



**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. 34/13

Date to Members: 23/08/13

Member's Deadline: 30/08/13 (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 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, 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
August Bank Holiday Period 2013

Schedule Number	Date to Members 9am on	Members Deadline
33/13	Friday 16 Aug 2013	5pm Thursday 22 Aug 2013
34/13	Friday 23 Aug 2013	4pm Friday 30 Aug 2013

Above are details of the schedules that will be affected by date changes due to the August Bank Holiday 2013.

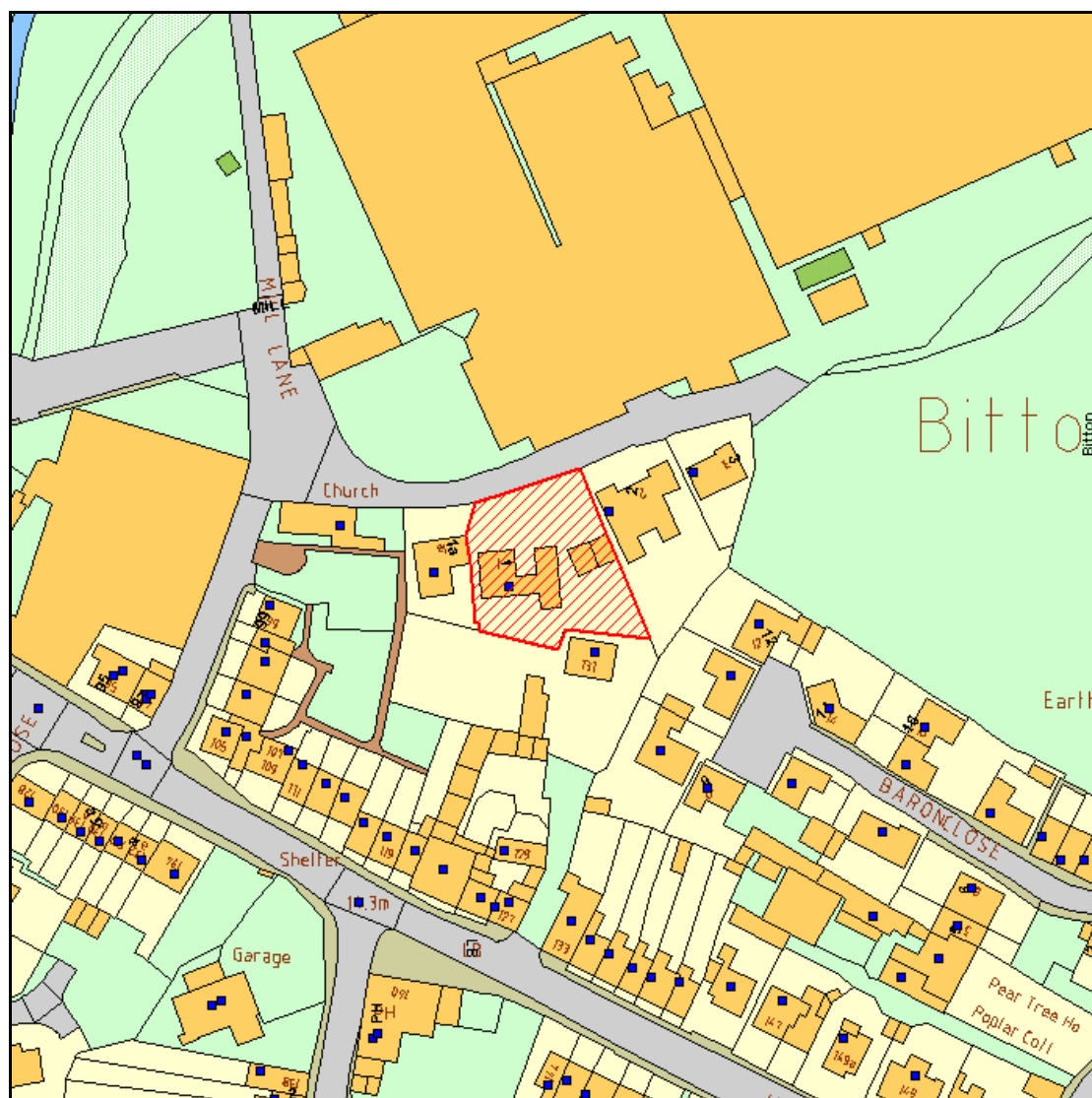
All other deadline dates remain as usual.

CIRCULATED SCHEDULE – 23 AUGUST 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/2289/F	Approve with Conditions	1 Mill Lane Bitton South Gloucestershire BS30 6HJ	Bitton	Bitton Parish Council
2	PK13/2481/CLP	Approve with Conditions	3 Rangers Walk Hanham South Gloucestershire BS15 3PW	Hanham	Hanham Abbots Parish Council
3	PK13/2659/TRE	Approve with Conditions	5 Lewis Close Emersons Green South Gloucestershire BS16 7JH	Emersons	Mangotsfield Rural Parish Council
4	PT13/2499/F	Approve with Conditions	Land To The Rear Of 248 Badminton Road Coalpit Heath South Gloucestershire BS36 2QH	Westerleigh	Westerleigh Parish Council
5	PT13/2761/TCA	No Objection	9 Stokefield Close Thornbury South Gloucestershire	Thornbury North	Thornbury Town Council

CIRCULATED SCHEDULE NO. 34/13 – 23 AUGUST 2013

App No.:	PK13/2289/F	Applicant:	Mr O Davis
Site:	1 Mill Lane Bitton Bristol South Gloucestershire BS30 6HJ	Date Reg:	12th July 2013
Proposal:	Erection of single storey front extension to form porch area.	Parish:	Bitton Parish Council
Map Ref:	368148 169698	Ward:	Bitton
Application Category:	Householder	Target Date:	3rd September 2013



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PK13/2289/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following an objection from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a single storey front extension to form a porch area. The application site relates to an extended single storey detached dwelling situated within the Bitton Conservation Area.
- 1.2 The proposed development would infill an existing recessed front entrance area created by flanking projecting bays.

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 Residential

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
CS9 Managing Environment and Heritage
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 PK11/2134/F Erection of single storey side extension to form
hydrotherapy, carers accommodation and therapy room
Approved 24.10.11

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Objection:
The original property has been much developed in recent years. It was understood that a severely disabled child was in urgent need of particular accommodation and, on this basis alone, Bitton Parish Council supported the considerable expansion of this dwelling when it would otherwise have considered it over-intensification of use of the site. The canopy at the front of the building was supported because Councillors were told that a covered area was required to enable the child to be helped out of a vehicle in wet weather.

From the proposals, it seems that this area is now to be made into a glazed porch. No exceptional circumstances are claimed and Councillors have seen personally that the property remains unoccupied. For this reason, they cannot support the further unnecessary development of this property.

4.2 Other Consultees

Public Rights of Way

No objection subject to an informative attached to the decision notice.

Highway Drainage

No objection

Other Representations

4.3 Local Residents

None received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The development stands to be assessed using the above named policies. Policy D1 and H4 are the most relevant and given the scale of the proposal it is considered to accord with the principle of development.

5.2 Design and Visual Amenity

The host dwelling has recently been granted permission for substantial changes to accommodate the special needs of a resident. The front entrance is recessed between two bay projections and the original planning application proposed a glass canopy over the front door extending the full length of the area bound by the projecting bays. This current application proposes an enclosed porch with a pitched glass roof and front glass wall enclosing this small area. The enclosed area would measure approximately 3.2 metres wide, 4.5 metres in depth and achieve an overall height of 3.4 metres.

5.3 The comments of the Parish Council have been noted however, the scheme for the erection of a single storey front extension is to be assessed under general planning considerations, rather than the personal circumstances of the applicant. The agent has confirmed that the development as approved under PK11/2134/F is currently underway and given the scale of the project and the disruption to family life the property remains unoccupied during the construction phase.

5.4 The proposed porch is considered to be of an acceptable design, scale and massing appropriate to the host dwelling and the area in general. It is acknowledged that the original dwelling has been extended significantly through previous applications, but given this proposal is an infill of a recessed area it would not notably increase the footprint of the dwelling to that of a disproportionate size. The proposal is therefore considered to accord with Policy D1.

5.5 Residential Amenity

The front elevation of the property faces onto an unmade up lane serving a small row of dwellings along Mill Lane. Immediately opposite the property is a large disused mill building. The application site is set back off this access road by approximately 6 metres and given the position of the proposed porch, the development is considered not to impact negatively on the residential amenity of neighbours on either side. Most of the residential amenity space serving the application site is to the rear, which will be unaffected by the proposal. Similarly, the large parking area to the front will remain unchanged. As such the proposal accords with Policy H4.

5.6 Drainage

The Council's highway drainage officers offer no objection to the proposal but requested the completion and return of a Flood Mitigation Form to accompany the application. This was duly received by the council and attached to the file.

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 written on the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

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

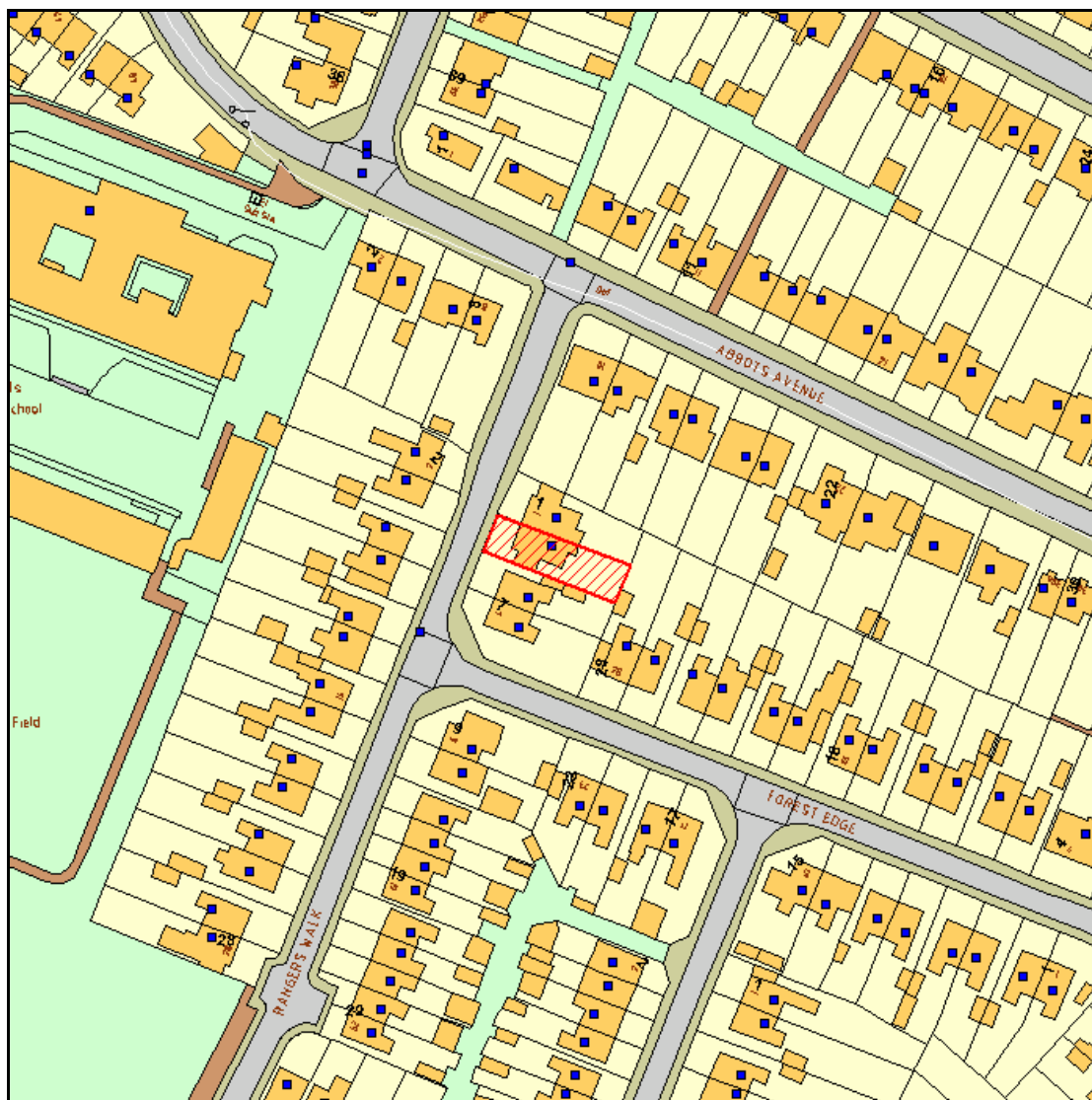
2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason:

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

CIRCULATED SCHEDULE NO. 34/13 – 23 AUGUST 2013

App No.:	PK13/2481/CLP	Applicant:	Mr A Lewis
Site:	3 Rangers Walk Hanham Bristol South Gloucestershire BS15 3PW	Date Reg:	18th July 2013
Proposal:	Certificate of lawfulness for the proposed erection of single storey side extension	Parish:	Hanham Abbots Parish Council
Map Ref:	364367 171910	Ward:	Hanham
Application Category:	Minor	Target Date:	9th September 2013



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PK13/2481/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to the erection of a single storey side extension at 3 Rangers Walk, Hanham.
- 1.2 The property is a two storey semi detached dwelling and is located within a residential area of Hanham.
- 1.3 This application is a formal way of establishing whether or not the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24 Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class A.
- 2.2 Statutory Instrument 2013 No.1101 The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

3. RELEVANT PLANNING HISTORY

- 3.1 None Relevant

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
No objections

Other Representations

- 4.2 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented

lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance.

It stands to be ascertained whether the proposed development falls within the limits set out in Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008. The 2013 changes to the GPDO do not change the consideration for side extensions.

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

A1 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 proposed side extension would not exceed 50% of the total area of the curtilage.
- (b) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**
The maximum height of the proposal would not exceed the maximum height of the existing dwellinghouse. As such the proposal meets this criterion.
- (c) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**
The height of the eaves of the proposal does not exceed the eaves of the existing dwellinghouse. As such the proposal meets this criterion.
- (d) The enlarged part of the dwellinghouse would extend beyond a wall which—**
 - (i) fronts a highway, and**
 - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;**The proposed extension would be to the side of the dwelling not on a principle or side elevation that fronts a highway, as such the proposal accords with this criterion.

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

The proposed extension is to the side of the property, adjoining the existing rear protrusion which extends 3 metres in depth beyond the main rear elevation. The proposal would have a maximum height to ridge of 3.7 metres, as such the proposal accords with this criterion.
- (f) **The enlarged part of the dwellinghouse would have more than one storey:**
The proposal is single storey.
- (g) **The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres:**
The proposal would be located within two metres of a boundary but have a height to eaves of less than 3 metres and therefore meets this criterion.
- (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 has a maximum height of 3.7 metres and is single storey only. As the proposal projects off an existing rear protrusion which is considered to be part of the original dwelling house, it would be less than half the width of the original dwelling. This criterion is therefore also satisfied.
- (i) **It would consist of or include—**
 - (i) **The construction or provision of a veranda, balcony or raised platform,**
 - (ii) **The installation, alteration or replacement of a microwave antenna,**
 - (iii) **The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
 - (iv) **An alteration to any part of the roof of the dwellinghouse.**

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

A2 In the case of a dwellinghouse on article 1(5) land, development is not permitted if:

- (a) **It would consist of or include the cladding of any part of the**

exterior of the dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles :

- (b) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.
The site is not located within article 1(5) land and as such the proposal meets this criterion.

Conditions

A3 Development is permitted by Class A subject to the following conditions:

- (a) The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
The proposal would be finished in materials to match those of the existing dwellinghouse.
- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; andThe proposal does not include the installation of any upper floor windows.
- (c) Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.
The proposal is single storey.

7. RECOMMENDATION

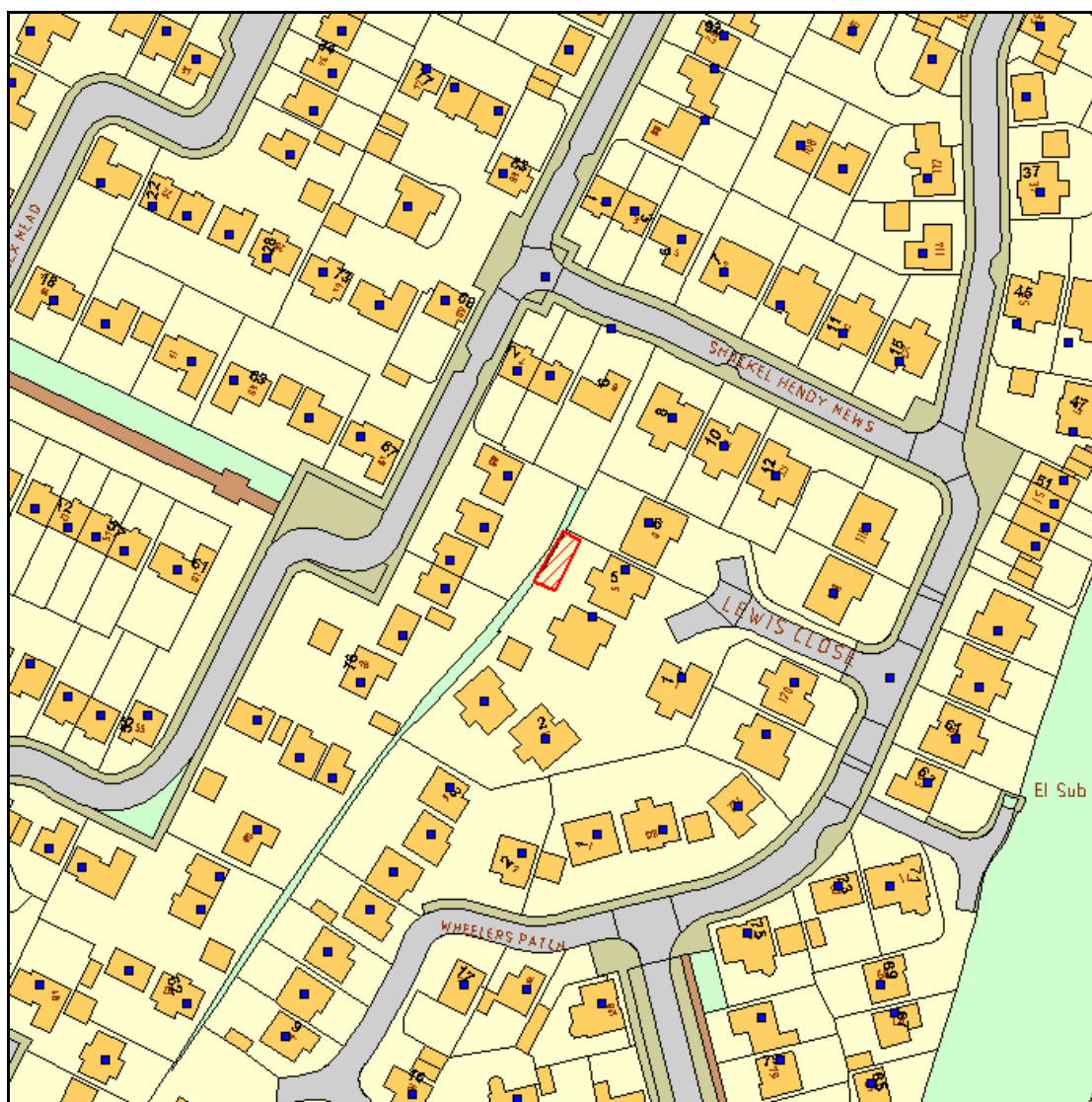
- 7.1 That a certificate of Lawfulness for Proposed Development is granted for the following reason:

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

Contact Officer: Kirstie Henshaw
Tel. No. 01454 865428

CIRCULATED SCHEDULE NO. 34/13 – 23 AUGUST 2013

App No.:	PK13/2659/TRE	Applicant:	Mrs Bernice Statton
Site:	5 Lewis Close Emersons Green Bristol South Gloucestershire BS16 7JH	Date Reg:	24th July 2013
Proposal:	Works to thin and reduce by 33% 5 no. Poplar trees covered by Kingswood Tree Preservation Order (Emersons Green) 03/91 dated 29th July 1991	Parish:	Mangotsfield Rural Parish Council
Map Ref:	366987 176239	Ward:	Emersons Green
Application Category:		Target Date:	13th September 2013



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PK13/2659/TRE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks permission for works to 5no. Poplar Trees, protected by Tree Preservation Orders. The trees are located within the grounds of No. 5 Lewis Close, Emersons Green. The works proposed include crown thinning and reducing by 33%.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990
The Town and Country Planning (Tree Preservation) Regulations 2012

3. RELEVANT PLANNING HISTORY

- 3.1 Whilst several applications for neighbouring trees have been considered in the past, there is no relevant planning history for the application site.

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No objection, subject to the approval of the South Gloucestershire Council Tree Officer
- 4.2 Tree Officer
No objections

Other Representations

- 4.3 Local Residents
An objection has been received raising the following concerns:
- object on the grounds of the Wildlife and Countryside Act 1981 regarding nesting birds and works to trees and hedges during the nesting season.

5. ANALYSIS OF PROPOSAL

- 5.1 The applicant is seeking consent for works to 5no. Poplar trees which are located within the garden of No. 5 Lewis Close. The applicant has stated that the trees have grown large, reducing sunlight to their property and in addition concerns have been raised regarding the spread of the roots, as such permission is being sought to thin and reduce the trees by 33%.

The proposed works are considered to be on going management and would help to ensure the retention of the trees. As such there are no objections to the proposal.

5.2 Other issues

An objection has been received raising concerns with regard to the Wildlife and Countryside Act 1981. An informative would be attached to any permission ensuring that the applicant/agent is aware that The Wildlife and Countryside Act 1981 makes it a criminal offence to damage or destroy the nest of any wild bird whilst that nest is in use or being built.

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 following conditions

Contact Officer: Kirstie Henshaw

Tel. No. 01454 865428

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

In the interests of the long term health of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

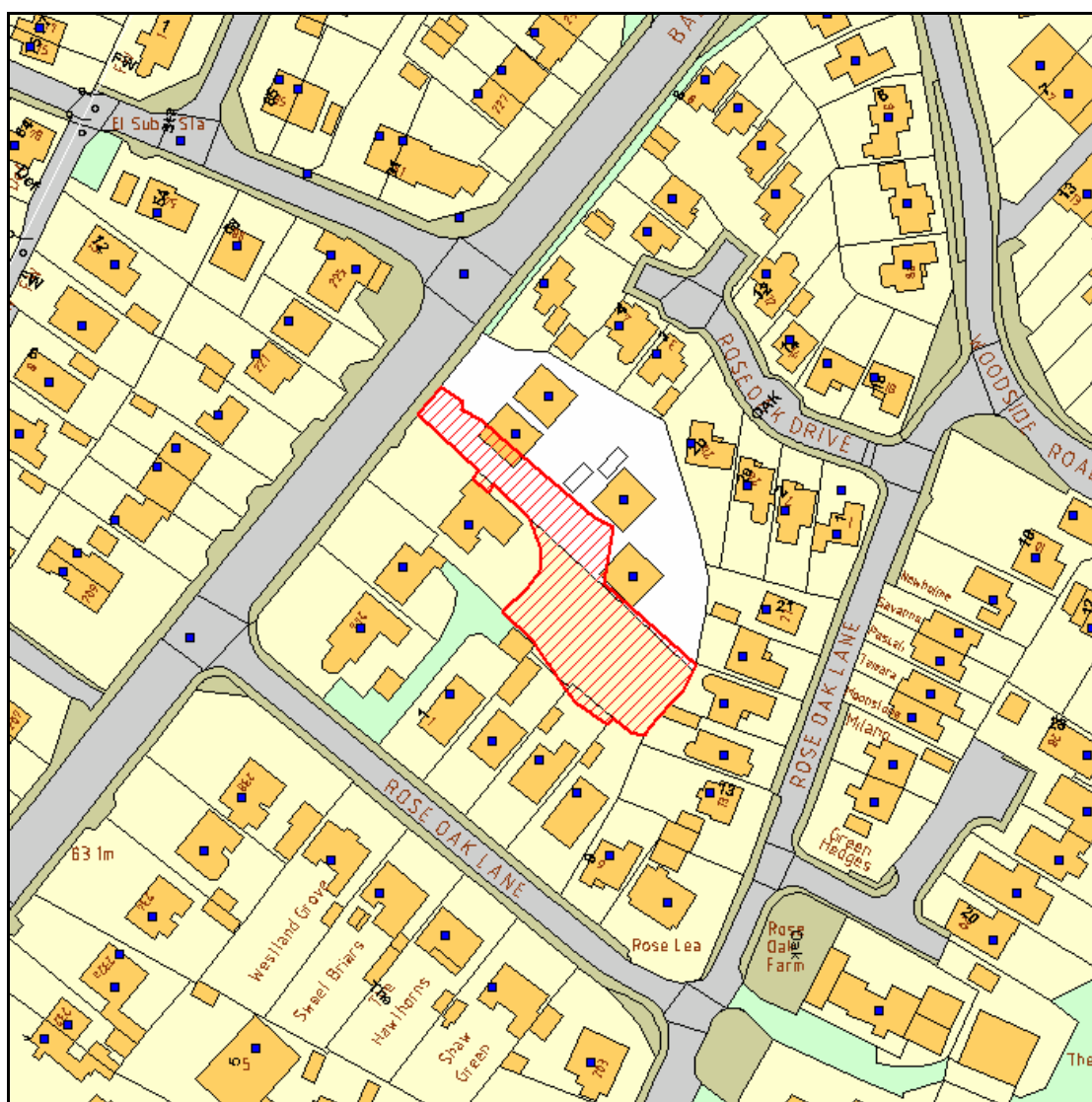
2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

CIRCULATED SCHEDULE NO. 34/13 - 23 AUGUST 2013

App No.:	PT13/2499/F	Applicant:	Mr LR Wilson And Mrs JF Wilson
Site:	Land To The Rear Of 248 Badminton Road Coalpit Heath Bristol South Gloucestershire	Date Reg:	11th July 2013
Proposal:	Erection of 1 no. detached dwelling with double garage, new access and associated works.	Parish:	Westerleigh Parish Council
Map Ref:	367761 181123	Ward:	Westerleigh
Application Category:	Minor	Target Date:	2nd September 2013



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PT13/2499/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the circulated schedule as representations have been made by local residents which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of 1no. two storey detached residential dwelling on a backland site. The access to the proposed dwelling would be from Badminton Road via the existing access that serves the adjacent 4no. dwellings (approved under application PT11/2996/F).
- 1.2 The site consists of the rear garden of number 248 Badminton Road, which is located within the established settlement boundary and urban area of Coalpit Heath.
- 1.3 During the course of the application an arboricultural survey was submitted in response to comments made by the Council's Tree Officer. A re-consultation period with all neighbours and consultees was not deemed necessary.

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
- H2 Residential Development within the Existing Urban Area
- H4 Development within Existing Residential Curtilages
- L1 Landscape Protection and Enhancement
- L17 &
- L18 The Water Environment
- T12 Transportation Development Control Policy
- EP1 Environmental Pollution
- EP2 Flood Risk and Development

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.

- CS1 High Quality Design
- CS8 Improving Accessibility
- CS9 Location of Development
- CS16 Housing Density
- CS17 Housing Diversity

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

South Gloucestershire Residential Parking Standards SPD (Adopted for Development Management Purposes) March 2013

3. RELEVANT PLANNING HISTORY

- 3.1 The application site does not have any relevant planning history. However it is considered relevant to draw upon recent development on the adjacent site. This is outlined below:
- 3.2 PT12/3116/RVC (250 Badminton Road) - Variation of condition 5 attached to planning permission PT11/2996/F to state: The Buildings shall not be occupied until the means of vehicular access, two off street parking spaces and one garage for each house and turning facilities have been constructed in accordance with drawing 756W11-SPO4B. Approved 8th November 2012
- 3.3 PT11/2996/F (250 Badminton Road) - Demolition of existing dwelling and erection of 4 no. detached dwellings and associated works. Approved 23rd November 2011

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No comment received
- 4.2 Transport Officer
No objection subject to conditions.
- 4.3 Highway Drainage
No objection subject to SUDS condition.
- 4.4 Tree Officer
Arboricultural Survey requested
– survey received 9th August 2013.
– No objection to survey subject to condition.
- 4.5 Coal Authority
No objection subject to condition.
- 4.6 Environmental Protection
No objection. Informative recommended.

Other Representations

- 4.3 Local Residents
Eight letters of objections have been received from local residents. The comments are summarised below. For clarity these have been summarised into categories.

Residential Amenity

- The development would overlook surrounding properties. Any dwelling ought to be a bungalow.
- The building will be too close to no. 3 Rose Oak Lane – 6 metre wall would be overpowering.

- If the development goes ahead we would not want to live in our property anymore.
- Unable to disguise the wall with trees because it is the responsibility of the tree owner to ensure that trees are in a safe/ stable condition – including root activity.
- The development at 250 Badminton Road has already made a big difference to our home and we have had the added expense of planting high shrubs and trees to disguise it and regain privacy. – Our bedroom is in clear view.
- The proposal would remove the open outlook from 3 Rose Oak Lane with a rendered wall – it would tower over the bungalow having a negative effect on the occupants wishing to enjoy their home and garden.
- Development on 250 Badminton caused a lot of nuisance and disruption – regular bonfires and noise from construction. Builders need to be aware that this is an existing quiet residential area.

Character

- Out of character with Rose Oak Lane.
- The area is characterised by a mix of properties containing bungalows.
- The scheme is not in keeping with the existing close properties with the exception of the new development at 250 Badminton Road, which are not in keeping with the area.
- A bungalow would be more appropriate bearing in mind the type of people who move to the area.

Landscaping/ Trees/ Wildlife

- There are a multitude of different levels between the application site and the gardens of adjoining properties – neighbours will be faced with losing their gardens into a 'black hole'.
- Landscaping condition requested.
- Removing trees around the boundary will magnify the impact of the oversized building.
- It is not clear if the trees will be left.
- The applicant has cut down trees in the last 12 months – there are no longer bats, and wild birds have reduced. No longer see hedgehogs. If the development goes ahead these would reduce further.
- Landscaping needs to be established now.
- The tree line at the rear of 248 Badminton Road should be preserved and maintained including after the development has finished.
- Screening should be provided in the way of mature trees to hide the gable wall.

Transport

- No permission to access from Rose Oak Lane.
- The access is not of sufficient width.
- The access width would be dangerous when turning in from the busy main road.
- A Y type access would be safer.
- Parking on Rose Oak Lane is tricky when cars are parked either side.
- The development on 250 Badminton Road already has 3 vehicles per 4 bedroom house – a five bedroom house would have even more.

Other Matters

- The rear of no. 248 has been abandoned and is overgrown. Some commitment should be demanded that this area is brought under control.
- The building will de-value neighbouring properties.
- The owners of number 248 are intending to sell their bungalow so they will not be affected.
- Retaining wall needed to prevent gardens on Rose Oak lane falling away.
- Developers did not build 5 houses at 250 Badminton Road because they would have had to contribute to local schooling and other services – that should be taken into account.
- Developers at 250 Badminton Road regularly broke their planning agreement – r.e. hours of working.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of 1no. detached dwelling in the rear garden of number 248 Badminton Road, which is situated within the settlement boundary as defined by the South Gloucestershire Local Plan Proposals Map (2006). The principle of the development is established under policies H2 and H4, which permit the erection of new residential dwellings within existing residential curtilages and the defined settlement boundary subject to detailed assessment relating to residential amenity, highway safety, design, and environmental considerations.

5.2 Residential Amenity

The application site consists of the rear garden of number 248 Badminton Road, which is bordered on all side by residential dwellings. The dwellings to the southeast and southwest boundaries consist of detached bungalows which make up Rose Oak Lane. To the front of the site is no.248 Badminton Road, which is a detached bungalow. The dwellings to the northeast boundary consist of 4no. recently constructed double storey properties, approved under application PT11/2996/F. The application proposes to erect a large five-bedroom double storey detached dwelling adjacent to no. 252A Badminton Road and the rear boundary of no. 3 Rose Oak Lane.

- 5.3 In terms of residential amenity the proposal would be most obvious from no.s 1 to 5 (odd numbers) Rose Oak Lane; 248 Badminton Road; and 252A Badminton Road. It is considered that the dwellings to the rear of the site are situated an adequate distance from the proposal and are suitably screened by existing vegetation to remain largely unaffected. Number 252A Badminton Road would be situated directly adjacent to the northeast elevation of the proposed dwelling on a similar building line. The rear elevation of the proposed dwelling would extend approximately 2 metres beyond the rear elevation of no. 252A and would not exceed the maximum height of it. No windows would be affected by the proposal. Due to the layout of the proposal it is considered that the proposal would not have a detrimental impact on the occupiers of number 252A. The existing property on the site (248 Badminton Road) is a detached bungalow and would be situated to the front of the proposal. A distance of 22 metres would remain between the front and rear elevations of the dwellings. This distance is considered adequate to ensure that it would not have an

- overbearing impact on rear windows of number 248. Provided the proposed boundary treatments (1.8 metre timber boarded fence) are implemented it is also considered that the proposal would not result in a significant level of inter-visibility to the detriment of mutual privacy.
- 5.4 In terms of the impact on numbers 1, 3 and 5 Rose Oak Lane the proposal has been given careful consideration, in particular the impact of the proposed southwest gable which would be situated 1 to 2 metres from the rear boundary wall of no. 3 Rose Oak Lane. These bungalows on Rose Oak Lane are situated on land lower than the application site and this has been considered within the assessment. The southwest gable end would accommodate the proposed attached garage with a room above, and would have a maximum height of 6 metres. The maximum height of the proposal reaches 7.2 metres on the far northeast double storey element. The southwest gable has a depth of 7 metres, which increases to 9 metres in the centre of the site to accommodate the main bulk of the dwelling. The southwest gable end of the proposal would be situated 14 metres from the rear elevation of no. 3 Rose Oak lane, which contains bedroom windows. The applicant has responded to pre-application advice by ensuring that the height of the building closest to Rose Oak Lane is kept as low as practicably possible for the size of the proposed dwelling.
- 5.5 It is acknowledged that the proposal would result in the addition of a 6 metre rendered gable within a close proximity to the rear garden of no. 3 Rose Oak Lane. The application site has been viewed from 3 Rose Oak Lane and consideration has been given to the difference in land levels. Whilst it is acknowledged that the proposal will have an impact on no. 3 a balanced judgement has been made and in this instance Officers consider that adequate distance would remain between the rear elevation windows and the gable end to ensure that it does not have a significant overbearing impact and as such the level of impact is not considered to warrant a refusal of the application. Furthermore, due to the orientation of the site, the proposal would not result in a significant loss of light to these bungalows. Provided no windows are installed on the southwest boundary it is considered that the proposal would not result in a direct line of vision to the bungalows on Rose Oak Lane and as such would not prejudice mutual privacy. Due to the proximity of neighbouring properties it is considered reasonable to impose a condition restricting construction hours.
- 5.6 In terms of amenity space it is considered that adequate garden space would be available to serve both the existing detached bungalow and the proposed five-bedroom dwelling.
- 5.7 Highway Safety
The application proposes to utilise an existing access from Badminton Road which currently serves 250, 250A, 252, and 252A Badminton Road (approved under PT11/2996/F). The current application was subject to pre-application advice where the position of access was essentially agreed subject to alterations to the existing access to ensure that it was a minimum of 4.8m wide. The proposal submitted does not comply with the recommendation at pre-app stage in that the access road is not a minimum of 4.8m wide. However, the applicant has indicated intervisible passing spaces along the access road together with widening at the entrance which is appropriate for two vehicles to

pass each other. Although concern has been raised by local residents in relation to the proposed arrangement it is highlighted here that this alternative arrangement has been assessed by the Transport Officer and it is considered appropriate to serve the existing and proposed development. Adequate parking has been provided on the site in accordance with the Council's minimum parking standards as outlined within the Residential Parking Standards SPD (March 2013), and a turning area is available within the site curtilage. Therefore, subject to a condition that prohibits the occupancy of the proposed dwelling until the highway works as indicated on the site plan (ref 810W13/SP-P) are completed, and provided parking provision remains for that purpose, there are no objections to the proposal on grounds of highway safety.

5.8 Design

The application site is located within an established residential area characterised by a mix of detached houses with a variation in style, materials and designs. The dwellings to the southwest are predominantly bungalows whereas the new development directly to the northeast consists of double storey large family homes. Badminton Road is characterised by a mix of double storey and single storey detached dwellings. The application proposes a detached dwelling which has a double storey gable end with a maximum height of 7.2 metres on the northeast side. The main bulk of the house has a maximum height of 7 metres with an eaves height of 3.2 metres, incorporating dormer windows at first floor level. The dwelling follows the existing building line set by no. 252A Badminton Road and falls 0.6 metres below the maximum ridge height of it.

- 5.9 Guidance contained within the National Planning Policy Framework makes it clear that Local Planning Authorities should not impose architectural styles or particular tastes and should not stifle innovation, originality or initiative by requiring proposals to conform to certain development forms or styles. Importance is, however, attached to promoting local distinctiveness. It is considered that this locality is characterised by a mix of housing designs and as such the proposed dwelling in terms of overall design is considered acceptable. With regard to scale, concern has been raised that the dwelling would be out of scale and out of character with the dwellings in the locality. Although these comments are noted it is considered that in light of the size of the site the dwelling has been designed to optimise the potential of the site, contributing towards a mix of housing type in the locality. Furthermore the proposal is considered to be in character with the scale and massing of the adjacent dwellings to the northeast of the site. The proposal would not exceed the maximum height of the adjacent development and due to the design and height of it would not have a detrimental impact on the character or distinctiveness of the street scene. It is considered that the proposal would not appear visually dominant in the locality and as such is considered acceptable in terms of policies D1 and H4 of the adopted Local Plan, and CS1 of the emerging Core Strategy. The proposed use of render is considered acceptable in the local area subject to the submission of details relating to colour and texture. This will form part of a condition attached to the decision notice.

5.10 Landscape/ Trees

The application site consists of a rear garden, which is predominantly laid to grass with two clusters of Leyland Cypress trees situated on the rear boundary. Due to the characteristics of the site and given that it is bordered on all sides by residential development the site is not considered to hold a high ecological value. An arboricultural survey has been submitted in support of the application which identifies that the majority of the trees on the site will be retained with the exception of the Cherry Plum (T8), 2no. Leyland Cypress (T1 and T2), and a Bay (T3). The trees to be removed are category U and C and as such their removal is considered acceptable. The survey further identifies that all trees to be retained will be adequately protected during the development construction through the use of fencing. The Council does not wish to serve a Tree Preservation Order on any of the trees on the site and as such provided the retained trees are protected in accordance with the submitted Arboricultural Survey there are no objections to the proposal on these terms.

- 5.11 In terms of landscaping the Council recognises that the development proposal could provide an opportunity for new additional planting which would improve the visual amenity of the site. Additionally, planting to shared boundaries would help to screen the development reducing its visual impact on neighbouring properties. This will therefore form part of a suitably worded condition attached to the decision notice.

5.12 Drainage

No drainage details have been submitted in support of the application. However, the application has been assessed by the Council's Highway Drainage Engineer and provided details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection are submitted to the Local Planning Authority for approval prior to the commencement of works there are no objections to the proposal. This will form a condition attached to the decision notice.

5.13 Coal Mining

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Coal Mining Risk Assessment Report (May 2013), which accompanies this planning application. The Coal Mining Risk Assessment Report correctly identifies that the application site may have been subject to past coal mining activity. The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends a planning condition requiring these site investigation works prior to commencement of

development. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this will also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

5.14 Other Matters

A number of concerns have been raised by local residents in relation to the development proposal. Matters relating to residential amenity, privacy, design and landscaping have been considered in the assessment above. Responses to other comments are outlined below:

- Comments made in relation to the applicant's intentions for the existing and proposed dwellings are not a material consideration of the planning process and as such has not been given any weight in this planning decision. The application site has been assessed as a planning unit based upon the relevant national and local plan policies and the site constraints.
- Similarly, comments made in relation to the loss in value of surrounding properties does not hold material weight in the planning decision and as such has not been assessed within this report.
- A request has been made to bring the area to the rear of the site under control as it has been described as overgrown and abandoned. This request is not relevant to this application, and it would be unreasonable for Council to enforce a condition relating to this matter. It is the responsibility of the landowner to maintain land within their ownership. Landscaping and planting has been considered within the report and will form part of a suitably worded planning condition.
- Although comments made in relation to the requested retaining wall in the garden area are noted matters relating to foundations and groundworks would form part of a building regulations application and as such is not given significant weight in this planning decision.
- Comments made in relation to breaches of condition or nuisance from the previous development at 250 Badminton Road is not a material consideration of this planning application. In the interests of residential amenity the same condition restricting construction hours will apply as discussed within this report.
- A comment has been made in relation to the cumulative increase in development in addition to the previously approved planning application at number 250 Badminton Road. The comment implies that the developers did not apply for five houses previously as contributions would have been required to local services. Although these comments are noted, given that the previous application was approved in 2011 with a different applicant Officers do not consider the proposal to form a piecemeal development and as such no further action is considered necessary.
- Comments made in relation to access rights are a civil matter and as such do not hold any weight in the planning decision.

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

Reason

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

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 H2 and H4 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 proposed planting (and times of planting) shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

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

5. Prior to the commencement of development, protective fencing to BS5837:2012 standard shall be erected around all trees to be retained; in accordance within the Arboricultural Report and attached 'Tree Protection Plan' dated August 2013. Fencing shall remain in place for the duration of the construction period.

Reason

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

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

Reason

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

7. The building shall not be occupied until the highway works, turning area and off-street parking provision have been completed in a permeable bound surface and in accordance with the site plan (re.810W13/SP-P), and thereafter retained for the purpose.

Reason

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

8. The garage hereby approved shall not be used for any purpose other than the garaging of private motor vehicles and ancillary domestic storage without prior permission from the Local Planning Authority.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006, and the Residential Parking Standards SPD (Approved) 2013

9. The boundary treatment (1.8 metre timber boarded fence) outlined on the approved plans shall be completed before the dwelling hereby approved is first occupied.

Reason

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

10. Prior to the commencement of development, the results of a site investigation works in respect of past coal mining activity shall be submitted to and approved in writing by the Local Planning Authority. In the event that these site investigations confirm the

need for remedial works to treat areas of shallow mining, details of these works shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development.

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

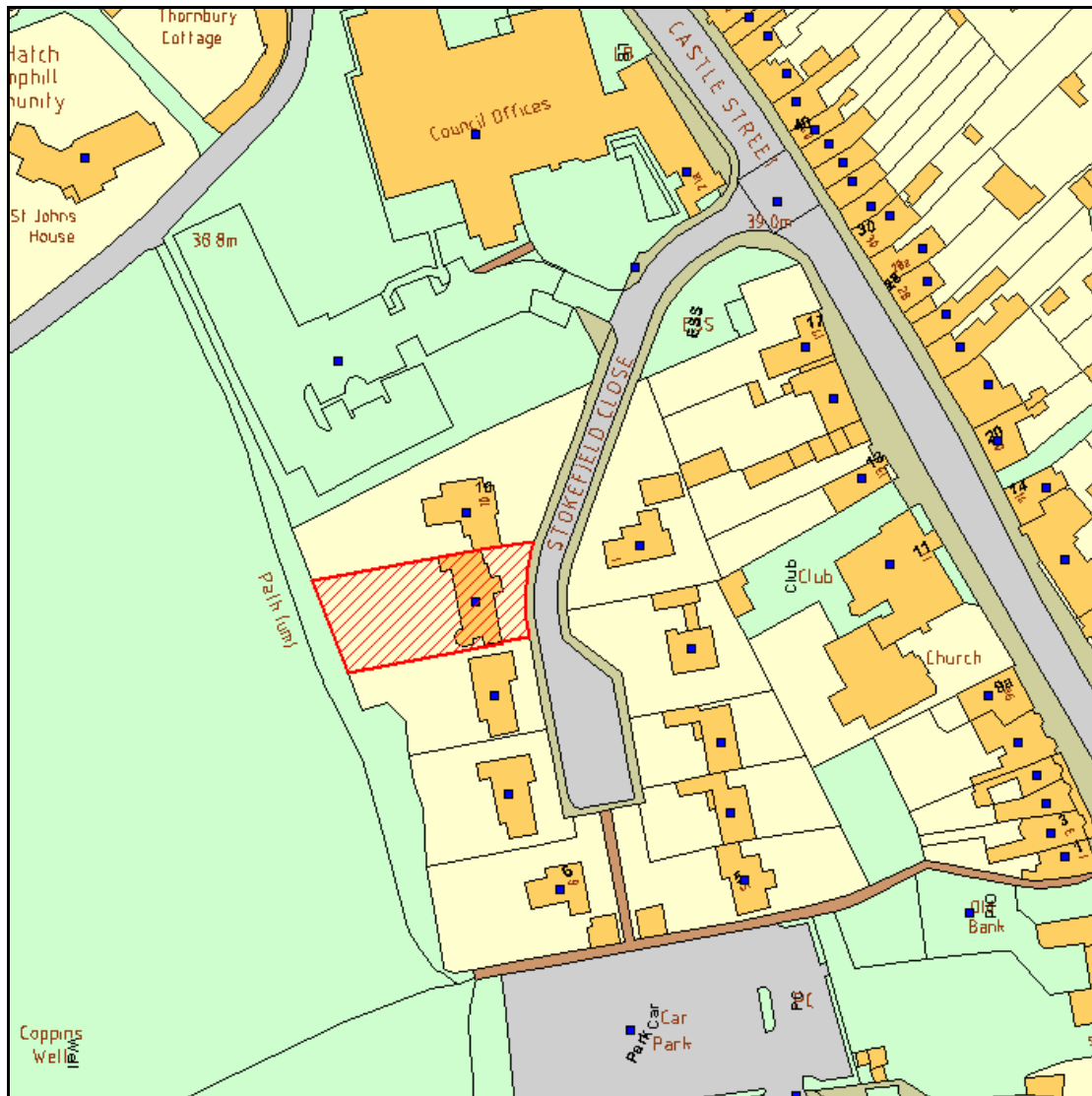
11. The hours of working on site during the period of construction shall be restricted to 07.30 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition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

Reason

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

CIRCULATED SCHEDULE NO. 34/13 – 23 AUGUST 2013

App No.:	PT13/2761/TCA	Applicant:	Mr Brian Inward
Site:	9 Stokefield Close Thornbury South Gloucestershire BS35 1HE	Date Reg:	29th July 2013
Proposal:	Works to fell 1no. Flowering cherry tree situated within Thornbury Conservation Area	Parish:	Thornbury Town Council
Map Ref:	363521 190263	Ward:	Thornbury North
Application Category:		Target Date:	4th September 2013



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PT13/2761/TCA

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following an objection from a resident of South Gloucestershire.

1. THE PROPOSAL

- 1.1 The application seeks consent to carry out works to fell 1no. Flowering Cherry tree growing within Thornbury Conservation Area.
- 1.2 The tree is situated within the residential curtilage of No. 9 Stokefield Close, Thornbury.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (Listed Building and Conservation Areas) Act 1990
Town and Country Planning (Trees) Regulation 1999
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
Policy L12

3. RELEVANT PLANNING HISTORY

- 3.1 None directly relevant

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection
- 4.2 Council Tree Officer
No objection.

Other Representations

- 4.3 Local Residents
One letter in support of the proposal has been received by the next door neighbour.

In addition one letter of objection has been received from a resident of Bitton who objects on the grounds of the Wildlife and Countryside Act 1981.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Under the Planning (Listed Building and Conservation Areas) Act 1990 it is recognised that trees can make a special contribution to the character and

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

5.2 Consideration of Proposal

This is a small Ornamental Cherry situated in the rear garden close to the rear of the building. The tree is barely visible from the road and provides little amenity. It would not meet the criteria for inclusion on a TPO and, therefore there are no objections to the proposal to remove the tree. The objection from a resident of South Gloucestershire has been noted, however, all approvals for applications to works to or removal of trees are accompanied by an informative declaring, amongst others, it is a criminal offence to damaging or destroy the nest of any wild bird whilst that nest is in use or being built.

6. **RECOMMENDATION**

6.1 No Objection

Contact Officer: Anne Joseph
Tel. No. 01454 863788