage purpose for a period in excess of ten years prior to the date of submission (i.e. since 24<sup>th</sup> October 2003).
- 1.2 The site consists of a single detached building of agricultural appearance sitting on a modest plot of land. The current authorised use of the site is agricultural but the applicant claims the building and land has been used for storage purposes for a continuous ten-year period.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning (General Procedures) Order 1995 Article 24  
Circular 10/97 Enforcing Planning Control

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

- 3.1 No history relating to the site within the red line

### **4. CONSULTATION RESPONSES**

- 4.1 Wick and Abson Parish Council  
No response received
- 4.2 Highway Officer  
No highway comments to make

#### **Other Representations**

- 4.3 Local Residents  
None Received

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

- 5.1 The following evidence has been submitted in support of the application:
  - A statutory declaration signed by Thomas Robb
  - V5 document for vehicle reg KWN 922
  - Receipt for sale of vehicle reg CHW 160C

- Part of log book for vehicle reg T115 LLG
- Part of log book for vehicle reg P394 ROU
- Part of log book for vehicle reg S282 RCJ
- Letter from Peter Francis confirming sale of vehicle reg S796 KRF
- A letter from Geoffrey Milton confirming his understanding of the history to the site
- A letter from Hylton Dawson confirming his understanding of the history to the site
- Letter confirming the possession of vehicle reg JAE 487X
- Letter from BH Wallington confirming possession of vehicle reg JAE 487X

The Case officer will also take consideration of various aerial photographs held by the Council.

## 6. **SUMMARY OF CONTRARY EVIDENCE**

6.1 None received

## 7. **EVALUATION**

7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence.

7.2 In this instance it must be proven that the building and land in question has been used for the storage of motor vehicles and vehicle parts for a period in excess of 10 years prior to the date of this application.

### 7.3 Hierarchy of Evidence

The evidence submitted comprises a mix of statutory declarations and letters. The Council also has photographic records of the site from dated aerial photographs. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross-examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits) which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.

7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

7.4 Assessment of Evidence

It is the applicants contention, as set out in his statutory declaration, that the site within the red line has been used for the storage of motor vehicles and motor parts since his acquisition of the site in 1991. At the time of the case officer site visit (3<sup>rd</sup> December 2013), it was clear that the land and building were being used for this purpose.

7.5 In considering the application, very limited weight is given to the documents listed in section 5 above relating to the following vehicles – KWN 922, CHW 160C, T115 LLG, P394 ROU, S282 RCJ, and JAE 487X because whilst the documents confirm the vehicles were sold too or owned by Mr and/or Mrs Robb, the documents do not confirm that the vehicles were then stored on the application site. The fact that the applicants owned or took possession of the vehicles does not necessarily mean they were stored at the application site.

7.6 The letter from Peter Frederick Frances confirms that, to the best of the writers knowledge, a van reg S796 KRF has been stored on the site since September 2011. This letter is not sworn under oath and is not accompanied by a plan referencing the site to which the writer refers. The letter also only relates to the last 27 months and therefore does not prove the required ten year test. The letter will however be given weight as it helps to build up the evidence base.

7.7 The letter from Geoffrey Milton confirms that he purchased racking in 1991 for the purposes of storage in the barn. He also confirms that his own vehicle has been stored at the site since 1997. Importantly Geoffrey Milton confirms that he believes the statutory declaration of Mr Robb to be accurate. This letter will therefore be given weight in the determination of the application.

7.8 The letter from Hylton Dawson confirms that he has visited the site several times a year since 1991 and that on every one of his visits, he has observed that various motor vehicles were stored on the land. Mr Hylton Dawson does not make any reference to what was stored within the building. This letter will be given weight in the determination of the application.

7.9 In accordance with the hierarchy of evidence, greatest weight will be given to the Statutory Declaration of Thomas Robb sworn before a solicitor on 10<sup>th</sup> October 2013. This declaration confirms that Mr and Mrs Robb purchased the site in 1991 and soon after the purchase, began to use the building and land for storage purposes. Mr Robb confirms that the building and land edged in red were used for the storage of motor vehicles, parts, tools and equipment. He confirms that the building was not used for breaking or servicing motor vehicles but only for storage purposes. Whilst the declaration does not conform the exact commencement date, your officer interprets 'soon after purchase in 1991' to mean before 2003.

7.10 In addition to the evidence outlined above, your officer has also been mindful of aerial photographs held by the Council. The aerial photographs dated 2005, 2006 and 2008 all do show cars parked externally on the site. When visiting the site, it was also clear to the officer that a number of the vehicles and parts within the building had clearly been in place for a significant while. Your officer is not in any position however to confirm the length of time the vehicles and parts may have been stored.

## **8. CONCLUSION**

8.1 Having regard to the above, and in the absence of any evidence to the contrary, sufficient evidence has been submitted to prove that, on the balance of probability, the building and land subject of this application have been used for the storage of motor vehicles, vehicle parts and associated tools for a continuous ten year period.

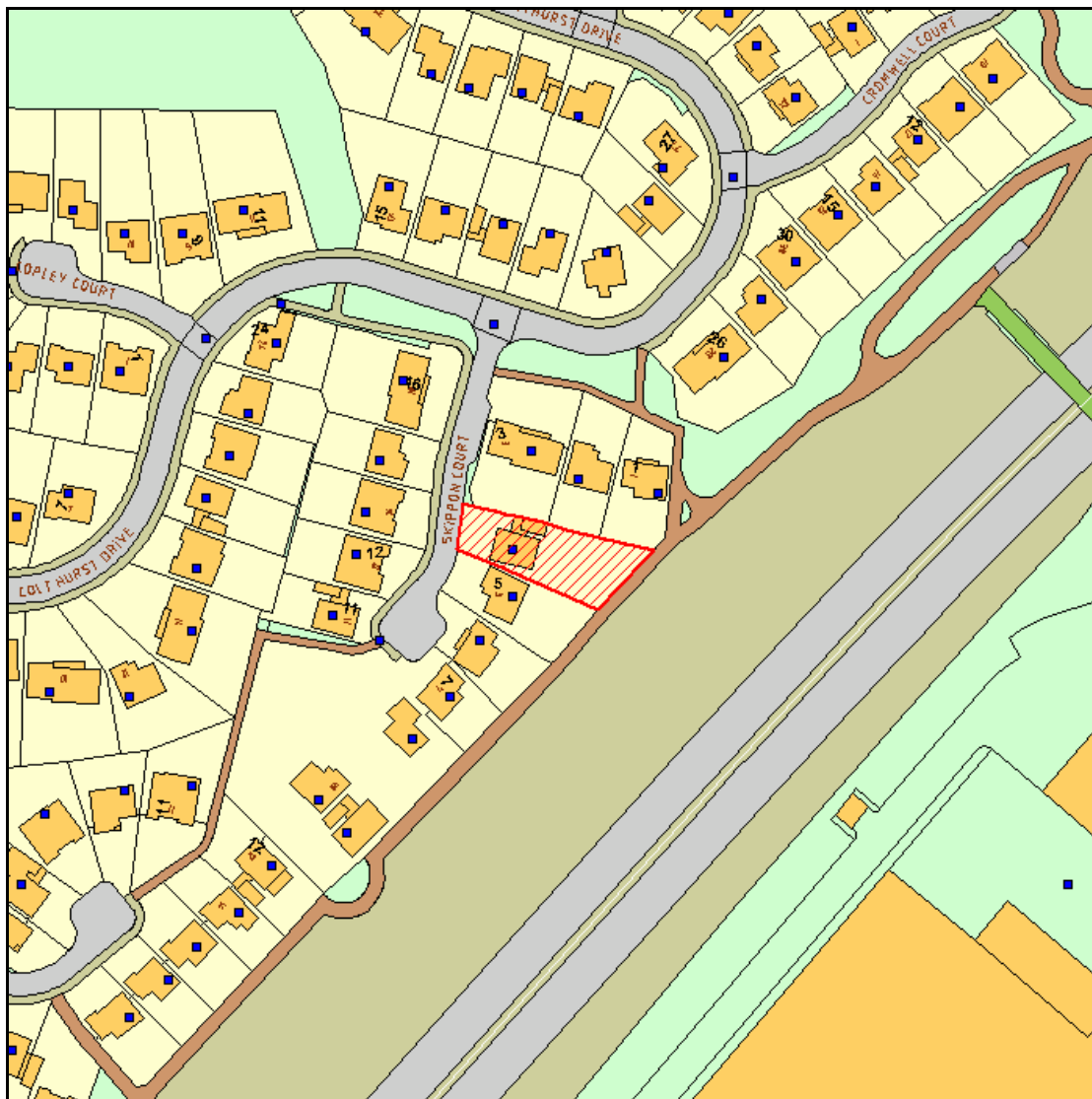
## **9. RECOMMENDATION**

9.1 The Certificate of Existing Lawful Use be approved

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

**CIRCULATED SCHEDULE NO. 50/13 – 13 DECEMBER 2013**

<b>App No.:</b> PK13/3993/F	<b>Applicant:</b> Mr J Downe
<b>Site:</b> 4 Skippon Court Hanham Bristol South Gloucestershire BS15 3SN	<b>Date Reg:</b> 31st October 2013
<b>Proposal:</b> Erection of rear conservatory. (Retrospective).	<b>Parish:</b> Hanham Parish Council
<b>Map Ref:</b> 365174 172023	<b>Ward:</b> Hanham
<b>Application Category:</b> Householder	<b>Target Date:</b> 23rd December 2013



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 100023410, 2008. **N.T.S.** **PK13/3993/F**



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

This report appears on the Circulated Schedule as a result of consultation responses received, contrary to officer recommendation.

### **THE PROPOSAL**

- 1.1 The application is for the erection of a conservatory at the rear of the existing dwelling. The proposed conservatory would be to the full width of the house and 4.8 metres in length at the longest point. The conservatory has already been partially constructed and the application is therefore retrospective.
- 1.2 The property is a relatively modern detached dwelling and is located on a cul-de-sac, within the residential area of Hanham.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
  
South Gloucestershire Local Plan Core Strategy incorporating Inspectors' Main Modifications November 2013  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.

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

- 3.1 K6017 – Two-storey rear extension. Approved 21<sup>st</sup> October 1988.
- 3.2 PK03/0627/F – Single storey side and rear extension. Refused 22<sup>nd</sup> April 2003.
- 3.3 PK04/0385/F - Single storey side and rear extension (Resubmission of PK03/0627/F). Approved 29<sup>th</sup> March 2004.
- 3.4 PK04/0602/F – Erection of rear conservatory. Approved 1<sup>st</sup> April 2004.

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Parish Council  
No comments received

## Highways Drainage

No comments

## **Other Representations**

### 4.2 Local Residents

One letter of objection has been received. The objection raises concerns on the basis that there is already a large two storey extension to the property and adding a further single storey extension would be overbearing on their house as it is built on an angle facing into their garden, will block any remaining view and lose natural light.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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

### 5.2 Design / Visual Amenity

The proposed conservatory is of an appropriate standard in design and is not out of keeping with the character of the main dwelling house and surrounding properties. The conservatory is of an acceptable size in comparison to the existing dwelling and the site and surroundings.

### 5.3 Residential Amenity

In terms of the objection received, the objection property and the application site are essentially laid out at right angles to each other such that the bottom of the rear garden of the adjoining property borders the side of the rear garden of the application property. To this elevation the proposed conservatory would be more than 3.5 metres from the shared boundary. The boundary treatment to this elevation consists of fencing to around 1.8 metres high. The side of the proposed single storey conservatory would be approximately 2.1 metres above which the pitch of the glazed roof would slope away towards the rear wall of the dwelling. To the other shared boundary the proposed conservatory ranges from 2.8 to 3.5 metres away. Given the length, size, location and orientation of the conservatory and the nature of the existing property and its relationship with surrounding properties, and taking into account previous extensions of the application site, it is not considered that it could be construed as giving rise to any significant or material overbearing impact, upon nearby properties such as to warrant a refusal of the application. Further to this sufficient garden space remains to serve the property.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed conservatory is of an appropriate standard in design and is not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That planning permission is granted subject to the following conditions.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## **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).

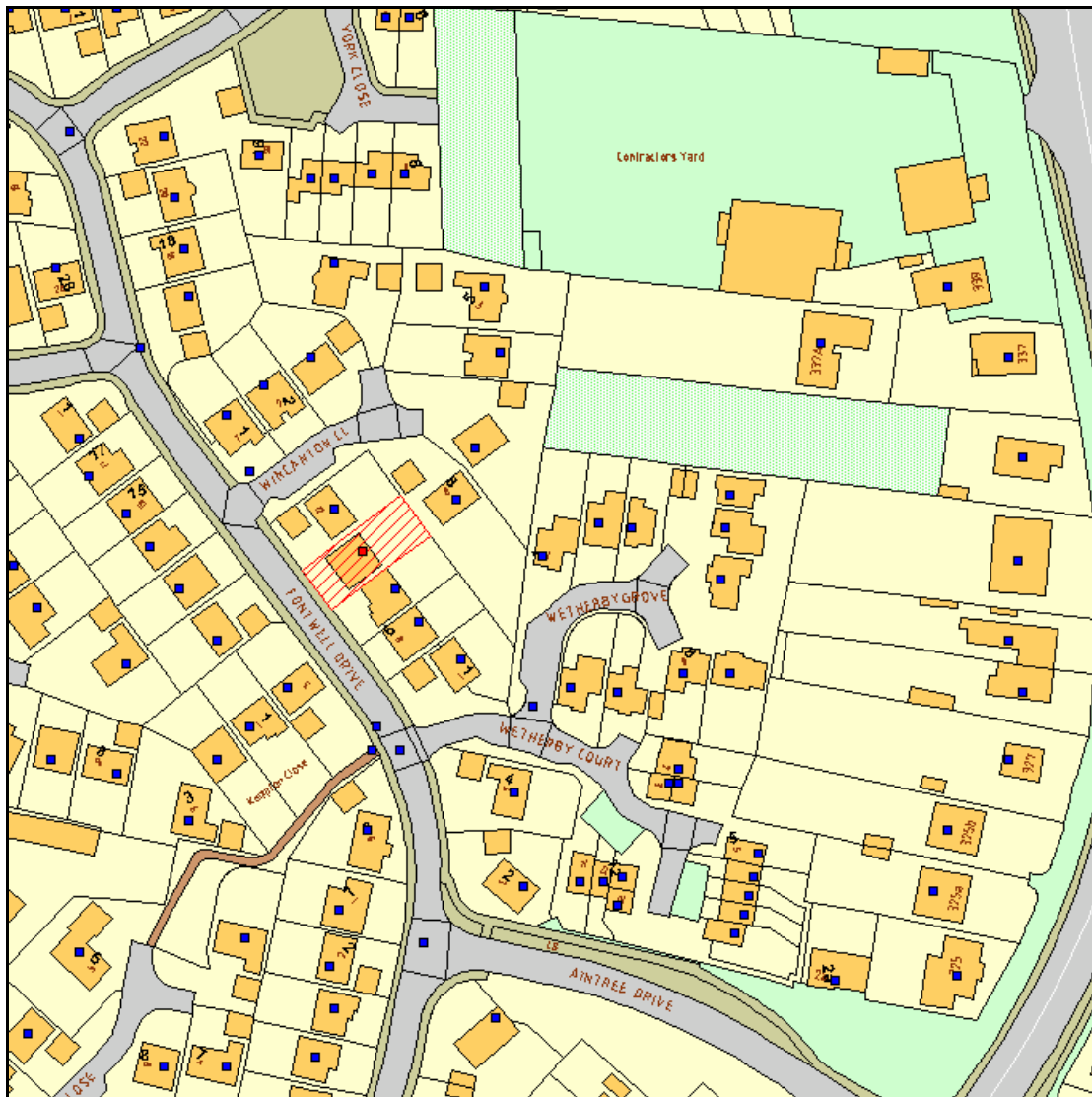
2. The bricks to be used externally in the development hereby permitted shall match those of the existing building in colour and texture.

Reason

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

**CIRCULATED SCHEDULE NO. 50/13 – 13 DECEMBER 2013**

<b>App No.:</b>	PK13/4027/CLP	<b>Applicant:</b>	Mr A Jones
<b>Site:</b>	10 Fontwell Drive Downend Bristol South Gloucestershire BS16 6RR	<b>Date Reg:</b>	5th November 2013
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed erection of a single storey rear extension and partial conversion of garage to provide additional living accommodation.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365914 178363	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26th December 2013



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 100023410, 2008. **N.T.S.** **PK13/4027/CLP**

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

This application is referred to the Circulated Schedule for determination as a matter of process; this is an application for a certificate of lawfulness for proposed development.

### **1. THE PROPOSAL**

- 1.1 This application seeks a formal decision as to whether or not the proposed development would be permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended). This is not a planning application but an assessment as to whether the development proposed accords with the above regulations.
- 1.2 The proposed development consists of the erection of a single-storey rear extension and the partial conversion of the integral garage. Three roof lights are proposed in the extension.
- 1.3 Having reviewed the planning history on this site, some of the permitted development rights are restricted; however, this restriction does not preclude the development as proposed.

### **2. POLICY CONTEXT**

- 2.1 This is not an application for planning permission. It cannot therefore be determined through the consideration of policies contained within the Development Plan; determining this application must be undertaken as an evidential test of the submitted details against the regulations listed below:
  - (a) The Town and Country Planning (General Permitted Development) Order 1995 (as amended)

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

- 3.1 K4989/9 Approval of Full Planning 18/04/1989  
Erection of 80 dwellings, garages, estate roads and sewers
- 3.2 K4989/16 Approval of Full Planning 24/01/1990  
Amendment to layout K4989/9 including change in house types, siting, access points and landscaping

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
No objection
- 4.2 Drainage  
No comment

## **Other Representations**

- 4.3 Local Residents  
None received

## **5. SUMMARY OF EVIDENCE**

5.1 The following evidence was submitted to the Local Planning Authority on 31 October 2013:

- Completed application form
- Drawing 10FD.SEPT13.E.1 Existing Plans and Elevations
- Drawing 10FD.OCT13.P.1.C Proposed Plans and Elevations
- Drawing 10FD.OCT13.LP.BP.1 Site Location and Block Plans

## **6. ANALYSIS**

6.1 This application is seeking a certificate of lawfulness for a proposed rear extension and partial conversion of the garage at a detached house in Downend.

### 6.2 Principle of Development

An application for a certificate of lawfulness must be determined solely on an assessment of evidence submitted to establish whether the proposed development could be implemented lawfully without the need to apply for planning permission. The decision is based on a test of the evidence presented. Should the evidence demonstrate, that on a balance of probabilities, the proposed development is lawful then a certificate should be issued accordingly.

6.3 To ascertain if the proposed development is lawful, it must be assessed against Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order (as amended).

### 6.4 Conversion of Garage

The conversion of the garage to additional living accommodation is not development, and is therefore beyond the scope of planning control, unless a condition on a previous planning permission restricts such works.

6.5 Condition 7 of K4989/9 states 'the garages hereby permitted shall be used for the garaging of private motor vehicles and for other uses incidental to the enjoyment of the dwellinghouse and shall not be used for any business or commercial purpose.'

6.6 Although the partial conversion of the garage would mean it was no longer capable of garaging a vehicle, the proposed use as a playroom would be incidental to the dwellinghouse and would therefore accord with the provisions of condition 7 of K4989/9. As such, the conversion would be considered lawful.

## 6.7 Assessment of Evidence

Schedule 2 Part 1 Class A allows for the enlargement, improvement or other alteration of a dwellinghouse, subject to meeting the following criteria:

### **A.1**

**Development is not permitted by Class A if –**

- (a) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**

The plans submitted show that the total area of the curtilage covered would not exceed 50% of the curtilage.

- (b) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**

The proposed extension does not exceed the height of the highest part of the roof.

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

The proposed eaves do not exceed the height of the eaves of the existing dwellinghouse.

- (d) the enlarged part of the dwellinghouse would extend beyond a wall which –**  
**(i) fronts a highway, and**  
**(ii) forms either the principal or a side elevation of the original dwellinghouse;**

The proposed development does not extend beyond a wall that fronts a highway.

- (e) the enlarged part of the dwellinghouse would have a single storey and –**  
**(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached house, or 3 metres in the case of any other dwellinghouse, or**  
**(ii) exceed 4 metres in height;**

The proposed extension is of single storey and the extension would project a maximum of 3 metres from the rear wall of the original dwellinghouse. The property is a detached dwelling and therefore any extension could project to 4 metres. The proposed extension falls within the allowance of this paragraph.

- (f) the enlarged part of the dwellinghouse would have more than one storey and –**
  - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
  - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;**

The proposed extension is not of more than one storey.

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

The enlarged part of the dwellinghouse is within 2 metres of the boundary of the curtilage of the dwellinghouse. The height of the eaves is 2.4 metres. This does not exceed 3 metres and therefore accords with this paragraph.

- (h) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –**
  - (i) exceed 4 metres in height,**
  - (ii) have more than one storey, or**
  - (iii) have a width greater than half the width of the original dwellinghouse; or**

The proposed extension does not extend beyond a wall forming a side elevation of the original dwellinghouse.

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

The proposal does not include any of those items listed above.

6.8 The application site is not on Article 1(5) land, and therefore paragraph A.2 of the Schedule does not apply.

6.9 Development is only permitted by Class A subject to compliance with the following conditions:

### **A.3**

**Development is permitted by Class A subject to the following conditions**

–

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



**those used in the construction of the exterior of the existing dwellinghouse;**

It is proposed to use facing brickwork to match the existing.

- (b) any upper floor windows located in a wall or roof slope forming a side elevation of the dwellinghouse shall be –**
- (i) obscure glazed, and**
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and,**

There are no upper floor windows proposed.

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

The enlarged part of the dwellinghouse does not have more than one storey.

6.10 The proposed extension is considered to comply with Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and is therefore permitted development.

## **7. CONCLUSION**

7.1 The evidence submitted has been assessed against the regulations set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

7.2 The erection of the rear extension has been found to comply with the criteria of Schedule 2 Part 1 Class A of the abovementioned Order. The proposed development is considered to be permitted development.

## **8. RECOMMENDATION**

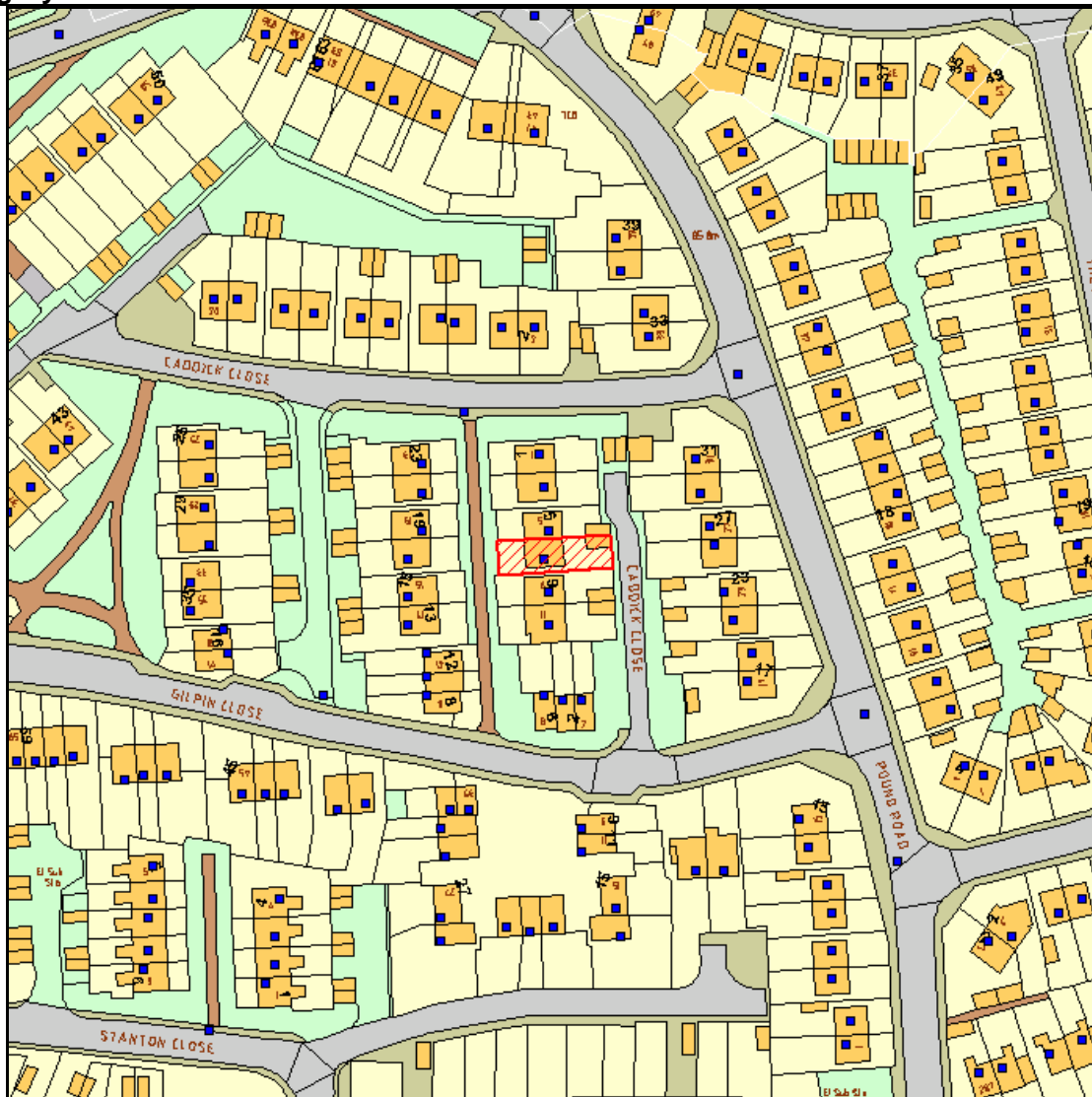
8.1 It is recommended that a Certificate of Lawfulness for Proposed Development be GRANTED for the following reason:

Evidence has been provided that demonstrates, that on the balance of probability, the development meets the criteria set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), and is considered permitted development.

**Contact Officer: Griffith Bunce**  
**Tel. No. 01454 863438**

**CIRCULATED SCHEDULE NO. 50/13 – 13 DECEMBER 2013**

<b>App No.:</b>	PK13/4263/PNH	<b>Applicant:</b>	Mr P Pearce
<b>Site:</b>	7 Caddick Close Kingswood South Gloucestershire BS15 4QQ	<b>Date Reg:</b>	19th November 2013
<b>Proposal:</b>	Erection of single storey rear extension, which would extend beyond the rear wall of the original house by 4.5 metres for which the maximum height would be 3.7 metres and for which the height of the eaves would be 2.5 metres	<b>Parish:</b>	None
<b>Map Ref:</b>	365915 174498	<b>Ward:</b>	Kings Chase
<b>Application Category:</b>		<b>Target Date:</b>	26th December 2013



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

This application is referred to the Circulated Schedule as comments of objection have been received from neighbours.

### **1. THE PROPOSAL**

- 1.1 This application is a prior notification of a proposed larger home extension under the permitted development neighbour consultation scheme. The purpose of such an application is to provide neighbours with the opportunity to comment on proposals that may affect them.
- 1.2 Should an objection be received then the 'prior approval' of the Local Planning Authority is required. The prior approval can be given or refused but only through the criteria set out in the neighbour consultation scheme. Under paragraph A.4 (5) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), in determining the prior approval the Local Planning Authority may only assess 'the impact of the proposed development on the amenity of any adjoining premises.'
- 1.3 The prior approval (if required) of the application must be issued by the Local Planning Authority within 42 days of receipt of the application. If this period elapses before a decision on the prior approval is issued then the development is deemed acceptable, and a default consent given.
- 1.4 Therefore this application appears on the Circulated Schedule for information purposes only. It is not usually possible to call such applications before a Development Control Committee as the notification period would expire and by default the development would be deemed acceptable.
- 1.5 This application provides a prior notification of a proposed larger home extension, as set out in A.4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 1.6 The proposed extension comprises a single storey rear extension with a maximum depth of 4.5 metres, a maximum height of 3.7 metres, and an eaves height of 2.5 metres.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - i. The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
  - ii. The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

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

- 3.1 None

## 4. **CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
The area is unparished

### **Other Representations**

- 4.2 Local Residents
- proposed extension would be the height of our upper windows at its highest point and would sit against our garden wall
  - outlook from main window on ground floor at back of our property would be completely obscured by the extension and would block light for majority of day. As our property is open plan this would affect light into dining room, kitchen and living rooms
  - extension would block light into rear garden
  - depending on where windows are placed (not clear from drawings) there may be issues with invasion of privacy
  - unsightly outlook from our main bedroom window
  - concerns regarding drainage due to proximity to our garden
  - build would cause disruption to nightshift worker
  - access to rear is limited – concerns construction vehicles may block access to parking spaces

## 5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
This application requires the prior approval of the Local Planning Authority under the larger home extensions neighbour consultation scheme.
- 5.2 The development is acceptable in principle as it is permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 5.3 In determining the prior approval of the Local Planning Authority only the residential amenity of all adjoining premises can be considered.
- 5.4 Amenity  
The proposed extension would be single storey with a pitched roof running from north to south, away from adjacent neighbours. Concerns have been expressed by neighbours regarding the height of the new roof and the position of the structure against their wall. The proposed roof would be below the height of the rear bedroom windows serving this set of semi-detached properties. With regard to the structure touching the neighbour's wall, a third party agreement should be secured prior to building and this private, civil matter is to be discussed between relevant parties rather than covered in a planning report.
- 5.5 It is acknowledged that the proposed structure would be positioned to the south of immediate neighbours and would therefore create changes to the light entering that property. However, the structure is single storey with the roof sloping away from these neighbours.

Both properties have single storey garages at the end of their respective modest rear gardens and are separated by a boundary of approximately 1.8 metres in height. The proposed single storey extension would infill the gap between the house and garage, almost joining the two structures. Given the existing boundary treatment, the single storey height of the proposed structure, the fact that some garden space of the neighbouring property would remain unaffected, the overall position of an urban location, on balance, it is considered that the impact on the residential amenity of the adjoining neighbours is considered acceptable.

- 5.6 Uncertainty has been expressed regarding the position of proposed windows and their potential impact on the neighbouring property. Drawings clearly show that a bank of bi-fold doors and two roof lights would be positioned in the south elevation of the proposed extension, furthest away from attached neighbours. As such their residential amenity is assured. Comments regarding an unsightly view and impact on a nightshift worker are not planning matters and cannot be considered under the remit of this report.
- 5.7 Concerns regarding drainage issues have been made. As this is a single storey rear extension the matter of adequate drainage would be covered by building control inspectors who would carefully assess the proposals. In addition neighbours have expressed concerns regarding the potential for construction vehicles obstructing the existing parking areas to the rear of the property. Again this is not an issue that can be covered under the remit of this report and should be a matter to be discussed by relevant parties.

## 6. CONCLUSION

- 6.1 Taking into account the analysis set out above, it is therefore considered that the proposed extension is not prejudicial to residential amenity and the prior approval of the Local Planning Authority should be given.

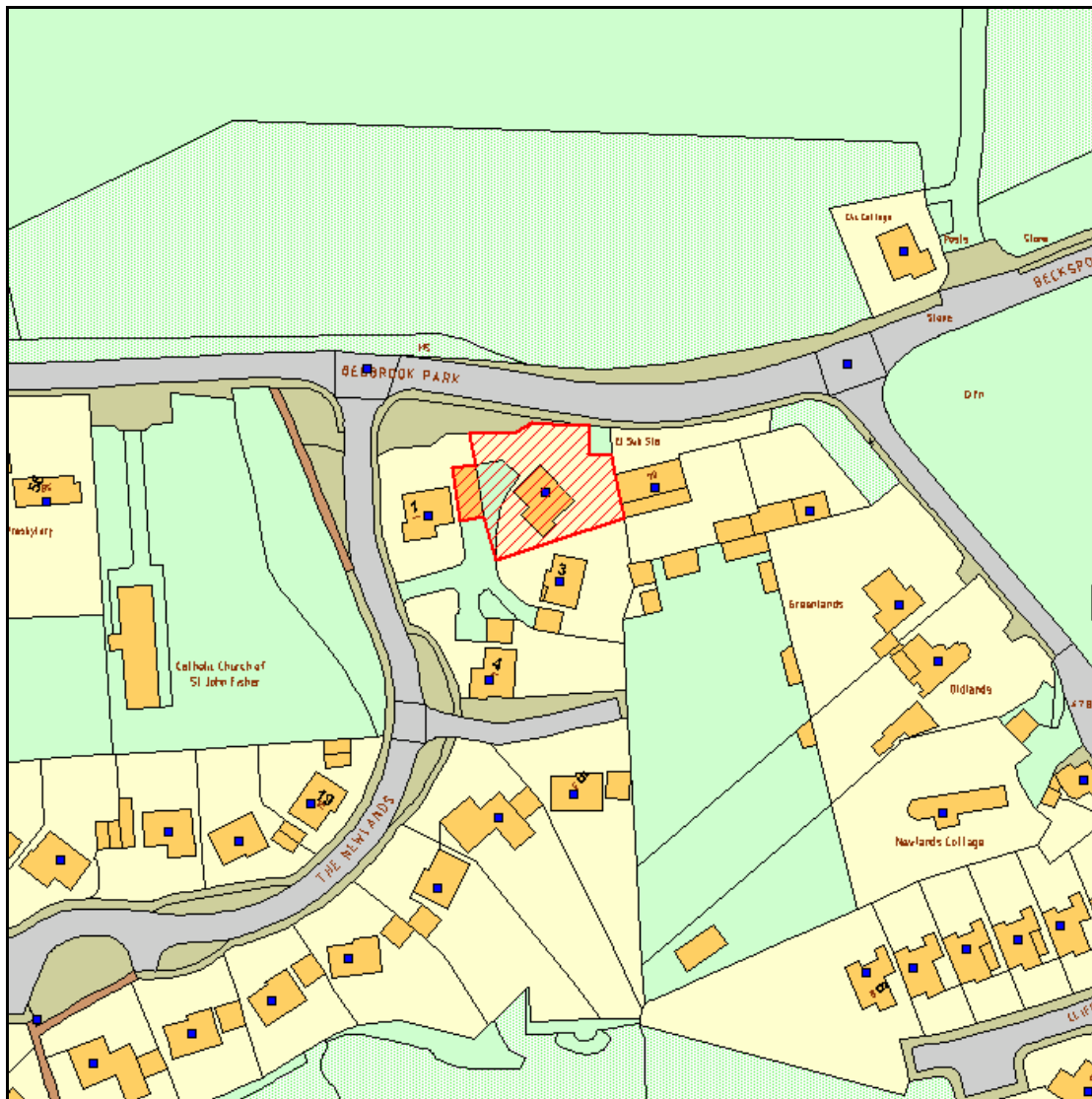
## 7. RECOMMENDATION

- 7.1 It is recommended that the prior approval be **GIVEN**.

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

**CIRCULATED SCHEDULE NO. 50/13 – 13 DECEMBER 2013**

<b>App No.:</b> PT13/3730/F	<b>Applicant:</b> Mr Nick Taylor
<b>Site:</b> 2 The Newlands Frenchay Bristol South Gloucestershire BS16 1NQ	<b>Date Reg:</b> 30th October 2013
<b>Proposal:</b> Erection of maximum 2.2 meter high boundary wall.	<b>Parish:</b> Winterbourne Parish Council
<b>Map Ref:</b> 363628 177430	<b>Ward:</b> Frenchay And Stoke Park
<b>Application Category:</b> Householder	<b>Target Date:</b> 20th December 2013



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

The application is referred to the Circulated Schedule owing to comments received from the Parish Council

### **1. THE PROPOSAL**

- 1.1 The application seeks permission to raise an existing boundary wall to a maximum height of 2.2 metres.
- 1.2 The application site consists of a detached dwelling within a 20<sup>th</sup> century estate, situated within Frenchay Conservation Area. The wall subject to the application is to the north of the cul de sac facing Begbrook Park road.
- 1.3 The proposal is to replace the existing unlawfully erected fence which is currently sitting adjacent to the wall.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Achieving Good Quality Design
- H4 Development within Existing Residential Curtilages
- L1 Landscape Protection and Enhancement
- L12 Conservation Areas

South Gloucestershire Local Plan: Core Strategy incorporating Inspector Main Modifications November 2013

- CS1 High Quality Design
- CS5 Managing Environment and Heritage

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) 2007  
Residential Parking Standards SPD (Approved) 2013

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

- 3.1 PT10/2971/TRE - Works to reduce 1No. Copper Beech tree by 30%. Copper Beech tree covered by Tree Preservation Order TPO30 dated 29th November 1972. Refused 14<sup>th</sup> December 2010
- 3.2 PT05/3491/F - Erection of single storey front extension to form extended study. Approved 18<sup>th</sup> January 2006
- 3.3 P93/1918 and P93/1930/C - Minor works of demolition to facilitate erection of two storey rear extension and side conservatory. Approved 25<sup>th</sup> August 1993

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

4.1 Winterbourne Parish Council

The comments of the Parish Council are no objection. However, members feel that the boundary wall should be tapered and not end in an abrupt way.

4.2 Conservation Officer

No objection. Condition recommended relating to submission of sample panel.

4.3 Tree Officer

No in principle objection. Due to the presence of a tree with a tree preservation order within close proximity to the boundary wall, It will be necessary for the applicant to produce a method statement for the construction of the extension to the wall.

#### **Other Representations**

4.4 Local Residents

No comments received.

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

5.1 Principle of Development

The application seeks permission to raise the existing north boundary wall to a maximum height of 2.2 metres. The site is situated within the Frenchay Conservation Area and as such the development will only be permitted where it would preserve or enhance the character or appearance of the Conservation Area.

5.2 Design

The application site relates to a detached dwelling situated within a 20<sup>th</sup> century cul de sac. The northern boundary of the site has an existing natural stone boundary wall facing onto Begbrook Park road, which is a main through route through the Conservation Area. As existing an unauthorised wooden fence has been erected inside the wall protruding above the natural stone wall. This fence is not considered to preserve or enhance the character or appearance of the Conservation Area. In order to improve privacy whilst preserving the character of the conservation area it was agreed that a good solution would be to raise the existing stone wall. This is now reflected within the current application.

5.3 The raising of the wall is considered to preserve the character and appearance of the conservation area. This is, however, subject to the stone, coursing and pointing to be used in its construction. This will be subject to a suitably worded condition. Subject to this condition there are no objections to the proposed wall on grounds of conservation. This includes the height of the wall and its relationship with the surrounding sites. The comments of the Parish Council are noted, however, it is not considered that a tapering as suggested is not necessary to impose. Tapering of the wall on the side of the applicant would conflict with the purpose of raising the wall (i.e. to improve privacy), and tapering is not possible into the neighbour's wall as this is outside the



ownership of the applicant. The step in the wall as proposed would not prejudice the visual amenity of it.

5.4 In order to ensure that the unauthorised fence is removed in a timely manner, in order to preserve the character and appearance of the Conservation Area, it is considered appropriate to attach a condition to ensure that the fence is removed within 3 months of the decision notice.

5.5 Residential Amenity

The wall would not be situated directly adjacent to the boundary of any surrounding properties. As such there are no concerns in terms of the impact on the residential amenity of surrounding occupiers.

5.6 Highway Safety

The wall is situated to the north of the cul de sac facing Begbrook Park road. The application has been assessed by the Council's Transport Officer there are no objections on grounds of highway safety.

5.7 Tree

Within close proximity to the wall is a tree covered by a Tree Preservation Order. Therefore it can be assumed that the roots of the tree are present within this area. In accordance with the British standard BS:5837:2012, It will be necessary for the applicant to produce a detailed arboricultural method statement for the construction of the extension to the wall. The main concern in this instance is possible damage to the roots of the tree from mixing of cement or from storage of stone/materials which could cause compaction of the soil, damage via leaching into the soil, or damage to the bark of the tree from abrasion if stored within this zone. Provided that the applicant provides appropriate evidence within the method statement there is no objection to the application. This information will be subject to an appropriately worded 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.

## 7. RECOMMENDATION

7.1 That the application is APPROVED subject to the following conditions:

**Contact Officer: Sarah Fordham**  
**Tel. No. 01454 865207**

## **CONDITIONS**

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

Reason

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

2. Within three months of the date of this decision notice the existing unauthorised wooden fence shall be removed.

Reason

To protect the character and appearance of the Frenchay Conservation Area area to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development sample panel of stonework, demonstrating the stone, coursing and pointing is to be erected on site and approved in writing by the Local Planning Authority. 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 protect the character and appearance of the Frenchay Conservation Area area to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

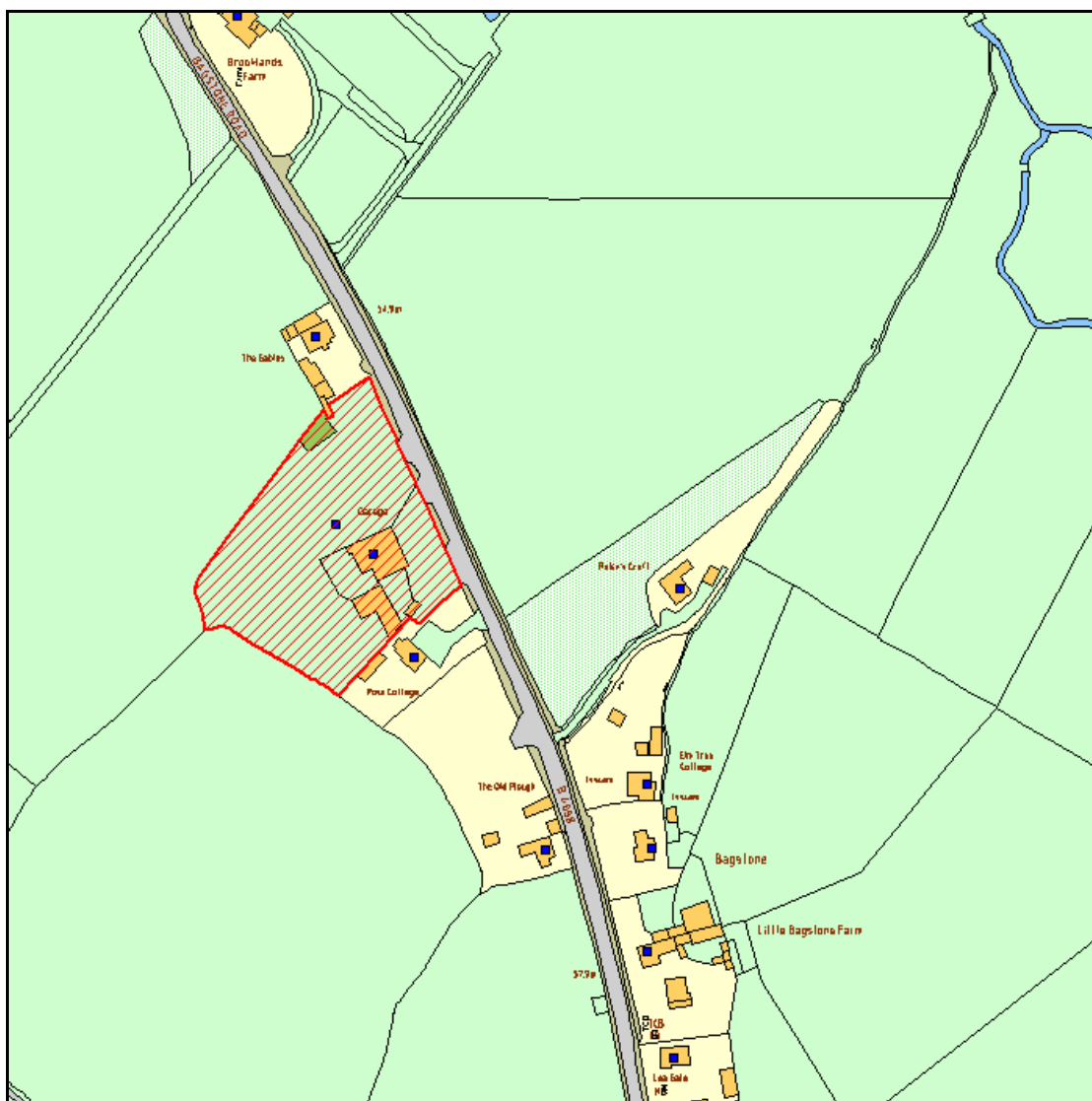
4. Prior to the commencement of development a detailed arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the agreed details.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health of the tree, and to accord with policy L1 of the South Gloucestershire Local Plan (Adopted) 2006, and the British Standard BS:5837:2012.

**CIRCULATED SCHEDULE NO. 50/13 – 13 DECEMBER 2013**

<b>App No.:</b>	PT13/3740/CLE	<b>Applicant:</b>	Classic Coach And Car Company Ltd
<b>Site:</b>	Bagstone Garage Bagstone Road Rangeworthy Wotton Under Edge South Gloucestershire GL12 8BD	<b>Date Reg:</b>	7th November 2013
<b>Proposal:</b>	Application for certificate of lawfulness for the existing use as vehicle repair workshop with MOT bay..	<b>Parish:</b>	Rangeworthy Parish Council
<b>Map Ref:</b>	368923 187264	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	30th December 2013



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

This application appears on the Circulated Schedule because it comprises a Certificate of Lawfulness.

### **1. THE PROPOSAL**

- 1.1 This application seeks a certificate of lawfulness for the existing use as a vehicle repair workshop with an MOT bay.
- 1.2 The application site comprises Bagstone Garage, which is located on the southwestern side of Bagstone Road, Rangeworthy.
- 1.3 The site comprises a large single storey blockwork building with a forecourt to the front (northeast) situated to the southeast of an established haulage yard. Land directly to the side (east) and rear (south) are used for car sales.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
The Town and Country Planning (Development Management Procedure) (England) Order 2010  
Circular 10/97: Enforcing Planning Control

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

- 3.1 PT00/2259/F, erection of second storey of portacabin, approval, 02/04/01.
- 3.2 P99/1280, use of land for the sale of cars to a maximum of 15 and the siting of associated portacabin office; use of land for the storage of plant equipment and siting of additional portacabin related to the plant hire business (retrospective application), approval, 09/07/99.
- 3.3 PT01/2959/F, use of land for car sales (renewal of lapsed temporary consent), approval, 29/01/02.
- 3.4 P90/2138, erection of extensions to garage building totalling approximately 550 square metres to provide showroom and self contained vehicle repair workshop units. Alterations to existing petrol station/workshop building, refusal, 23/08/90.

### **4. CONSULTATION RESPONSES**

- 4.1 Rangeworthy Parish Council  
No objection
- 4.2 Transportation DC Officer  
No objection

#### **Other Representations**

- 4.3 Local Residents  
No comments received

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

5.1 The applicant has submitted three invoices as evidence in support of the application. The invoices are titled SOS (Specialised Operations Services) Ltd and have the address as Bagstone Garage, Bagstone. The first invoice is dated 30<sup>th</sup> January 2007 and was addressed to Mr Ron Bishop. It was for the carrying out of an inspection, which amounted to a fee of £52.88. The second invoice is dated 19<sup>th</sup> February 2007 and is also addressed to Mr Ron Bishop. This invoice was for works titled “vehicle not starting repair earth strap on starter” and amounted to a fee of £17.63. The final invoice dated 5<sup>th</sup> August 2008 is addressed to Beaufort Taxis and was for works stated as “inspection and repair to wiring on wipers”. The works amounted to a fee of £153.93. No other evidence has been submitted.

## **6. EVIDENCE OF CONFLICTING EVIDENCE SUBMITTED**

6.1 No conflicting evidence submitted.

## **7. ANALYSIS OF PROPOSAL**

7.1 The application for a Certificate of Lawfulness is not a planning application where the relevant merits of the proposal are assessed against planning policy; it is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. The onus is on the applicant to provide precise and unambiguous information. The garage was formerly associated with haulage (Use Class Sui Generis). The use of the garage as a motor vehicular testing station for MOT (Use Class B2) represents a material change of use. Accordingly, in this instance, the main test of evidence is whether the garage and surrounding land has been used for MOT testing for a continuous period of 10 years or more.

7.2 The evidence submitted does indicate that some vehicular repairs and inspections have taken place at Bagstone Garage. However, insufficient evidence has been submitted to demonstrate a continuous ten year use. According to the applicant, Bagstone Garage has been used as a commercial garage since 1963 until the present date. This is not reflected in the three invoices submitted, which only cover the dates 30<sup>th</sup> January 2007, 19<sup>th</sup> February 2007 and 5<sup>th</sup> August 2008. The evidence only covers a two year period and there is a gap of around 5 years to the present date.

7.3 A red line has been drawn around the whole of the haulage site and a blue line has been drawn around the building and forecourt. Whilst this is likely to be an error, the applicant was requested to confirm that this was the case and to submit an amended drawing. The applicant has not responded to the Officers request.

7.4 Accordingly, it is considered that the evidence submitted is ambiguous and does not demonstrate, on the balance of probability, a continuous 10 year use of the site for MOT testing.

## **8. RECOMMENDATION**

- 8.1 A Certificate of Lawfulness of existing use is REFUSED for the following reason:

Insufficient information has been submitted to demonstrate that, on the balance of probability, the site hatched in red on the attached plan has been used for MOT testing (Use Class B2) for a continuous period of 10 years or more immediately prior to the submission of the application.

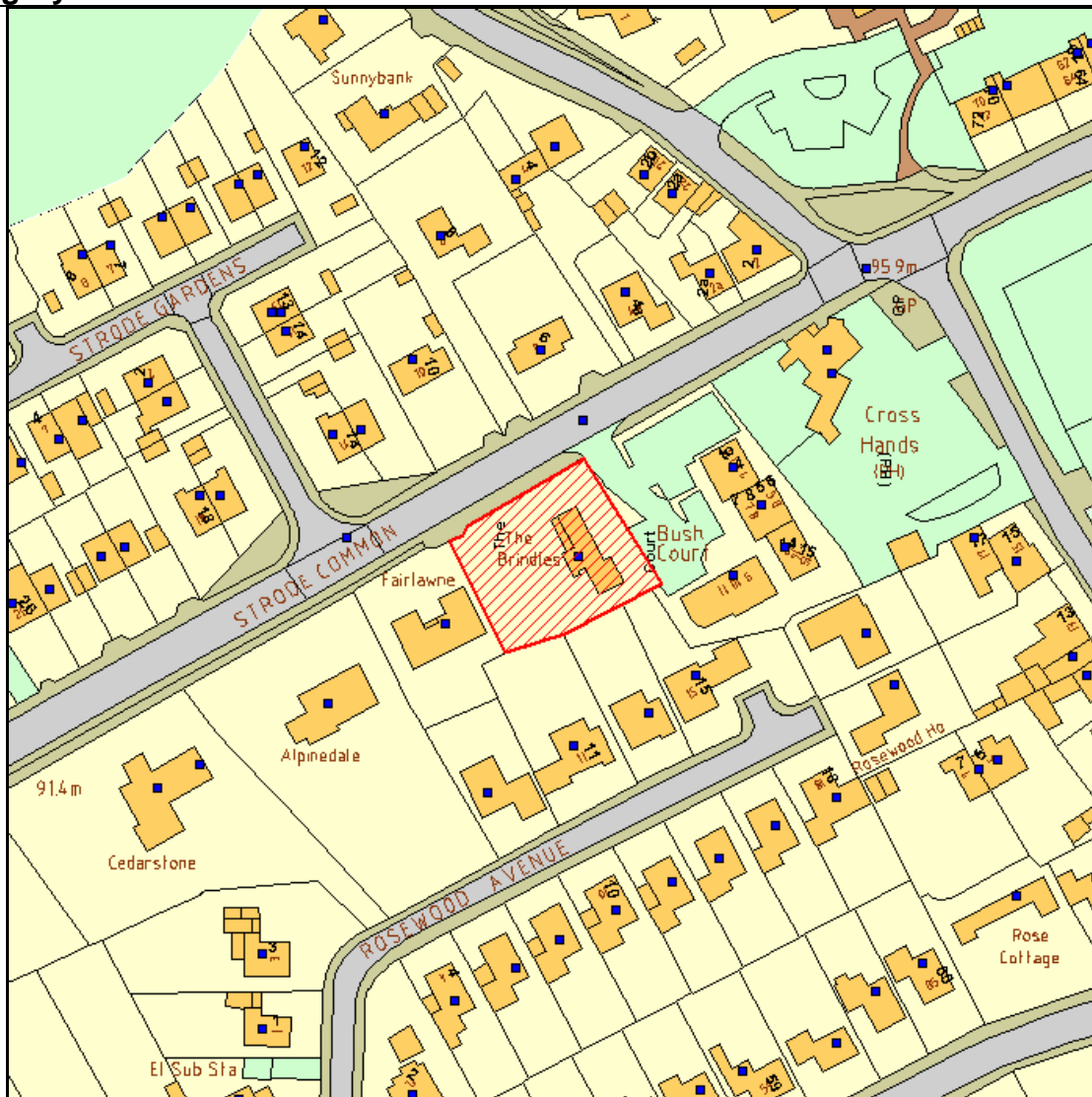
**Contact Officer: Jonathan Ryan**  
**Tel. No. 01454 863538**

### **REASONS FOR REFUSAL**

1. Insufficient information has been submitted to demonstrate that, on the balance of probability, the site hatched in red on the attached plan has been used for MOT testing (Use Class B2) for a continuous period of 10 years or more immediately prior to the submission of the application.

**CIRCULATED SCHEDULE NO. 50/13 – 13 DECEMBER 2013**

<b>App No.:</b>	PT13/3937/F	<b>Applicant:</b>	Robins Homes Ltd
<b>Site:</b>	The Brindles Strode Common Alveston South Gloucestershire BS35 3PJ	<b>Date Reg:</b>	29th October 2013
<b>Proposal:</b>	Erection of 1 no. detached dwelling with new access and associated works (Resubmission of PT13/2503/F)	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	362820 188130	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	19th December 2013



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 100023410, 2008. **N.T.S.** **PT13/3937/F**

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

This application appears on the Circulated Schedule because objections have been received from members of the public and Alveston Parish Council contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of 1no. detached dwelling with a new access and associated works.
- 1.2 The application forms a resubmission of PT13/2503/F, which was refused planning permission for the following reasons:

*By virtue of the scale, size and position of the proposed dwelling in the site the development would represent the overdevelopment of the site and would have a detrimental impact upon the character and visual amenity of the street scene and the surrounding locality. The proposed development is contrary to policies D1, H4 and H2 of the South Gloucestershire Local Plan (adopted) January 2006.*

*By virtue of the proximity of the proposed dwelling to the existing dwelling (The Brindles) the proposed development would have an overbearing impact upon the residential amenity of the existing dwelling. The proposed development is therefore, contrary to Policies D1, H4 and H2 of the South Gloucestershire Local Plan (adopted) January 2006.*

- 1.3 The application site is flanked by the chalet residential property Fairlawne on the southwestern side and the Brindles, which is a two-storey brick building with a flat roof. The rear gardens of residential properties directly abut the southern rear boundary of the site and the topography of the site is such that these properties are set down lower than the application site. The site slopes down from the front to the rear. The existing access off Strode Common will serve the proposed dwelling, whilst a new access further east is proposed for the Brindles.
- 1.4 The applicant has provided the following comments in support of the proposal: *The new design has moved the mass of the building over to nearly 12m from the main facade of the Brindles, and the reduction in ground level and roof levels have all helped to reduce the scale and size of the dwelling. This has also had the added effect of over coming the first reason for refusal (scale and size).*

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012



## 2.2 Development Plans

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

D1 Achieving a Good Standard of Design in New Development

GB1 Development in the Green Belt

H2 Proposals for New Residential Development within Existing Urban Areas and Boundaries of Settlements

H4 Residential Development within Existing Residential Curtilages

T12 Transportation Development Control Policy for New Development

EP1 Environmental Pollution

EP6 Contaminated Land

L17/L18 The Water Environment

### South Gloucestershire Local Plan: Core Strategy incorporating Inspector Main Modifications November 2013

CS1 High Quality Design

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS34 Rural Areas

## 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)

The South Gloucestershire Residential Parking Standards SPD

The South Gloucestershire Development in the Green Belt SPD (adopted)

## 3. RELEVANT PLANNING HISTORY

3.1 PT13/2503/F, Erection of 1 no. detached dwelling with new access and associated works, refusal, 02/10/13.

3.2 PT12/2006/F, erection of 2no. semi-detached dwellings with associated works. Creation of new vehicular access to The Brindles, withdrawn, 15/08/12.

## 4. CONSULTATION RESPONSES

### 4.1 Alveston Parish Council

The Parish Council object to PT13/3937/F on the basis that this is further infill development which is being operated aggressively and the community is expressing increasing concern over this policy. Concerns are raised over the density of housing within the area and the resulting road access. This is over development for the available plot.

### 4.2 Environmental Protection Officer

No objection subject to condition

### 4.3 Transportation DC Officer

No objection

### 4.4 Drainage Officer

No objection

- 4.5 Landscape Officer  
No objection subject to condition

### **Other Representations**

- 4.6 Local Residents  
Five letters of support and fifteen letters of objection have been received from neighbouring occupiers. The following is a summary of the reasons given in support of the application:

- Proposal is in-keeping with the scale of the surrounding properties;
- The proposal overcomes the previous reasons for refusal;
- The gable elevation fronting strode common is in keeping with Fairlawne;
- More open feel to the development will fit the streetscene well;
- There will be less of an impact on The Brindles.

The following is a summary of the reasons given for objecting to the proposal:

- Alveston is in need of small bungalows on flat ground for old people rather than large dwellings;
- The proposal is out of keeping with the character of bungalows along Strode Common;
- Dwelling is far too big for the plot;
- Too close to neighbouring property;
- No evidence to show demand for the dwelling submitted;
- Proposal represents garden grabbing;
- Proposal is higher than neighbouring bungalows;
- Overbearing impact on occupiers in properties at Rosewood Avenue;
- Loss of privacy on occupiers of dwellings at Rosewood Avenue;
- There has been a plethora of planning applications for dwellings south of Strode Common;
- Loss of privacy due to the topography of the land;
- Increase in size of first floor rear window;
- Lack of consultation;
- Balconies should be restricted on the rear bedroom;
- If consent is given further additions to the dwelling should be restricted;
- The proposal may affect the redevelopment of The Brindles;
- Highway safety issues relating to the access;
- If permission is granted PD rights should be removed to restrict further development of the site;

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Planning policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006 allows for limited infilling within defined settlement boundaries. The South Gloucestershire Development in the Green Belt SPD (adopted) defines infill development as being small scale and which fits into an existing

built up area in a defined settlement boundary, normally in-between existing buildings, in a linear formation. The proposal is for a single dwelling, which is located between two existing properties either side. Accordingly, the proposal complies with the definition of limited infilling and is therefore, considered to be appropriate development in the Green Belt.

Concerns have been raised on the basis that there is no demand for new dwellings in the area and that there is more local need for bungalow type dwellings rather than larger properties. However, requirement in policy for the proposal to be considered on the basis of local need or demand. Concerns have been raised with regards to the proposal representing garden grabbing. The National Planning Policy Framework (NPPF) states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where the development would cause harm to the local area. Whilst policy H2 of the Local Plan allows for residential development in urban areas, which includes residential gardens, it requires that development proposals are of a sensitive design which respects the character of the area. Accordingly, policies within the Local Plan allow the Local Planning Authority to carefully consider the impact on the character and visual amenity of the area.

- 5.2 Whilst it is noted that concerns have been raised regarding the fact that there have been a number of similar applications for residential development in the local area, planning policies H2, H4 and GB1 allow for the principle of the development proposed. Accordingly, the proposal stands to be considered on its own merits in terms of its appearance/form and the impact on the character of the area (policies D1, H2 and H4 of the Local Plan); the density of the development (policies D1 and H2 of the Local Plan); the environmental effects (policy H2 of the Local Plan); the transportation effects (policies T12, H2 and H4 of the Local Plan); and the residential amenity impacts (policies H2 and H4 of the Local Plan).
- 5.3 In addition, weight is given to the refusal reasons relating to application PT13/2503/F in terms of over development of the site and the impact on the character of the streetscene and the overbearing impact on the occupiers of the property The Brindles. Consideration is required as to whether the proposal overcomes these refusal reasons.
- 5.4 Appearance/Form  
The proposed dwelling is two storeys in height and is encompassed by a pitched roof with half hipped ends. Single storey additions extend off the side of the main two-storey part of the building the roof of which extends down to form catclides to encompass these single storey parts of the build. The applicant has specified Ibstock Staffordshire Smooth Blue engineering brick with black mortar pointing for the plinth and Ibstock Bradgate Harvest Blend face brickwork with natural mortar pointing above the plinth, Larch timber horizontal weatherboarding at first floor level; Redland charcoal grey Mini Stonewold concrete interlocking tiles; painted/stained hardwood door and aluminium clad timber/polyester powder coat aluminium sliding folding doors; and Jeld Wen

aluminium clad timber double glazed windows. A condition to ensure further details are submitted regarding the appearance of the materials is recommended if permission is granted. There is a wide variety of architectural styles of dwellings in the surrounding area. In this context it is not considered that the form or appearance of the dwelling will appear adversely out of keeping with the character of the existing built form.

- 5.5 The building is positioned slightly forward (approximately 2 metres) of Fairlawne and is set back slightly behind the front elevation of The Brindles (approximately 1.4). The proposed dwelling is approximately 8.4 metres from the rear (southeastern) boundary; 2.4 metres from the property Fairlawne, and 5.8 metres from The Brindles. The proposal respects the established building line along Strode Common and is sufficiently in-keeping with the siting of the surrounding built form.
- 5.6 The previous application was refused on the basis that the scale, size and position of the dwelling in the site would have a detrimental effect on the character and visual amenity of the area. In response, the applicant has reduced the width of the dwelling from 14 metres to 12 metres. The core footprint of the dwelling has been orientated such that it has more of a vertical emphasis compared to the horizontal proportions of the previous submission. The previous scheme was approximately 2.5 metres from Fairlawne and 4 metres from The Brindles at the closest point. The proposal has increased the distance to The Brindles to approximately 5.6 metres and is 2.5 metres from Fairlawne. The single storey projections either side of the main two-storey dwelling closest to the flank boundaries will help to provide a sense of space to the sides of the dwelling and it is considered that the proposal will fit comfortably into the streetscene and will not appear adversely cramped. It is considered that the proposal overcomes the previous refusal reason.
- 5.7 The first floor windows are built into the roof in order to reduce the overall height of the dwelling and this is considered to be a sympathetic approach given the single storey property Fairlawne to the side. It is considered that the proposal is sufficiently in-keeping with the scale of the surrounding built form.
- 5.8 Density  
The density of the development is approximately 19 dwellings per hectare. Whilst there is no longer a minimum density target, it is considered necessary in the interests of sustainability that proposals make affected use of land that is compatible with the character of the area. In this instance, a higher density would result in a cramped form of development that would be harmful to the character of the area. The density proposed is considered acceptable.
- 5.9 Environmental Effects  
Trees/Ecology  
It is not considered that the proposal will bring about any significant adverse issues in terms of ecology. A small Oak tree, which has the potential to contribute significantly to the visual amenity of the area in the future is likely to be impacted through the construction of the parking area proposed.

Accordingly, if permission is granted a condition is recommended for details to be provided to ensure that the tree is adequately protected if it is to be retained or for an acceptable replacement tree to be planted if it is to be removed.

#### 5.10 Contamination

The applicant submitted the report: "Wesson Environmental, Phase 1 Site Investigation, The Brindles, Strode Common for Robin Homes Ltd, June 2013, Project no.001ROBB110" in the previously refused application. The report has identified a potential risk from ground gases; therefore, if permission is granted a condition to mitigate against potential ground gases is recommended.

#### 5.11 Transportation

The proposal provides parking and turning facilities for both the existing dwelling and proposed dwelling. Although the parking and manoeuvring area for the existing dwelling is constrained it is considered acceptable. The developer will be required to contact Streetcare to obtain the necessary vehicular crossover details and licences to enable the access works to be constructed. An informative note is recommended on this basis if permission is granted. Weight is given to the fact that the Highway Authority has raised no objections to the proposal; accordingly, the proposed parking, turning and access provisions are considered to be acceptable.

#### 5.12 Residential Amenity

The previous application no. PT13/2503/F was refused due to the fact that it would have an overbearing effect on the occupiers of The Brindles due to the close proximity between the proposed and existing dwellings. In response, the applicant has increased the gap between the dwellings to a distance of approximately 5.8 metres at the closest point. Moreover, no windows are proposed in the side elevation, which directly faces The Brindles. As such, it is not considered that the proposal will adversely affect the residential amenity of occupiers of The Brindles through loss of outlook, light or privacy. If permission is granted, a condition is recommended to restrict the insertion windows in the side elevation at first floor level. It is therefore considered that the proposal overcomes this previous refusal reason. The proposed dwelling is located in the garden area of The Brindles; therefore, the proposal will reduce the amount of private amenity space associated with the host dwelling. The Brindles will still benefit from a small vegetable garden and paved areas to the sides and rear of the dwelling and on this basis, although the amount of private amenity space will be reduced significantly, on balance, sufficient outdoor amenity space will remain to serve the host dwelling.

Concerns have been raised that the proposal is located closer to the neighbouring dwelling property Fairlawne; however, the proposal is no closer to this neighbouring property than the previously refused scheme. The proposal does not extend past the rear elevation of the neighbouring property Fairlawne and it extends just 2 metres beyond the front elevation of the neighbouring property. It is not considered that the proposed dwelling will be directly visible from the principal windows in the front and rear elevation of the neighbouring property to the detriment of the outlook of occupiers.

- No first floor windows are proposed in the side elevation of the proposed dwelling; therefore, it is not considered that neighbouring occupiers will be significantly adversely affected through loss of privacy. It is not considered that the living conditions of occupiers will be adversely affected through loss of natural light given the location of the proposed dwelling directly east of the neighbouring property.
- 5.13 It is noted that a first floor window located in the side of the neighbouring property Fairlawne will overlook the garden area of the proposed dwelling. Consideration is therefore, required as to whether future occupiers of the proposed dwelling will have an adequate standard of living accommodation. Weight is given to the fact that the first floor side window in Fairlawne serves an ensuite shower room and therefore, it is not considered that future occupiers of the dwelling will be overlooked to a degree where their amenity will be adversely affected. Accordingly on balance, taking into account the reasonable size of the proposed garden, it is considered that it will be viable for use and provide sufficient enjoyment to future occupiers.
- 5.14 A distance of approximately 25 metres separates the proposed dwelling and the neighbouring properties directly to the southeast, which are situated at a lower level than the host dwelling due to the topography of the site. Given the level of separation, and the location of neighbouring dwellings directly south of the application site, it is not considered that neighbouring occupiers will be significantly adversely affected through loss of natural light or outlook.
- 5.15 A 3 pane bedroom window is proposed in the rear elevation of the dwelling. Given the location of the window, and the topography of the site, the proposal will allow for views into the gardens of neighbouring properties. There is however, a separation distance of approximately 8.3 metres between the proposed dwelling and the rear boundary shared with the neighbouring properties; and approximately 25 metres between the proposed dwelling and the rear elevation of neighbouring dwellings. On balance, this level of separation is sufficient to ensure that any overlooking, especially to more intimate areas of the neighbouring gardens closest to the properties, will not be to a degree which would adversely affect the residential amenity of neighbouring occupiers.
- 5.16 If permission is granted, conditions are recommended to restrict future development at the site in terms of velux roof lights and dormer windows in the interests of the privacy of neighbouring occupiers. Future development such as a balcony that allows for any external living space would require planning permission and this would allow the Local Planning Authority to assess the impact on neighbouring occupiers.
- 5.17 Further Matters  
The concerns raised regarding lack of consultation are noted; however, the Local Planning Authority has carried out the consultation process in accordance with the Council's adopted Statement of Community Involvement SPD.

5.18 The issue relating to how the proposal may affect the future development of The Brindles is not a relevant planning consideration in this instance.

## **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.

## **7. RECOMMENDATION**

7.1 Planning permission is GRANTED subject to the following conditions:

**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. 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 an adequate means of drainage is provided and to accord with policies EP1, L17 and L18 of the South Gloucestershire Local Plan (adopted) January 2006.

3. A) Prior to the commencement of the development a scheme to mitigate against potential ground gases shall be agreed in writing with the local planning authority. The measures shall be designed in line with current guidance and best practice. Thereafter the development shall proceed in accordance with the agreed mitigation measures.

B) Prior to occupation, a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

C) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policies EP1 and EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

In the interests of the character and appearance of the area and to accord with policies H2 and L1 of the South Gloucestershire Local Plan (adopted) January 2006.

5. The parking and turning details shall be carried out in accordance with the approved drawing "Proposed Site Plan" no.12C received by the Council on 24th October 2013 prior to the first occupation of the dwelling.

Reason

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



6. The hours of working on site during the period of construction shall be restricted to the following times:

Monday - Friday - 7.30am to 6:00pm

Saturday - 8.00am to 1:00pm

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

In the interests of the residential amenity of neighbouring occupiers and to accord with policies H2 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

7. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes B and C), 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

There are exceptional circumstances for removing permitted development rights (Classes B and C) to preserve the privacy of neighbouring occupiers located to the rear and sides of the site and to accord with policies H2 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

8. No first floor windows shall be inserted at any time in the northeastern and southwestern elevations of the property.

Reason

In the interests of the privacy of neighbouring occupiers and to accord with policies H2 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

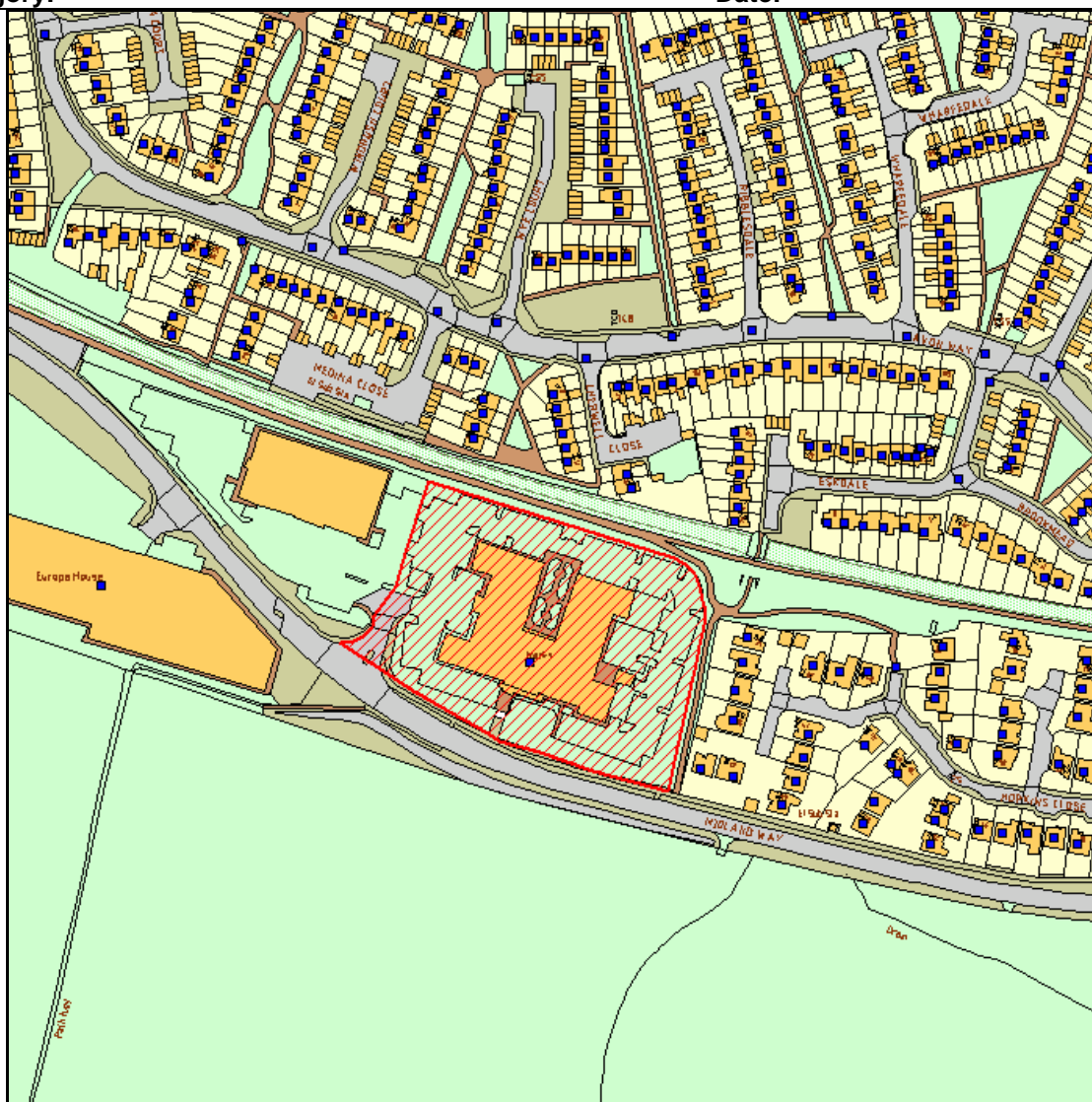
9. Prior to the commencement of development samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure an adequate standard of external appearance and to accord with policies D1 and H2 of the South Gloucestershire Local Plan (adopted) January 2006.

**CIRCULATED SCHEDULE NO. 50/13 – 13 DECEMBER 2013**

<b>App No.:</b>	PT13/3990/PNC	<b>Applicant:</b>	Newland Homes
<b>Site:</b>	Alexandra Workwear Midland Way Thornbury Bristol South Gloucestershire BS35 2NT	<b>Date Reg:</b>	31st October 2013
<b>Proposal:</b>	Prior notification of a change of use from Offices (Class B1a) to residential flats (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364415 189342	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>		<b>Target Date:</b>	22nd December 2013



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

This application appears on the Circulated Schedule because an objection has been received from Thornbury Town Council contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks determination as to whether prior approval is required for the change of use from offices (Class B1a) to residential flats (Class C3). The change of use is proposed is permitted development under Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.
- 1.2 Class J of the Order allows for the change of use from office (Use Class B1a) to residential (Use Class C3) subject to an assessment by the Local Planning Authority with regards to the transport and highways impacts of the development; contamination risks on the site; and flooding risks on the site.
- 1.3 The application site comprises a two-storey office building with two projecting single storey wings either side. The building is constructed of brick/render with a clay tiled hipped roof. The building is surrounded by parking and vegetation on the boundaries. Access to the site is off Midland way onto an access road shared with a neighbouring office building. The building is located on the northern side of Midland Way within a safeguarded employment area in Thornbury.
- 1.4 No external alterations that constitutes operational development is proposed in this application.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
The Town and Country Planning (General Permitted Development)  
(Amendment) (England) Order 2013, Class J

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

- 3.1 PT11/1533/F, Erection of 2 no. heat recovery compound units and associated works (Retrospective), approval, 20/06/11.
- 3.2 P98/1010/A, Display of internally illuminated entrance sign and illumination of existing roadside sign, approval, 24/02/98.
- 3.3 P98/1344, Alterations to car park to form 24 additional spaces, approval, 22/04/98
- 3.4 P97/2738, Erection of industrial building for classes B1, B2 & B8 use, approval, 12/03/98.

- 3.5 P95/0221/19, Erection of first floor balcony in existing office building (Retrospective), approval, 18/12/95.
- 3.6 P94/0221/16, Erection of two storey and single storey office building (Class B1 of the Town and Country Planning (Use Classes) Order 1987) to provide sales and administration office. Construction of vehicular and pedestrian access.
- 3.7 P92/0221/7, Development of approximately 25 acres of land to include industrial development falling within classes B1, B2 and B8 on 6.32 acres and residential development on 9.95 acres. Construction of distributor road, footpath and associated highway works (outline), refusal, 16/09/92.

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

- 4.1 Thornbury Town Council  
Object – employment land is essential for the viability and vitality of the town and should not be replaced by residential.
- 4.2 Transportation DC Officer  
No comment

#### **Other Representations**

- 4.3 Local Residents  
No comments received

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

- 5.1 Principle of Development  
Class J of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 sets out that development consisting of a change of building and land within its curtilage from B1a (office) to a use falling within Use Class C3 (dwellinghouse) is permitted development. Development is not permitted development where:

**The building is on article1 (6A) land;**

The site is not located on land identified as Article 1(6a) land under Part 4 of the Order.

**The building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order immediately before 30<sup>th</sup> May 2013 or; if the building was not in use immediately before that date, when it was last in use;**

Officers are satisfied that the building was used as offices (Use Class B1a) prior to 30<sup>th</sup> May 2013.

**The use of the building falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order was begun after 30th May 2016;**

The proposal meets this criterion.

**The site is or forms part of a safety hazard area;**

The site does not form part of a safety hazard area.

**The site is or forms part of a military explosives storage area;**

The site does not form part of a military explosives storage area.

**The building is a listed building or a scheduled monument.**

The building is not listed or a scheduled ancient monument.

- 5.2 The proposal adheres to the above criteria and is considered to be 'permitted development'. It therefore, stands to be considered whether prior approval is required for the following:

5.3 **Transport and highways impacts of the development**

The applicant has submitted a Transport Statement prepared by carl TONKS consulting to advise on transportation issues associated with the proposed change of use. The report sets out that the net floor area of the existing building is 2757 square metres; is served by 198 formal car parking spaces and is access directly from Midland Way; the proposal will provide some 37no. flats comprising 7no. one bedroom flats; 28no. two bed flats; 1no. three bed flat and 1no. four bed flat. Using trip forecasts previously agreed with the Council relating to a nearby site in Engine Common the report identifies that there will be a net benefit in traffic terms forecast. Accordingly, as there will be no material increase in terms of vehicular traffic generation there are no objections to the proposal on transportation grounds. An adequate amount of existing parking is available on site to serve the dwellings, which complies with the provisions set out in the Council's Residential Parking Standards SPD. Substantial weight is given to the fact that the Highway Authority has raised no objections to the change of use.

5.4 **Contamination risks on the site; and**

The building was erected for office use and has remained such until the present time. It is not therefore; considered that there will be any adverse risks of contamination on site.

5.5 **Flooding risks on the site**

The site is located in an area where there is a low risk of flooding (Flood Zone 1). There are no watercourses within close proximity to the site and there are no known drainage issues relating to the site.

- 5.6 Given the above, prior approval of the Local Planning Authority is not required.

5.7 Further Matters

The comments of the Town Council are noted; however, the principle of the change of use from office (Use Class B1) to residential (Use Class C3) is permitted development and therefore, cannot be resisted on the basis of loss of employment land. Notwithstanding this, the applicant has clarified that the building can be converted without any external alterations that constitute operational development. Therefore, there will be no permanent loss of employment floor space as the building could easily revert back to office use if required.

**7. RECOMMENDATION**

7.1 No objection

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