



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

**CIRCULATED SCHEDULE NO. 35/09**

**Date to Members: 04/09/09**

**Member's Deadline: 10/09/09 (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 **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.**

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

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Area Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (eg, if the schedule is published on a Friday, comments have to be submitted by the end of Thursday) (see cover page for the date). A proforma is attached for your use and should be forwarded by fax to the appropriate Development Control Support Team, or by sending an email with the appropriate details to [PlanningApplications@southglos.gov.uk](mailto:PlanningApplications@southglos.gov.uk)

Members will be aware that the Director of Planning, Transportation and Strategic Environment has a range of delegated powers designed to improve the efficiency and effectiveness of the Development Control service. The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Area 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
- g) Applications for the following major development:
  - (a) Residential development the number of dwellings provided is 10 or more, or the development is to be carried out on a site having an area of 0.5 ha or more and the number of dwellings is not known.
  - (b) Other development(s) involving the provision of a building or buildings where the floor space to be created is 1000 sq. m or more or where the site has an area of 1 ha or more.

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

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

- Before referring an application always speak to the case officer or Area Team Leader 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. Do not leave it to the last minute
- Always make your referral request in writing, either by letter, e-mail or fax, preferably using the proforma provided. Make sure the request is sent to the Development Control Support Team (East or West as appropriate), not the case officer who may not be around to act on the request, or email [PlanningApplications@southglos.gov.uk](mailto:PlanningApplications@southglos.gov.uk). Please do not phone your requests, as messages can be lost or misquoted.
- 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

## CIRCULATED SCHEDULE

**DATE: 04/09/09**

**SCHEDULE NO. 35/09**

If you wish any of the applications to be considered by the appropriate Area Committee you should return the attached pro forma not later than 5 working days from the date of the appropriate schedule (by 5pm), to the appropriate Development Control Support Team. For the Kingswood area, extension 3544 (fax no. 3545), or the Development Control Support Team at the Thornbury office, on extension 3419 (fax no. 3440), or email [PlanningApplications@southglos.gov.uk](mailto:PlanningApplications@southglos.gov.uk)

The Circulated Schedule is designed to improve the effectiveness and efficiency of the Development Control service. To minimise referrals to the Area Committees, Members are requested to discuss the case with the case officer or team leader to see if any issues can be resolved without using Committee procedures for determining the application.

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### COUNCILLOR REQUEST TO REFER A REPORT FROM THE CIRCULATED SCHEDULE TO THE APPROPRIATE COMMITTEE

NO. OF SCH	APP. NO.	SITE LOCATION	REASON FOR REFERRAL
<b>Have you discussed the application(s) with the case officer and/or area team leader?</b>			
<b>Have you discussed the application with the ward members(s) if the site is outside your ward?</b>			

**Please note: - Reason for Referral**

The reason for requesting Members to indicate why they wish the application to be referred, is to enable the Committee to understand the reason for referral in the determination of the application, or to allow officers to seek to negotiate with the applicant to overcome the Member's concerns and thereby perhaps removing the need for a Committee determination.

**SIGNATURE .....**

**DATE .....**

# CIRCULATED SCHEDULE – 4 SEPTEMBER 2009

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	PK09/0904/CLE	Approve	19 Common Road Hanham South Gloucestershire BS15 3LL	Hanham	Hanham Abbots
2	PK09/1129/F	Refusal	Land South of Wapley Westerleigh Road (B4465) near Codrington South Gloucestershire.	Westerleigh	Dodington
3	PK09/1162/F	Approved Subject to	Unit B/C/D Station Approach Industrial Estate Badminton Road Acton Turville South Gloucestershire GL9 1HE	Cotswold Edge	Acton Turville
4	PK09/1240/F	Approve with Conditions	7 Homeground Emersons Green South Gloucestershire BS16 7HG	Emersons	Mangotsfield
5	PK09/1319/F	Approve with Conditions	23 Chiphouse Road Kingswood South Gloucestershire BS15 4TR	Rodway	None
6	PK09/1360/F	Approve with Conditions	Land Adjacent To 16 Fisher Avenue Kingswood South Gloucestershire BS15 4RH	Kings Chase	None
7	PT09/1169/F	Approve with Conditions	15 The Newlands Frenchay South Gloucestershire BS16 1NQ	Frenchay And Stoke Park	Winterbourne
8	PT09/1349/F	Approve with Conditions	31 Severnridge Gloucester Road Almondsbury South Gloucestershire BS32 4HH	Almondsbury	Almondsbury
9	PT09/1380/F	Approve with Conditions	33 Arden Close Bradley Stoke South Gloucestershire BS32 8AX	Stoke Gifford	Bradley Stoke
10	PT09/1386/F	Approve with Conditions	Snailhams Barn Bristol Road Winterbourne South Gloucestershire BS36 1RQ	Winterbourne	Winterbourne

## CIRCULATED SCHEDULE NO. 35/09 – 4 SEPTEMBER 2009

<b>App No.:</b>	PK09/0904/CLE	<b>Applicant:</b>	Mr A Harvey Harvey Shopfitters
<b>Site:</b>	19 Common Road, Hanham, South Gloucestershire, BS15 3LL	<b>Date Reg:</b>	14th May 2009
<b>Proposal:</b>	Application for Certificate of Lawfulness for an existing use of site for manufacture of timber and related components for shop, office and public house fittings, including ancillary office/studio, storage uses and car parking (Class B2 as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	63760 71225	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Other: Certificates of Lawful development	<b>Target Date:</b>	8th July 2009



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100023410, 2009.

N.T.S

PK09/0904/CLE

This application is for a Certificate of Lawful Use and under the Council's current scheme of delegation must appear on the Circulated Schedule.

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Use, is that the applicant has to prove on the balance of probability that the use of the site as described has occurred for a period of 10 years consecutively, prior to the receipt of the application on the 12<sup>th</sup> May 2009.

## **1. THE PROPOSAL**

- 1.1 The application has been submitted under Section 191 (1) of the Town and Country Planning Act 1990 for a Certificate of Lawfulness for an existing use of the site.
- 1.2 The application site is situated in the open countryside and Green Belt immediately to the west of Hanham. The site is bounded by Hencliff Wood to the north and north-west, Hanham Common to the east and residential development to the west and south. Workshops have been long established on the site, which was once a quarry. At present the site comprises an office building and studio located on the western boundary; a large industrial unit in the centre of the site, which is currently used as a workshop, and an additional industrial unit used for storage purposes located in the north-eastern corner of the site. Also within the site are associated storage and parking areas as well as various plant used ancillary to the current use. The site is currently occupied and owned by Harvey Shopfitters Limited.
- 1.3 The applicant considers that the site has been used for the manufacture of timber and related components for shop, office and public house fittings, including ancillary office/studio, storage uses and car parking (Class B2) for at least 10 years consecutively prior to the submission of this application.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning (General Procedures) Order 1995 Article 24  
Town and Country Planning (Use Classes) Order 1897 (as amended).  
Circular 10/97: Enforcing Planning Control.
- 2.2 Development Plans  
As the application is for a Certificate of Lawfulness the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only prove that on the balance of probability the use has taken place for an uninterrupted period of at least the last 10 years prior to the receipt of the application (12<sup>th</sup> May 2009).

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P80/4281 - Erection of replacement workshop (K3248)  
Approved 15<sup>th</sup> Sept 1980.
- 3.2 P81/4204 - Erection of workshop and two storage buildings (K3248/1)  
Approved 21<sup>st</sup> July 1981
- 3.3 P82/4093 - Erection of storage building (K3248/2)  
Approved 2<sup>nd</sup> April 1982
- 3.4 P84/4280 - Erection of a replacement dwelling (K3248/3)  
Approved 18<sup>th</sup> Feb 1985

- 3.5 PK05/0674/F - Erection of single storey rear extension to form additional office accommodation and kitchen and cloakroom facilities.  
Refused 27<sup>th</sup> May 2005
- 3.6 PK09/0006/F - Construction of replacement roof.  
Approved 1<sup>st</sup> May 2009.

#### **4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION**

The applicant has submitted the following evidence in support of the application :

A Statutory Declaration has been submitted, signed by Andrew John Harvey, Managing Director of Harvey Shopfitters Limited. The following is a summary of the evidence provided:

- Andrew Harvey has been Managing Director of the Company since 1981.
- The company first occupied the site in 1983, pursuant to a lease from Michael Williams.
- The Company purchased the site from Michael Williams on the 7<sup>th</sup> Oct 1988.
- When the Company first occupied the premises it rented the building coloured green (see attached plan 97K.25) referred to as exhibit AJH1, which was a workshop with an office area to the front. The building coloured blue on the plan was used for storage. The latter was in accordance with planning permission K3248/2 dated 2 March 1982 for use as a “joinery workshop and ancillary storage purposes only” and the permission also provided that the storage building should be used for ancillary storage purposes only in connection with the permitted use of the site. The said permission did not control the hours of working.
- In 1991 the Company moved its offices into the building coloured blue and the building coloured green was used totally as a workshop. Subsequently in 1997 the building coloured green reverted to use solely as offices and the building coloured blue was used solely as a workshop. In 1998 a new storage building was erected as shown on the plan and coloured brown.
- Exhibit AJH2 is a copy of a document detailing the alarms at the premises as of 4<sup>th</sup> Nov 1999 which refers to the three buildings (coloured blue, green and brown on AJH1).
- Exhibit AJH3 is an extract from a valuation report on the premises dated 18<sup>th</sup> Feb 2004 which describes the accommodation (at para.3.2) with supporting photographs from the report.
- Exhibit AJH4 is a letter to the Company’s insurance brokers from Allianz Insurance Plc which together with its enclosures confirms the use of the buildings i.e. office, workshop and store, dating back to at least Feb 2002.
- Exhibit AJH5 is a copy of the company’s sales ledger debtor reports as of 10<sup>th</sup> Dec 1997 to 31<sup>st</sup> March 2009 demonstrating that many of the customers remained the same over that period.
- Exhibit AJH6 are contracts of service for existing long serving employees dating from as early as 1991 further demonstrating continuous use of the site.
- Exhibit AJH7 is a copy of the directors’ report to the Company’s annual accounts for the year ending 30 Nov 1996 confirming that the principal activity of the Company is that of “contract shopfitting”.
- Exhibit AJH8 is a copy of Council rate demands from 1991 referring to “warehouse and premises” and “workshop and premises”.

#### **5. SUMMARY OF CONTRARY EVIDENCE**

5.1 None

#### **6. OTHER CONSULTATIONS**

6.1 Hanham Abbots Parish Council  
Two responses were received from the Parish Council:

First Response 3<sup>rd</sup> June 2009

*“Whilst the Council has no objections to the contents of this application, we are concerned that no mention has been made of the Woodwise Woodchipping Project that is running on this site which, in our view should be the subject of a separate specific planning application. Our concerns relate to the fact that the Woodwise project is a business that will expand rapidly on a site where access is via a very narrow road within a residential area. We understand that this is intended to be a 24 hour, 7 days a week operation which will create a tremendous noise problem for neighbouring properties, together with a huge increase in traffic to and from the site”.*

Second Response 17<sup>th</sup> June 2009

*“Hanham Abbots Parish Council have already commented on this application in our letter dated 3<sup>rd</sup> June 2009. However, it has since been brought to our attention that the joinery business that has been in place for some considerable time would be categorised as Light Industry B1 to which we would not object. The woodchipping business however, for which there is no evidence of retrospective length of use, would fall within the category of General Industry B2. I wish to make it clear that Hanham Abbots Parish Council would object to a Class B2 Certificate of Lawfulness being granted.”*

6.2 Councillor John Goddard

No response

6.3 Councillor Heather Goddard

No response

6.4 Councillor June Bamford

No response

6.5 The Ramblers Association

No response

6.6 Hanham District Green Belt Conservation Society

*“This and the previous application (PK09/0006/F) makes no mention of the Woodwise Wood-Chipping Project that is currently running on this site. Whilst we have no objections to the long standing joinery works we are concerned about the wood-chipping project. In our view this should be the subject of a specific planning application and not hidden in a seemingly straight-forward application.*

*Our concerns relating to the Woodwise Project are that this is a business that will grow with the quest for green energy consequently, this will have a big impact on the noise and traffic using Common Road, a narrow road particularly at its junction with Memorial/Abbots Road it is also within a residential area and on top of that has requested 24/7 access.*

*In view of the above we consider that the Woodwise Wood-Chipping Project should be considered as a separate entity and a new planning application should be submitted to allow due consideration of this project.*

6.6 Local Residents

3no. letters opposing the proposal have been received.

Summary of comments made by Mr & Mrs M. Box of 18 Common Road

- The number of buildings on the site and the use of the site as it exists has not remained the same throughout the past 10 years.
- New buildings have appeared and others have been extended during this time without planning permission.
- New activities such as the Woodwise wood chip re-cycling unit has commenced in the ten year period i.e. approximately 10-12 months ago.



- Loss of designated car parking spaces in the last 3 years.
- Increased noise levels in last 18 months coinciding with commencement of the Woodwise Project.
- The site can be seen from the highway and public footpath in Common Road, from the footpath in Hencliffe Wood and from Hanham Common.
- Class B1 use of the site was the original planning permission and this class limitation should remain.
- Mr Harvey's declaration refers to only three buildings on site in 1999.
- There has not been occupation of the site for 24 hours a day.
- Planning permission for a B1 joinery use was given to Mr Mike Williams in 1982.
- In a recent planning application PK05/0674/F the site was described by the applicant as a B1 light industry site.
- In respect of the 2005 application the fourth building was not shown on the plan attached to it and neither were the containers.
- The Woodwise Project does not fall under a B1 use.
- B1 use is all that can be granted in a residential area.
- Regarding the number of containers recently appearing on the site, the fourth building and the extension to the studio; these are not shown on previous applications.
- The Woodwise Project has only been running for the last year or so. Traffic has built up in the last 2-3 years.
- The valuation report describes the site as being in an established residential area.
- There are no dates on the photographs attached to the valuation.

Summary of comments made by Mr G. Robbins of 16 Common Road

- The Woodwise Woodchipping activity should be the subject of a separate application.
- The noise generated by the 'chipping plant' is unacceptable in a residential area.
- The wood chipping has only been carried out on the site for approximately 10 months and should therefore be excluded from the Certificate of Lawfulness.
- The wood chipping activity is not in line with the joinery work.
- The increase in traffic as a consequence of the wood chipping activity is unacceptable in a residential area.
- The waste timber did not go to landfill, it was sold or given to a company supplying wood to owners of wood burning stoves.

## **7. EVALUATION**

### **7.1 The Authorised Use of the Site and Buildings**

It is evident from the planning history and submissions that when Harvey Shopfitters Ltd first occupied the site in 1983 that the building coloured green on exhibit AJH1 was in situ and has remained as such ever since. This is confirmed by the officer site visit and aerial photographs of the site taken in 1991, 1999, 2005 and 2006. This building was permitted as a workshop under planning permission K.3248/1 issued 21<sup>st</sup> July 1981 which also granted permission for two additional storage buildings on the site. The permission superseded an earlier consent K.3248 for the erection of a similar workshop. Whilst the workshop granted under K.3248/1 was erected, the two storage buildings were not.

- 7.2 Permission K.3248/1 carried a condition (f) restricting the use of the development to '*joinery workshop and ancillary storage purposes*'. Further conditions (b) and (c) restricted the level of noise from the operations over a 24 hour period and restricted outside storage to an area indicated on a plan. A subsequent appeal against these conditions appears to have been withdrawn in August 1981 following the grant of planning permission K.3248/2.

- 7.3 Planning permission K.3248/2 was granted for the erection of a storage building (554 sq.m.) and alterations to the access. This is the building coloured blue on exhibit AJH1. The approved site plan shows a site extending slightly further to the north-west than that of the current application; otherwise it is very much the same site. It is noted at this stage that the applicant considers (para. 4 of Statutory Declaration) that he operates the site under this consent and given the date of the consent i.e. 2<sup>nd</sup> April 1982 and the fact that Harvey Shopfitters occupied the site in 1983, officers concur with this view.
- 7.4 Planning permission K.3248/2 carries a number of conditions amongst which condition (f) restricts the use of the site to '*joinery workshop and ancillary storage purposes only*'.
- 7.5 Condition (b) restricts noise levels and reads as follows:  
*Noise from operations conducted on the premises shall not exceed the following corrected noise levels as measured at the site boundaries:-*  
*Mon-Sat 7.00 a.m – 9.00 p.m. – 45dBa.*  
*Mon-Sat 9.00 p.m. – 7.00 a.m. – 40 dBa.*  
*Sundays – All day – 40dBa.*
- 7.6 Condition c) restricts outside storage to an area shown on a plan No. 97 K 6, this area is generally confined to the southern half of the site. Similarly condition d) restricts the parking and manoeuvring areas to the northern half of the site as shown on the same plan.
- 7.7 It is noted that there is no restriction on the hours of operation of the site and it is quite evident from the wording of condition (b) that the Council envisaged at the time of the consent that the site would be operated on a 24 hour basis, albeit to a lesser intensity on Sundays and between 9.00 p.m. and 7.00 a.m Mon - Sat.
- 7.8 Whilst no use class is quoted on the decision notice, officers consider that the authorised use of the site as a joinery workshop with ancillary storage would be commensurate with a B1(c) use.
- 7.9 Given the above and subsequent planning history, officers are satisfied that neither the storage building coloured brown on exhibit AJH 1 or the Design Studio also indicated on AJH 1 benefit from planning consent.

### **Use of Buildings within the Application Site**

- 7.10 The Office  
This is the building located in the south-western corner of the site and coloured green on exhibit AJH 1. The building was originally granted consent as a workshop (see K.3248/1). The applicant submits that in 1983 the building was originally occupied as an office but subsequently reverted to use as a workshop in 1991. In 1997 the building was again used solely as an office and has remained as such since. The continuous use as an office therefore falls within the 10 year period relevant to this CLU application. The issue of the certificate would regularise the use of the building as ancillary office use to the main use of the site. Since there is no evidence to suggest that the building has been used for anything other than an office, during the 10 year period, officers have no objection to the use being regularised via a certificate.
- 7.11 The Workshop  
This is the building coloured blue on exhibit AJH1 and which was granted consent in April 1982 under K.3248/2 and is located in the central southern area of the site. The applicant submits that Harvey Shopfitters first occupied the building in 1983 (although historic correspondence with the Council suggests it was more like 1984) and at the

time of occupation the building was used for storage purposes, which conformed to the authorised use of the building. In 1991 the company moved its offices into the building but in 1997 the building was used solely as a workshop and has remained as such to the present day. The continuous use as a workshop therefore falls within the 10 year period relevant to this CLU application. The issue of the certificate would regularise the use of the building as a workshop for the manufacture of timber and related components for shop, office and public house fittings. Since there is no evidence to suggest that the building has been used for anything other than this during the 10 year period, officers have no objection to the use being regularised via a certificate.

7.12 The Storage Building

This is the building coloured brown on exhibit AJH1 and located in the northern corner of the site within the area designated for storage purposes on the previously approved plan 97 K 6. The applicant submits that the building was erected in 1998 and this is confirmed by the 1999 aerial photograph. The building was erected without the benefit of planning permission but since it is now more than 4 years old, it is immune from enforcement action. The submitted evidence indicates the use of the building has only been for storage purposes and in the absence of any contrary evidence, officers consider that the use of the building is authorised.

7.13 The Design Studio

This is the building uncoloured on exhibit AJH1 and located in the north-western corner of the site. There are no planning permissions relating to this building. There is correspondence from the Council to Woodward Associates dated 12 June 1984 that makes reference to a 'temporary building' located to the rear of the workshop. Since the design Studio is a timber building with a flat felted roof, this is likely to be the building referred to. There are also references to this building in the valuation report dated 18<sup>th</sup> Feb 2004. Aerial photographs dating back to 1991 show the building in situ. Since the building is more than 4 years old it is therefore immune from enforcement action.

7.14 The submitted evidence indicates that the building has been used as a design studio ancillary to the main use of the site and in the absence of any contrary evidence officers consider that there can be no objection to the issuing of a certificate to regularise the current use of the building.

7.15 Local residents have indicated that the building has been extended onto land within the curtilage of neighbouring no.19 Common Road. Whilst this does appear to be the case, the application only concerns the land and buildings within the red edged site plan.

7.16 Proposed Use Class B2

As previously stated in paragraph 7.8 above, the authorised use of the site as a joinery workshop with ancillary storage uses is considered to fall within use Class B1 (c) – any industrial process. The Town & Country Planning (Use Classes) Order 1987 (as amended) defines Use Class B1 (c) as being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Furthermore the Use Classes Order defines a B2 use as the carrying on of an industrial process other than one falling within Class B1. The application seeks a certificate for a B2 Use Class.

7.17 Given that the site lies within a residential cul-de-sac, officers consider that a B2 use would not be appropriate in this location. The application is however for a Certificate of Lawfulness for an **existing** use; officers must therefore assess whether or not, on the

balance of probability, the use of the site has intensified to the extent that it has been a B2 use for the last 10 years consecutively.

- 7.18 Mr Harvey's Statutory Declaration states (para.6) that in 1983 the initial use of the premises was for the manufacture of timber components for shop fittings, primarily shop fronts and ancillary thereto prefabricated fittings were also manufactured. Since 1985 the Company has expanded its business into shop fit outs, offices and pub fit outs together with some work on residential property.
- 7.19 An inspection of the Land Use Gazetteer reveals that a shop front manufacturing place falls into a B1 Use class except where potentially detrimental to a residential use, in which case it would be a B2 Use. A shop and office fittings manufacturing place however falls into a B2 Use Class.
- 7.20 Mr Harvey goes on to state that the actual work carried out at the premises has not altered in the last 26 years. The submitted evidence supports this statement most notably in the long association of a number of staff and customers. Furthermore the Company's Annual Accounts for years ending Nov 1996 to 2007 confirm that the principle activity of the Company is "Contract Shopfitting".
- 7.21 Officers are satisfied that on the balance of probability the site has been used for the used for the last 10 years for the uses applied for i.e. 'manufacture of timber and related components for shop, office and public house fittings, including ancillary office/studio, storage uses and car parking (Class B2)'. It should be stressed however that should the certificate be granted, the site would only be authorised for those uses applied for and any other B2 uses would be unauthorised. Furthermore, whilst conditions cannot be attached to a Certificate of Lawfulness (CLU) the conditions (where relevant) attached to the original planning permission K.3248/2 still apply. This means that the noise restrictions under condition b) would still apply. Since there were originally no restrictions on the hours of use of the site, then it follows that there would be no restrictions on the use applied for.
- 7.22 **The Woodwise Woodchipping Project**  
Concern has been raised about the Woodwise Woodchipping Project that has recently started on the site. The applicant has indicated that this is a sustainable means of disposing of off-cuts from both on-site and off-site jobs. This activity has clearly not been ongoing for the entire 10 year period and is not therefore for consideration under this application; only the uses applied for are relevant to the CLU. It will be for the Council's Enforcement Officers to decide whether or not this activity is a separate use that requires planning permission in its own right or whether it is ancillary to the authorised use of the site. Should the latter be the case, it would still be subject to the noise restrictions previously mentioned.
- 7.23 **Storage and Parking**  
Planning permission K.3248/2 was granted in accordance with a plan 97 K 6, which defined the areas of the site to be used for storage purposes and parking/manoeuvring respectively. The Design Studio encroaches into the parking/manoeuvring area so in order to regularise this situation, the applicant has submitted a revised plan to re-define the storage and parking/manoeuvring areas. Other than the area taken up by the Design Studio, the plan covers much the same areas as 97 K 6. Officers are satisfied that adequate parking and manoeuvring space remains.
- 7.24 Officers noted during their site visit and from the more recent aerial photographs of the site that storage has spilled out onto the area designated for parking/manoeuvring. This is considered to be unauthorised and since it does not appear to have been present for the full 10 year period is not therefore authorised should a CLU be issued.

**Conclusion**

7.25 In the absence of any contrary evidence, it is the considered view therefore that on the balance of probability the applicants have provided the evidence to support the claim.

**8. RECOMMENDATION**

8.1 That a Certificate of Existing Lawful Use be GRANTED for the continued use of the site for the manufacture of timber and related components for shop, office and public house fittings, including ancillary office/studio, storage uses and car parking (Class B2 as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)).

**Background Papers PK09/0904/CLE**

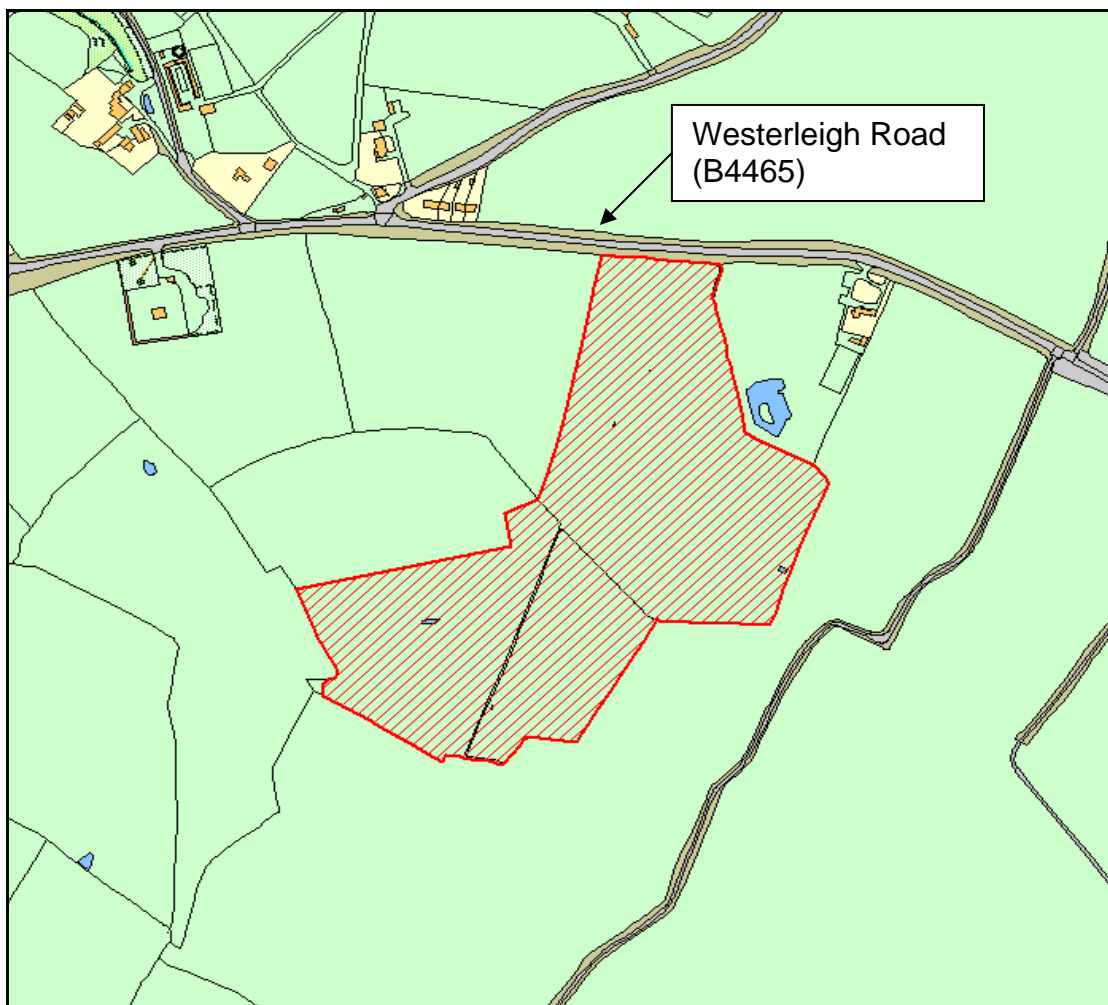
**Contact Officer: Roger Hemming**

**Tel. No. 01454 863537**

# ITEM 2

## CIRCULATED SCHEDULE NO. 35/09 – 4 SEPTEMBER 2009

<b>App No.:</b>	PK09/1129/F	<b>Applicant:</b>	D20 Limited
<b>Site:</b>	Land South of Wapley Westerleigh Road (B4465) near Codrington South Gloucestershire.	<b>Date Reg:</b>	18th June 2009
<b>Proposal:</b>	Change of use of agricultural land (Sui Generis) to recreational fishing (Use Class D2) and engineering works to form fishing lakes with associated landscaping and other works.	<b>Parish:</b>	Dodington
<b>Map Ref:</b>	3717460 1791230	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Major	<b>Target Date:</b>	16th September 2009



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**PK09/1129/F**

## **INTRODUCTION**

This application has been placed on the Circulated Schedule due to one letter of support being received which is contrary to the Officers; recommendation.

### **1. THE PROPOSAL**

- 1.1 The proposed scheme is considered to comprise of two elements. The first is a proposed change of use of an existing agricultural field for recreational purposes in the form of 2no. fishing lakes. These fishing lakes will however be engineered via the importation of 64,000 cubic metres of inert material onto the site to help form a number bunds (up to 6 meters in height from the natural ground level). Therefore in light of the scale of material importation required to form the lakes, along with the change of use and engineering operations proposed, there is a waste storage dimension to this application that also has to be considered.
- 1.2 The application site lies within open countryside and within the Bristol/Bath Green Belt but outside of the Cotswolds AONB. The site lies to the south of Wapley Road, between Wapley and Codrington. The site generally slopes southwards from the road, towards a shallow valley. The site is generally contained by a strong framework of hedgerows, which enclose each boundary.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS9	Biodiversity and Geological Conservation
PPG16	Archaeology
PPG17	Planning or Open Space, Sport and Recreation

#### **2.2 Development Plans**

##### **Joint Replacement Structure Plan (Saved Policies)**

Policy 1	Sustainable development
Policy 2	Locational strategy
Policy 16	Green belt
Policy 17	Landscape
Policy 18	Nature conservation
Policy 23	Water resources
Policy 29	Waste management
Policy 43	Recreation and leisure development
Policy 54	Car parking

##### **South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002**

Policy 9	Proposals for Waste Development in the Green Belt
Policy 43	Proposals for the Disposal of Inert, Construction and Demolition Waste to Land

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

D1	Achieving Good Quality Design in New Development
L1	Landscape Protection and Enhancement
L9	Species Protection
L11	Archaeology
GB1	Development within the Green Belt
T12	Transportation Development Control Policy for New Development
LC12	Recreational Routes

### 2.3 Other Relevant Guidance and Legislation

South Glos. Landscape Character Assessment as adopted 2005:-

- The site lies within the Pucklechurch Ridge & Boyd Valley landscape character area (Area 6)
- The South Gloucestershire Council Biodiversity Action Plan

South Gloucestershire Council Adopted Supplementary Planning Guidance.

- Trees on Development Sites
- Development within the Green Belt.
- The Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2006)
- European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora (otherwise known as the Habitats Directive 1992), which is transposed into British law by the Conservation (Natural Habitats & c) Regulations 1994 ('the Habitat Regulations').

## 3. RELEVANT PLANNING HISTORY

- 3.1 P92/2055/CM - Six Fields At Grid Reference St 17792 Adj To B4465, Wapley Landfill Over 60 Acres (24.28 Hectares) Of Land With Inert Waste Materials and construction of a new vehicular access. Refused 10<sup>th</sup> March 1993.

## 4. CONSULTATION RESPONSES

### 4.1 Dodington Parish Council

Objection on the following summarised grounds:

1. There is a real concern that the site could be designed as a brown field site which could potentially lead to further developments within the Green Belt
2. The site is identified as a site of local ecological importance, supporting badgers, reptiles, birds, bats and Great Crested Newts and other amphibians. The Great Crested Newt survey recommends management of the entire site as a wildlife conservation area with a focus on amphibians.
3. The development would result in the loss of valuable agricultural land used for grazing;
4. There is a need for a "botanical survey in June/July" – has this been undertaken?
5. It is not clear how the risk of overfilling would be managed



6. There is no proven need for the fishing lakes and there is a abundance of lakes at Bitterwell Lake, Westerleigh/Wapley lakes, Winterbourne, Kendleshire and Henfield.
7. This application is primarily to enable landfill on the site and not the stated purpose of establishing recreational fishing lakes;
8. No business plan has been produced to give evidence that the site will properly be managed as a commercial recreational facility;
9. There is no plan for formal car parking
10. There is no indication of Community uses and access
11. The proposals would interfere with public footpaths and leave an impractical steep slopes of 1:4 and 1:6.
12. The B4465 is an incredibly busy road with a total of 15,000 movements over a 2 year period and the proposal would have a serve cumulative impact when considered with other extant tipping consents, as well as the HGV through traffic.
13. The operating hours would also impact on neighbouring levels of residential amenity.

#### 4.2 Other Consultees

##### Wessex Water

No objection in principle providing there is no impact on Wessex Water infrastructure.

##### The Environment Agency

No objection subject to any approval having a number conditions and recommendations attached including the following:

- Prior approval of a foul drainage system;
- Further investigations to ensure the bunds are designed to minimise over topping; and
- Given the presence of Great Crested Newts, the existing ponds should be retained and enhanced in accordance with the recommendations in the ecological survey;

##### Technical Services

No objection as the Flood Risk Assessment provided by the applicant is acceptable subject to approval by the Environment Agency.

#### **Other Representations**

##### 4.3 Local Residents

16no, letters of objection were received to the proposed scheme. Their comments are summarised below:

- Increased traffic during construction;
- No need for further fishing lakes
- The proposal would see the closing or diverting of a public right of way for at least a 2 year period;
- The proposal when finished would leave the public footpath far less inclusive for general or disabled public use due to the steep gradients;
- Loss of valuable grazing land;

- The proposed could make the site a “brownfield site” which would make it easier in the future to develop;
- The site is located within the Green Belt;
- The site is of ecological importance with Great Crested Newts and other amphibians and animals located within it;
- No ecological survey was undertaken on the stream that runs through the site;
- This is not an application for fishing lakes, but yet another loophole for an excuse for landfill;
- The area has seen numerous tipping sites in recent years under the guise of unsubstantial or unnecessary recreational requirements;
- There is a risk of the bunds over spilling

In addition 1no. letter of support was received and their comments are summarised below:

The Frampton Cotteral Angling Club supports the proposed recreational fishing lakes as currently they have a waiting list of 15 individuals and they pride themselves on their responsible and environmentally friendly attitude. Unfortunately there is a shortage of lakes for match fishing as most lakes are privately owned and used exclusively for their own members. The lack of local facilities results in many clubs having to travel great distances in order to fish lakes that are no better than the ones locally. The proposed fishing lakes would therefore allow our local clubs to remain in the area, thus reducing travel requirements as well as provide a natural habitat for the diverse range of wildlife which we must endeavour to encourage.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

In the applicant’s supporting statement, the acceptability of recreational uses within the Green Belt has been noted. However, under local and national policy and guidance for development within the Green Belt, the reference to “recreational uses” only falls under the acceptable forms of new development when the construction of new buildings are being considered. Therefore the proposed “recreational” nature of the use of the site is inconsequential; it is the material impact of the change of use of the land and the engineering operations has on the openness and amenity of the Green Belt that needs to be assessed, as the scheme should be considered under Part B of Policy GB1 and paragraph 3.12 of PPG2 which sets out the guidance for change of use and engineering proposals within the Green Belt.

5.2 Paragraph 3.12 of PPG2 states that *“The statutory definition of development includes engineering and other operations, and the making of any material change in the use of the land. The carrying out of such operations and the making of material changes in the use of the land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt”*.

5.3 In addition Policy GB1 (Part B) criterion 1 states that

*“Within the Green Belt, as defined on the Proposals Map, Permission will only be given for...The change of use of land or existing buildings where:*

*1. It would not have a materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purpose of including land within it;”.*

- 5.4 It is considered that due to the engineering works involved which would see bunds 6 metres in height from the existing ground level, the proposed scheme would harm the openness of the Green Belt. The proposed scheme can therefore be considered inappropriate development, which as per paragraph 3.2 of PPG2, is by definition, harmful to the Green Belt. Therefore in light of this and the absence of any special circumstances to show why permission should be granted, there is a principle Green Belt objection to the proposed scheme.
- 5.5 In the context of the South Gloucestershire Local Plan, the storage of inert waste can be considered to dovetail with the engineering works that are associated with the proposed change of use of the land and thus a separate refusal reason is not required. The principle of the storage of inert waste within the Green Belt can however be considered within the context of the South Gloucestershire Minerals and Waste Local Plan.
- 5.6 In terms of the Green Belt location and greenfield nature of the site, as per Policy 9 of the Minerals and Waste Local Plan, for the duration of the waste phase of the development, the proposed scheme would be considered inappropriate by virtue of the activity and disturbance associated with such a site (para 5.31). It would therefore be concluded that ‘very special circumstances’ would need to be demonstrated such as to outweigh this presumption but none has been put forward. Consequently there is a second a principle objection to the proposed scheme.
- 5.7 Ecological Issues  
The application site comprises several agricultural fields on the southern side of the B4465 to the south of Wapley. The application site is not covered by any statutory or non-statutory nature conservation designations. The application includes an Ecology Statement, dated 27<sup>th</sup> April 2009, and a report on the results of a survey of two existing ponds for great crested newts dated July 2008, from Ecosulis Ltd.
- 5.8 The application involves the removal of at least one length of hedgerow. The Ecology Statement did not include a specific survey of the hedgerow(s) to be removed or an assessment as to whether they qualify as ‘important’ under the 1997 Hedgerow Regulations.
- 5.9 The survey of the application site included a Phase 1 habitat survey carried out in January 2008. This is recognised as a distinctly sub-optimal and inappropriate time of the year for grassland surveys - many species of flora will be in a dormant state and consequently can be overlooked or missed, resulting in an incomplete and/or unrepresentative appraisal of the sward. Notwithstanding this, the survey recorded several species indicative of semi-improved/unimproved grassland, including black knapweed and pepper-

- saxifrage, and indicates that the site has been managed previously as a 'hay meadow'.
- 5.10 Unimproved grassland – the traditional lowland hay meadows - is a rare, threatened and fast-declining type of habitat in Britain. In 1984, it was estimated that semi-natural grassland had declined in lowland England and Wales by 97% over the previous 50 years. In recognition of this, it is included on the UK Biodiversity Action Plan as requiring urgent and concerted efforts to arrest its decline; and listed as a type of habitat of 'principal importance for biological diversity in England' under Section 74 of the Countryside & Rights of Way Act 2000.
  - 5.11 Semi-improved/unimproved grassland is also included on the South Gloucestershire Biodiversity Action Plan as a habitat for which the Council will require developers to take specific measures to conserve and enhance.
  - 5.12 The application will result in a significant loss of this grassland through tipping/re-grading and construction of the lakes. Extensive tree planting will eventually further reduce the extent of the remaining grassland via shading
  - 5.13 Given the above, the Ecology Statement needs to include the results of an extended Phase 1 grassland survey in order to provide an accurate assessment of the grassland forming the application site.
  - 5.14 Of perhaps the greatest significance is a small breeding colony of great crested newts associated with the easternmost of the two ponds on site. Both great crested newts and their habitat (aquatic and terrestrial) are protected under the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2006) and European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora (otherwise known as the Habitats Directive 1992), which is transposed into British law by the Conservation (Natural Habitats & c) Regulations 1994 ('the Habitat Regulations').
  - 5.15 As a European Protected Species (EPS), a licence under Regulation 44 of the 1994 Habitat Regulations is required for development to be lawful. Additionally, great crested newts are included on both the UK and South Gloucestershire Biodiversity Action Plan and are listed by the UK Government as being 'a species of principal importance for biological diversity in Britain' under Section 74 of the CROW Act 2006 and thereby singled out for protection under PPS9 on Biodiversity and Geological Conservation.
  - 5.16 The application indicates that a significant area of grassland and a length of hedgerow comprising terrestrial habitat for the great crested newt colony will be lost as a result of tipping/regrading and in creating the two fishing lakes, bund and car park, contrary to the provisions of the 1994 Regulations. Additionally, and contrary to the assertion made in the Statement, the lakes will not provide suitable compensation for this loss of habitat – the habitat is aquatic not terrestrial; and fish are acknowledged as being anathema to herpetofauna as they predate eggs, fry and juveniles.

- 5.17 The Ecology Statement also recommends a series of general measures to mitigate for this loss of habitat and safeguard the colony, to form the basis of a (detailed) method statement. This method statement is not included within the application.
- 5.18 A recent judicial review has directed that, to fully engage with the Directive/Regulations, planning authorities should be applying the same 'tests' under Article 16/Reg 44 as licences are subjected to. Satisfying these 'tests' necessitates providing the detail of a mitigation strategy prior to determining the application.
- 5.19 For a licence to be issued, the application has to satisfy the three 'tests' under Regulation 44. It has to be:-
- *For the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment;*
  - *There is no satisfactory alternative to the work specification;*
  - *The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.*
- 5.20 Para 116 of ODPM Circular 06/05 accompanying PPS9 on Biodiversity stipulates:-
- 'When dealing with cases where a European protected species may be affected, a planning authority ...has a statutory duty under regulation 3(4) to have regard to the requirements of the Habitats Directive in the exercise of its functions. So the Directive's provisions are clearly relevant in reaching planning decisions, and these should be made in a manner which takes them fully into account. The Directive's requirements include a strict system of protection for European protected species prohibiting deliberate killing, catching or disturbing of species and damage to or destruction of their breeding sites or resting places. Derogations from this strict protection are only allowed in certain limited circumstances and subject to certain tests being met. Planning authorities should give due weight to the presence of a European protected species on a development site to reflect these requirements, in reaching planning decisions and this may potentially justify a refusal of planning permission'.*
- 5.21 It has not been satisfactorily demonstrated that development would not be detrimental to the colony of great crested newts within the application site. The lakes are sited close to and between the two ponds, removing a significant area of terrestrial habitat. Moreover, it is uncertain if there is any connecting habitat (rough grassland or scrub) as recommended in the survey; and it is likely that this would be used as a thoroughfare through the site by the public. Additionally, there are clearly alternatives to the present layout and the application needs to satisfactorily address these issues to meet the demands of Regulation 44, Circular 06/05 and PPS9.

- 5.22 The Phase 1 habitat survey also noted that the site had potential for a variety of notable/protected species of fauna, including brown hare, hedgehog, reptiles and a range of farmland birds (bullfinch, linnets, song thrush and skylark) that are either Priority species nationally or listed on the South Gloucestershire BAP. However, the timing (January) meant that specific surveys for these species have not been carried out. Accordingly, there is insufficient information as yet to demonstrate that development will not impact on a range of protected or notable species. This needs to be provided to the Council as an integral part of the application.
- 5.23 Minerals and Waste Issues  
Policy 43 of the adopted South Gloucestershire Minerals and Waste Local Plan sets out the principles and criteria whereby disposal of inert waste to land will only be permitted:
- (a) proposals for the restoration of Barnhill, Chipping Sodbury and Tytherington Quarries;
  - (b) small scale extensions to existing operational land fill sites, where there are valid operational reasons or opportunities to secure environmental benefits;
  - (c) for acceptable agricultural land improvement works or environmental bunds;
  - (d) to secure restoration and beneficial afteruse of derelict or despoiled land
- 5.24 The proposals do not contribute to or address any of these limited criteria and so can be considered contrary to Policy 43 of the adopted Minerals and Waste Local Plan.
- 5.25 It is also noted from the supporting statement that the development is acknowledged in the context of the Minerals and Waste Local Plan, and the policies listed, however with regards to this policy the principles are omitted.
- 5.26 The proposals also appear much more than an environmental bund scheme, however 'bundings' is referred to in the accompanying details, so arguably the proposed scheme could be assessed under Policy 45.
- 5.27 Policy 45 sets out the only criteria where such material may be deposited as.
- (a) the material to be deposited is inert waste
  - (b) the purpose of the bund is clearly justified, with full technical data where appropriate
  - (c) the volume of waste deposited is the minimum necessary to achieve the purposes and an appropriate landform
- 5.28 Again the proposals demonstrate no such merits and are not justified against this policy requirement. In conclusion It is not considered that the proposal falls to be considered within any of these limited criteria and is therefore contrary to these specific waste policies.
- 5.29 Public Rights of Way  
The development will affect the nearest recorded public rights of way with references LDO 32 which follows the eastern perimeter of the proposed northern

- lake, and LDO 33 which cuts across the centre of the site between the proposed new lakes in a northwest to southeast direction.
- 5.30 Regarding footpath LDO 33 there is a concern that whilst the existing horizontal route is not being diverted, the gradient of lengths of the footpath will be subject to change and it is proposed that the slope will vary between 1:4 and 1:6. For reasons of inclusive accessibility this is not acceptable and the gradient should have a minimum gradient of 1:12 and preferably a gradient of 1:20. For this reason there is an objection to the proposal on the basis of Policy LC12 which is there to protect the rights of way network.
- 5.31 Landscape Issues  
The site lies within Greenbelt and occupies three south facing fields, used as pasture/meadow. There is currently no stock in the fields and they have recently been cut for hay or silage. There is a mixture of trimmed and some overgrown sections of hedgerow comprising of Hawthorn & Blackthorn, with mature Ash, Oak and Willow as hedgerow trees.
- 5.32 There are two public rights of way, one along the eastern boundary and one which crosses the centre of the site. There is a spring to the north of the site boundary which feeds the small stream running south west through the site (currently a dry ditch). Field drains also run into this ditch and there is also a small pond in the south west part of the site.
- 5.33 Views into the site from the main road are contained by the roadside hedgerows, however there are distant views from the surrounding countryside to the south and east. The site slopes gently southwest, forming part of a shallow wide valley, between Pucklechurch Ridge to the west and the Boyd Valley to the east of the site. The South Glos. Landscape Character Assessment describes the area as large scale, generally undulating plateau and vale landscape. The site lies within the central portion of this character area and as stated in the document; The central and eastern parts of this landscape character area are sensitive to change, which might erode it's distinctive character, due to its open nature and visibility from the Cotswold Scarp.
- 5.34 The proposed layout requires the removal of a significant area of grassland and a large section of hedgerow. No detailed vegetation survey has been submitted to cover the trees and hedgerows to be removed and whether they qualify as 'important under the Hedgerow Regulations. The proposals comprise the tipping of inert waste material to create bunding up to 6m above the existing ground level, to contain 2 fishing lakes. The lakes will be constructed with liners and the bunding grass seeded. The Landscape Strategy Plan indicates areas of tree and shrub planting, but there are no details regarding proposed species and density of planting. The drawing also indicates the proposed contours, however when checked in detail it is difficult to see how these gradients can be achieved whilst marrying into the existing surrounding levels, within the confines of the application boundary. It is therefore considered that the lakes would have an 'engineered' appearance which would not sit well within this rural location.

- 5.35 In the absence of the above information, the true visual impact on the surrounding landscape is difficult to assess. Moreover, in light of the lack of clarification over the proposed contours, it is considered that the proposed scheme could have a harmful impact on the rural and undeveloped character of the site.
- 5.36 In conclusion, without a detailed tree and hedgerow survey to justify the removal of the hedgerows and a detailed planting plan, indicating species and densities of planting in addition to the considered engineered appearance of the bunds, the proposed scheme is considered contrary to Policy L1 of the South Glos Local Plan as it fails to either protect or enhance the landscape.
- 5.37 Archaeology  
The application site lies within an area of archaeological sensitivity. Within the surrounding landscape there are archaeological features often associated with medieval activity including earthworks, a deserted settlement, field systems, pillowmounds and fishponds.
- 5.38 A desk based assessment was undertaken for a proposed landfill site in 1993 followed by evaluation. The evaluation did reveal archaeology but it was not of national importance. However, the evaluation was only undertaken within a limited area of the proposed landfill site, west of the electricity sub station and therefore outside of the current area of proposal for the fishing lake.
- 5.39 The requirement for both a desk based assessment and geophysical survey could be overcome, but the need for an archaeological evaluation through trial trenching cannot be avoided prior to determining the application as the extent of proposed ground and engineering works associated with this current development are concerning and would have an adverse impact on any archaeological resource that may be present.
- 5.40 The implication of the affect of the development upon the archaeological resource has not been demonstrated and no results of field investigation have been presented to support the application. Until such time as an archaeological evaluation has been undertaken to determine the presence or absence, nature and date of any potential surviving archaeology, the application is considered contrary to the provisions of PPG16 and Policy L11 of the local plan.
- 5.41 Transportation  
The formation of the fishing lakes will require substantial earthworks involving the transportation of 64,000m<sup>3</sup> of soil. The supporting statement proposes that a total of 7500 lorry loads will be required over a 24 month period and this would equate to 14 HGV movements per day.
- 5.42 It is unreasonable to assume that contractors will work bank holidays and weekends and so there would be 506 working days over this time period. It is therefore calculated that it would require 15 daily inbound trips and a further 15 outbound trips making a total of 30 trips per day.
- 5.43 The last traffic count revealed that Wapley road carried a total of 1339 vehicles over a 12 hour period. Using this base the additional construction traffic (30 per



day) would result in an increase in traffic of approximately 2% which would not be any more than the natural daily variation along this road. On this basis the overall increase in traffic generated by construction vehicles cannot be regarded as significant and Transportation Officers are satisfied that the road network could accommodate the HGVs. Any inconvenience caused will be temporary and no expected highway safety would be compromised. Once constructed the volume and nature of traffic associated with the development would be negligible.

- 5.44 Having taken some measurements on site adequate visibility could be achieved from the proposed access. The hedgerow would need to be trimmed back during summer months to maintain sight lines. At present the access is little more than a single track field gate which will need upgrading. Submitted drawing "Access and Parking 03" shows widened access with increased radii. This access would facilitate 2 way car movements and accommodate the turning movement of a construction lorry. The level of parking provided is acceptable and this area would also allow HGVs to turn during the construction period.
- 5.45 In light of the above there are no highways objections to the proposed scheme subject to a condition requiring approval of a details access point.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 Planning permission be REFUSED for the following reasons.

**Contact Officer: Robert Nicholson**  
**Tel. No. 01454 863536**

## **REASONS FOR REFUSAL**

1. The proposed change of use of the land, would by virtue of the engineering works required to facilitate it, fail to maintain the openness of the Bristol/Bath Green Belt. The proposed scheme is therefore considered inappropriate development within the Green Belt which by definition would be harmful to the Green Belt. The proposed scheme is therefore considered contrary to Policy 16 of the Joint Replacement

Structure Plan, Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of PPG2 and the South Gloucestershire Development within the Green Belt SPD.

2. The waste disposal operation at this location represents inappropriate development in the Green Belt, contrary to Policy 9 of the South Gloucestershire Minerals and Waste Local Plan.
3. The proposals do not comply with the limited criteria for the acceptable disposal of inert, construction or demolition waste set out Policy 43 of the South Gloucestershire Minerals and Waste Local Plan and as such are contrary to this policy.
4. The proposed development will result in a loss of habitat of a colony of great crested newts (a European Protected Species, protected under the Habitat Regulations 1994) associated with one of the ponds on site, contrary to the Habitat Regulations 1994, the Countryside & Rights of Way (CROW) Act 2000, PPS9 and Policy L9 of the South Gloucestershire Local Plan. The application contained insufficient ecological information to satisfactorily demonstrate that development would not detrimentally impact on a European Protected Species contrary to recent judicial review (R v East Cheshire Borough Council).
5. Development will result in a loss of land identified in the application as being potential habitat for a range of notable or protected species of fauna, contrary to ODPM Circular 06/05, the Council's planning guidance 'Biodiversity and the Planning Process' and Policy L9 of the South Gloucestershire Local Plan. The application contained insufficient information to satisfactorily demonstrate that development will not adversely affect those species, contrary to ODPM Circular 06/05 and Policy L9 of the Local Plan.
6. Development will result in the loss of a hedgerow. The application omitted to include a survey of the hedgerow to enable it to be assessed as 'species-rich' and importance under the 1997 Hedgerow Regulations. Species-rich hedgerows are a habitat listed on both the UK and South Gloucestershire Biodiversity Action Plan and its loss would be contrary to Policy L9 of the South Gloucestershire local Plan.
7. Development will result in a loss of grassland containing species of flora indicative of species-rich semi-improved/unimproved grassland, a habitat listed on both the UK and South Gloucestershire Biodiversity Action Plan and its loss would be contrary to Policy L9 of the South Gloucestershire Local Plan. The application omitted to include sufficient information as requested (extended Phase 1 habitat survey of the grassland) to satisfactorily demonstrate that development would not adversely affect such a habitat.
8. The proposed scheme would affect a public right way and through the formations of the bunds, it would introduce gradients of 1:4 and 1:6. This would restrict accessibility to an unacceptable level and so the proposed scheme is considered contrary to Policy LC12 of the South Gloucestershire Local Plan (Adopted) 2006.
9. By reason of a lack of a landscape strategy and a detailed tree and hedgerow survey and the considered engineered appearance of the proposed bunds, the proposed scheme would fail to protect and enhance the existing landscape and so the proposed

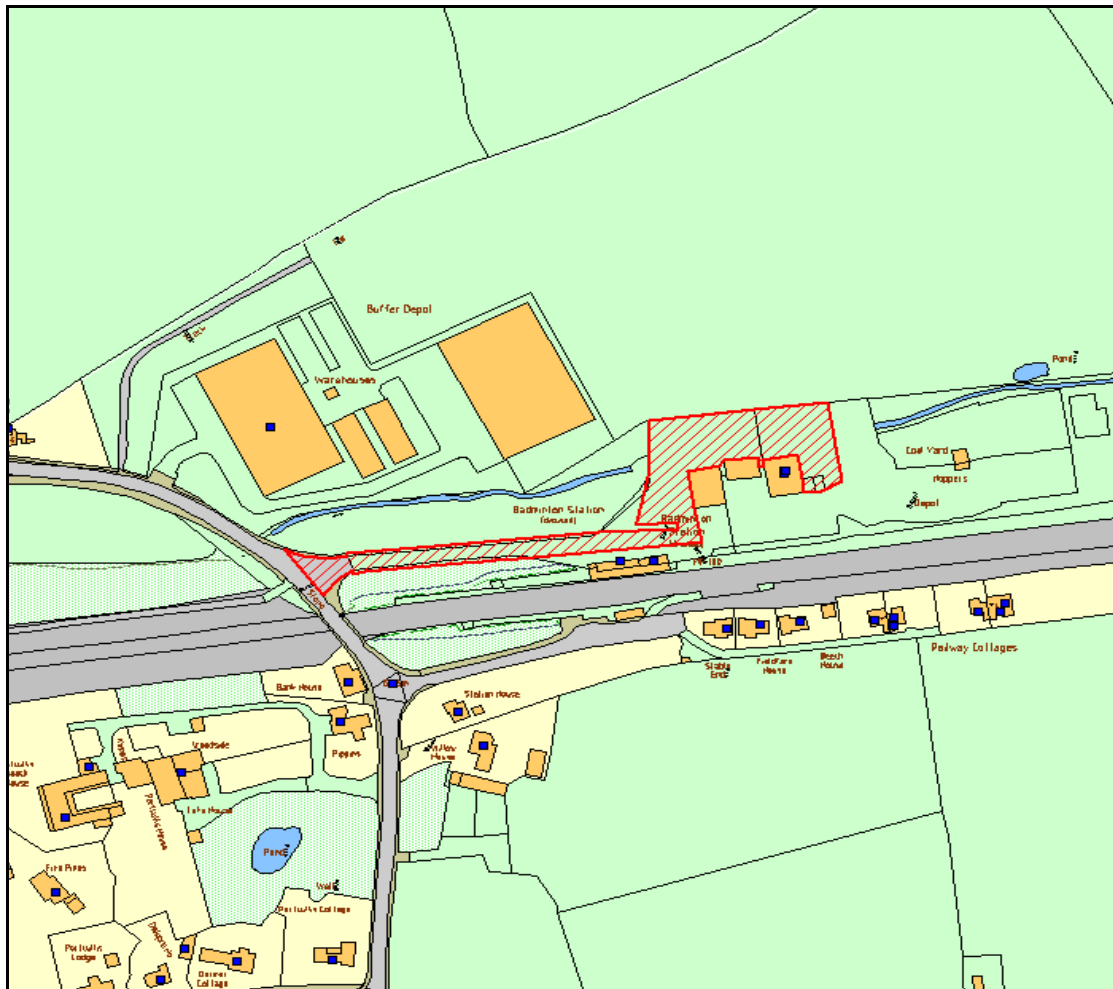
scheme is considered contrary to Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. By virtue of the lack of information to demonstrate the archaeological significance of the site, the proposed scheme is considered contrary to Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

# ITEM 3

## CIRCULATED SCHEDULE NO. 35/09 – 4 SEPTEMBER 2009

<b>App No.:</b>	PK09/1162/F	<b>Applicant:</b>	CPL Distribution Ltd
<b>Site:</b>	Unit B/C/D Station Approach Industrial Estate Badminton Road Acton Turville South Gloucestershire GL9 1HE	<b>Date Reg:</b>	24th June 2009
<b>Proposal:</b>	Change of use from A1 (retail) to a mixed B2 & B8 use for the drying, processing and storing of timber. Erection of plant and machinery for the processing and drying of timber logs.	<b>Parish:</b>	Acton Turville
<b>Map Ref:</b>	3809690 1813380	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	17th August 2009



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**PK09/1162/F**

## **INTRODUCTION**

This application appears on the circulated schedule due to the receipt of one letter of objection from the Parish Council and 4 letters of objection from local residents.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission to change the use of the site from A1 (retail) to a mixed B2 & B8 use for the drying, processing and storing of timber. The application also includes the erection of plant and machinery for the processing and drying of timber logs. This includes a fuel tank, a wood drying kiln, a wood splitting unit and storage space.
- 1.2 The application site consists of industrial unit on the edge of Acton Turville. The site is part of a former coal yard and depot that is still operating from the site. The unit sits next to the railway line.
- 1.3 During the course of the application additional information and amended plans were received to address issues of the public right of way, noise, landscape and vehicle movements.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

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

- D1 Design in New Development
- L1 Landscape Protection and Enhancement
- L2 Development in the Cotswolds AONB
- T8 Parking Standards
- T12 Transportation Development Control
- EP1 Environmental Pollution
- L17 The Water Environment
- E3 Employment Development within the Defined Settlement Boundaries

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

- 3.1 PK02/2584/F Retention of change of use of coal storage yard (B8) to garden centre (A1) and retention of portacabin.  
Approved January 2007

### **4. CONSULTATION RESPONSES**

- 4.1 Acton Turville Parish Council  
The Parish Council has considered the documents that were sent us in support of the amended application. There are still a number of matters where the Parish Council is not satisfied with the application and therefore ask you to

record our objection to the application as submitted. In particular the following issues need to be properly addressed:

### Noise

The applicant has now submitted a document entitled "Noise assessment". The document appears to us deficient in several aspects. For example the author seems unaware of the significant level differentials between the applicant's site and the nearby houses. Also the noise of handling and loading equipment is not mentioned.

We note that the application now includes the provision of a 4-metre high noise barrier in front of the cutting and splitting plant.

The impact of the existing noise from trains does not seem to have been properly dealt with in the report. The noise from the trains is significant but of very short duration. The area is particularly quiet at night and at week ends; on most nights after the last goods train just after midnight there are no further trains until the first passenger trains in the morning. The tables in the report do not seem to identify the differential.

The Parish Council is concerned about the potential noise of operations during the otherwise quiet periods. The operating hours should be limited to 8:00am to 5:00pm, Monday to Friday.

The noise data said to have been supplied by Kiln Services for the kilns, which will be operating 24/7, suggests that they will be intrusive during the otherwise quiet periods. Some form noise reduction is necessary.

If the application is approved it must contain appropriate conditions on the operating, and delivery and collection, times.

### Change of use

We are assured that the application down includes a change of use to remove the existing retail use although we have seen no documents to this effect. As noted in our previous email this is important as there would otherwise be conflicts between the previous and the proposed uses.

### Vehicle movements

The revised application now identifies significant HGV movements associated with the proposed operations. As noted in our previous email the applicant should be required to make a contribution to the Highway costs that will result from these movements.

### Waste

The paper that has now been included entitled "Waste management & dust control" still does not identify how the waste or by-products (saw dust and chippings) would be handled and stored on the site. It notes that the by-products have commercial uses but does not say if further processing would take place on the site.

## **Other Representations**

### 4.2 Local Residents

Four letters of objection have been received from local residents. A summary of the points of concern are as follows:

- Large lorries increase risk to walls and pedestrians
- Impact on the locality will be significant
- The noise assessment does not include loud noises by dropping loads, reversing alarms, shouting and other inevitable noises in a working environment
- The directional barrier doesn't take account of temperature or wind
- Operational demand may increase over time
- Why isn't the timber cutting plant enclosed in a suitably clad building?
- More restricted working times must be mandatory
- No need for the development – there are other commercial saw mills within 10 miles
- Not enough local residents have been notified
- Flood lighting will cause light pollution
- Objections to the PROW being diverted
- Object to the kilns working 24 hours a day
- No mention of a bund around the fuel tank

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The site lies within the defined settlement boundary and within the Cotswolds Area of Outstanding Natural Beauty. Policy E3 of the South Gloucestershire Local Plan allows for Employment Development within the defined settlement boundaries providing issues relating to residential amenity, highway safety, parking, and the character of the area are satisfied. The site lies within the Cotswolds Area of Outstanding Natural Beauty where Policy L2 is applicable. Policy L2 only allows for development that will conserve and enhance the natural beauty of the landscape. As the site lies in a flood zone and the proposed development could potentially have noise implication, other policies such as EP1 and L17 are also material.

### 5.2 Change of Use/History

The site has a complex history. The application site relates to part of the existing coal yard. The site is in employment use and has been used for commercial purposes for many years. A large section of the site is still used as a coal depot. In 2007 under application PK02/2584/F planning permission was granted to change the use of the site from a coal depot to a garden centre.

5.3 There is some dispute however as to whether this consent has been fully implemented. At the time of the site visit, the site appears to have a mixed use. The primary use of the site is as a coal depot with a small amount of garden products and retail sales. The reason for this is that coal sales is a seasonal business – more coal sale takes place in winter than summer. In summer months, to boost sales, some garden products such as composts, gravel, sheds etc are sold from the site.

- 5.4 Because of the previous planning approval, the authorised use of the site is A1 – although it is not actually used in this manner. This application therefore seeks to regularise and establish the correct use. The remainder of the site not within the red edge will remain unaffected by the application and will continue to operate as a coal yard with garden sales.
- 5.5 Design/Impact on AONB  
In terms of physical structures, the application includes the following items: A Portacabin, a fuel tank, the kiln including 2 kilns and one boiler house, the wood cutting and splitting unit including a logging deck and acoustic screen. Of these the largest physical item is the kiln. When referring to ‘the wood processing plan’ in this report, this refers to the site as a whole.
- 5.6 The site lies at the edge of the defined settlement boundary and the whole site is within the Cotswolds Area of Outstanding Natural Beauty. There are two public footpaths in the adjacent field to the North. The proposed wood processing plant will be screened from views to the east, south and west by the railway, existing buildings and vegetation. It will be open to views towards the north, north-west and north east. There are two public footpaths in the adjacent field to the north, one running east/west and one running diagonally across the field.
- 5.7 There are two large warehouses and two smaller buildings to the north-west of the site. Although these buildings are of a large scale they are of a simple outline and have muted weathered colours that help to reduce their impact upon the surrounding countryside.
- 5.8 There is a substantial hedge, containing many tall trees along the southern boundary of the adjacent field. This helps to screen the site to some extent. However there is a gap in this boundary planting alongside the application site. The boundary is marked with a chain link fence. The Badminton Park is located to the north and the former character of the park extends out into the broader landscape and comprises a landscape of hedgerows, mature trees, woodlands and avenues. Blocks of woodland and copses to the north and east help to contain views. The current lack of screen planting along the northern boundary of the CPL Distribution site opens up views of two modern buildings with green profile sheeting cladding and one building constructed out of concrete blocks. Vehicles and materials are also visible. The lack of screen planting is resulting in the CPL Distribution site having a detrimental impact upon the character of the surrounding landscape.
- 5.9 As a result of this planning application, significant additional screening is proposed along the northern boundary of the site that will help to screen the site from views. A detailed landscaping plan has been submitted to show the addition of a hedge of native species along the boundary of the site that will offer significant visual improvements to the character of the AONB and the Badminton Estate. Conditions would be attached to any consent granted to ensure that the planting is installed, protected and established to ensure the landscape is enhanced.



- 5.10 The footprint of the two kilns is 19.98 m x 7.83m and the cladding would be an olive green colour. The proposed wood processing plant has a complex form. Both structures would be viewed against the existing buildings which would help to reduce their impact upon the rural character of the surrounding area to some degree. The significant additional boundary planting would also help to reduce its visual impact. Subject to the attachment of appropriate conditions, the design and visual impact of the proposal is considered acceptable and would enhance the character of the Cotswolds Area of Outstanding Natural Beauty.
- 5.11 Noise/Residential Amenity  
One of the primary concerns as raised by the Parish Council and the local residents is the possible impact on their properties – particularly by means of noise. In light of this and in order to consider this issue further, the applicants were asked to submit a noise assessment to allow for full consideration of the likely impacts. A full noise assessment was submitted as requested and this has been scrutinised by the councils Environmental Protection Officer.
- 5.12 The noise report submitted has been compiled in accordance with British Standard 4142. The noise report takes account of both the kiln and the wood cutter operating during the day and the kiln alone operating at night. In accordance with the British standard, a difference of +10 dB or more indicates that complaints are likely; a difference of around 5dB is of marginal significance; if the rating level is more than 10dB below the background measured noise level then this is a positive indication that complaints are unlikely. The proposed figures typically show a figure below the existing background noise level.
- 5.13 As part of the scheme it is proposed to erect an acoustic screen between the wood splitting unit and the residential properties. Whilst this will not physically reduce the levels of noise escaping from the equipment, it will prevent and lessen the sound waves travelling towards the residential dwellings. It is also important to note that the existing warehouses on the site will act as a noise buffer.
- 5.14 The noise report clearly demonstrates that predicted noise levels will not exceed existing background noise levels. The predicted levels fall within the ‘complaints unlikely’ and ‘marginal significance’ criteria contained within BS4142. The Councils Environmental Protection officer is satisfied that the report is accurate and has been prepared correctly. Subject to the attachment of conditions, they raise no objections to the proposed scheme.
- 5.15 It is noted that the Parish Council are concerned the noise report does not take proper account of the trains that pass the site. The existing measured background noise levels are given as dB LA90. This is the decibel level present for 90% of the time adjusted to the way human ears hear. The reason for the percentage measurement is that short term untypical noises such as passing vehicles are excluded from the measurement. Your officers are therefore confident that the noise report has been prepared correctly and accurately in accordance with the BS standard.

- 5.16 A condition will also be attached to any consent granted to ensure that all fork lifts used on the site are fitted with broadband reversing alarms to further reduce the possible noise impact upon neighbours.
- 5.17 Dust/Waste  
In accordance with Policy EP1 of the adopted local plan, development will not be permitted which will harm the environment by means of air pollution. Because of the nature of the development and the fact that wood will be split and sawn on site, there is potential for air pollution by dust. During the course of the application a waste handling statement was submitted to the Council. The waste handling statement identifies that the by products from the sawing and cutting of the wood will be collected in a dumpy bag and sold. No information has been submitted to identify how much by product will be created and where the dumpy bags or other storage vessels will be stored on site. The statement also notes there will be a system of regular cleaning to ensure that the potential for dust is kept to a minimum. No further information on the cleaning processes however have been identified.
- 5.18 Notwithstanding the contents of the existing waste report, a condition will be attached to any consent granted to ensure that full details of the methods of dust control are submitted to the Council for written approval. Whilst the waste report submitted to date is positive, it does not contain sufficient information to allow officers to be confident that dust emissions will not cause air pollution.
- 5.19 Transportation/Highway Impacts  
This development will lead to a significant rise in traffic generation; the applicant anticipates HGV movements increasing by up to a 65%. Whilst the Councils Highway engineer is satisfied that the site and access can accommodate the additional use there will be implications on to wider road network.
- 5.20 The railway bridge immediately south of the site access is due to be upgraded by Network Rail and the highway authority has agreed to contribute towards a new bridge. The current bridge does not have capacity to carry loads exceeding 3 tonnes and for this reason HGV's are prohibited from crossing. The replacement bridge will be able to carry greater loads and as a consequence HGV's will be able to travel to the site through Acton Turville.
- 5.21 The additional through traffic will have an impact on roads within Acton Turville and too a lesser extent Badminton. The Highway Authority is currently drawing up a package of traffic calming measures, designed in part to alleviate the impact traffic generated by this site - particularly HGV's.
- 5.22 The applicant is, therefore, expected to make a contribution of £10,000 towards traffic management and road improvements in the vicinity. This sum will off set the impact of the additional traffic generated by the site and fund a proportion of the highway works required. The developer has agreed to pay these contributions and a S106 Unilateral Undertaking agreement will be secured to ensure the payment of the money prior to the commencement of development on the site.

Subject to the securing of the agreement, the additional vehicular movements are mitigated against and the application is in accordance with the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted).

5.23 The applicant proposes to create a 'one-way-system' around the site in order to ensure that lorries can manoeuvre easily. There is ample parking on site for cars, vans and lorries although admittedly this will be on a slightly ad hoc basis. The access lane to the site is wide and long with good manoeuvring space and adequate visibility. Subject to securing the S106 contributions, there are no objections to the works as proposed on highway grounds.

5.24 Public Right of Way

There is a public right of way that cuts through the very north western tip of the site. This right of way is shown in this position on the definitive map. In reality however the right of way is in a slightly different position on the ground – walkers currently walk around the corner of the site. As initially laid out, the proposed kiln would have been erected over the definitive right of way and it would have been necessary therefore to apply to divert the public right of way. Rather amended plans have been received to move the kiln slightly so that both the definitive right of way and the path that is currently in use will remain unaffected by the proposed works. As a result of the development, there will be no impact upon either the existing or legal Public Rights of Way.

5.25 Flood

On initial review of the proposed development, the site appears to lie within Flood Zone 3B Functional Floodplain. This is supported by the South Gloucestershire Level 1 Strategic Flood Risk Assessment (SFRA). However, based on the information provided including historical flooding data and the advice provided by the Local Drainage Engineer, the Environment Agency suggests that the site actually lies within Flood Zone 3A.

5.26 Therefore the Environment Agency have no objection in principle to the proposed development. This approval would be subject to the measures as detailed in the Flood Risk Assessment (FRA) submitted with this application, being implemented and secured by way of a planning condition on any planning permission.

5.27 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the transportation contribution towards traffic calming improvements in the area, are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

5.28 Use of Energy and Sustainability  
None suitable for a scheme of this nature.

5.29 Improvements Achieved to the Scheme  
During the course of the application several improvements have been made to the scheme to improve its appearance and reduce its impact on the AONB. Amended plans have been received and the necessary reconsulations carried out.

## 6. CONCLUSION

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

The 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 authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the signing of a Unilateral Section 106 Agreement, to secure the following:

- (i) The contribution of £10,000 towards a scheme of traffic calming that is scheduled to take place in the locality.
- (ii) A S106 monitoring fee to the value of 4% of the total contributions.

The reason for this Agreement are:

- (i) To mitigate against the impact of additional HGV's in Acton Turville and the surrounding area and to maintain highway safety in accordance with the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted).
- (ii) To cover the Council's costs of monitoring the S106.

7.2 That the Head of Legal & Democratic Services be authorised to prepare and seal the agreement.

7.3 Should the S106 agreement not be completed within 6 months, that authority be delegated to the Director of Planning Transportation and Strategic Environment to refuse the application due to the failure to complete the S106 Agreement offsetting the otherwise averse impacts of the development.

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

## **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. All hard and soft landscape works as shown on plan CPLD-BAD-005O shall be carried out in accordance with the planting schedule specified. The works shall be carried out prior to the first operation of kiln or the wood processing plant or in accordance with the programme agreed with the Local Planning Authority. Any of the planting becoming dead, diseased or dying in the five years following planting must be replaced in the next available planting season.

### Reason

To protect and enhance the character and appearance of the area to accord with Policies D1, L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development on site details (and samples where appropriate) of the external finishing materials of the fuel tank, the kiln, the wood processing plant and the acoustic screen shall be submitted to the Council, and if acceptable agreed in writing. All development must take place exactly in accordance with the details so agreed.

### Reason

To ensure a satisfactory standard of external appearance and to accord with Policies D1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Noise emissions from the proposed activities (wood cutting and splitting machine and drying kilns) shall not exceed the pre development background noise level as measured at the boundary of the nearest residential premises, or a representative alternative location to be agreed with the Council. Details of any mitigation measures required to achieve these levels must be submitted to the Council for written agreement prior to the commencement of operations from the site.

### Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies E3 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The following activities - use or operation of the wood processing plant, loading or unloading of delivery vehicles, load or unloading of the kiln, shall not take place outside the following hours; 08.00am to 17.00hrs Monday to Friday, 08.30am to 13.00 hrs on Saturdays and not on Sundays and Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies E3 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Fork Lift trucks used on the site in association with this process should be fitted with broadband reversing alarms.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies E3 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the first operation of any equipment on site, full details of how wood dust will be managed shall be submitted to the Council for written approval. The site must be operated in accordance with the details so agreed

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies E3 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Reference: 405.2738.00001 dated June 2009 and undertaken by SLR Consulting) and the following mitigation measures detailed within the FRA in '5.1 Summary':

- 1) Flood Proofing
- 2) SuDS techniques

Reason

To reduce the impact of flooding on the development and to ensure the satisfactory management of surface water to ensure flood risk is not increased. Also to comply with the requirements of Policy L17 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. All development shall be carried out in accordance with the details so agreed.

Reason

To prevent pollution of the water environment and to accord with the requirements of Policies EP and L17 of the South Gloucestershire Local Plan (Adopted) January 2006

10. Prior to the installation of any external lighting, full details including measures to control light spillage, shall be submitted to the Local Planning Authority and if acceptable agreed in writing. Development shall be carried out in accordance with the approved details.

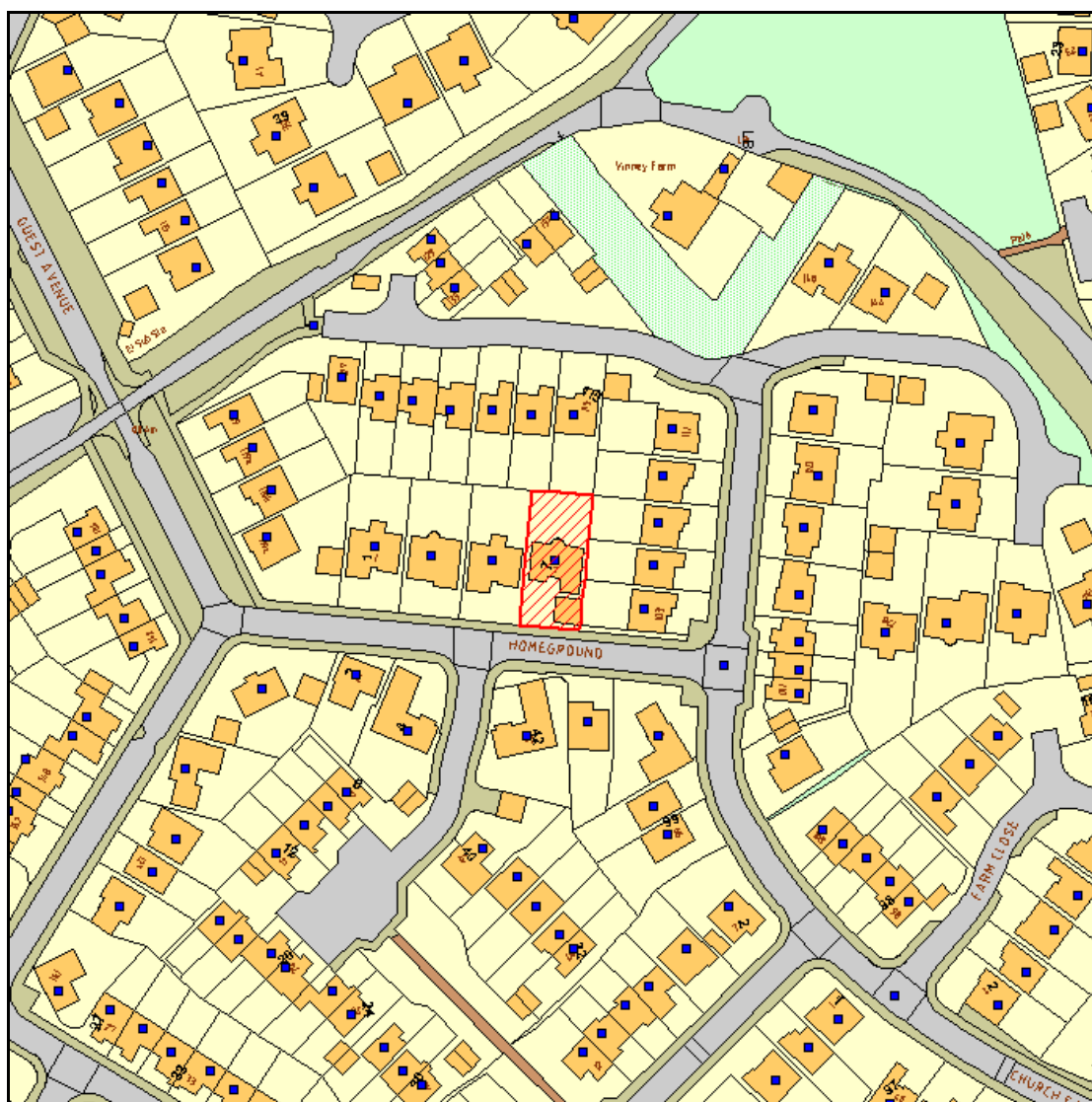
Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

# ITEM 4

## CIRCULATED SCHEDULE NO. 35/09 – 4 SEPTEMBER 2009

<b>App No.:</b>	PK09/1240/F	<b>Applicant:</b>	Mr & Mrs K Parsons
<b>Site:</b>	7 Homeground Emersons Green South Gloucestershire BS16 7HG	<b>Date Reg:</b>	7th July 2009
<b>Proposal:</b>	Erection of single storey rear extension to provide additional living accommodation	<b>Parish:</b>	Mangotsfield
<b>Map Ref:</b>	3667790 1767260	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	25th August 2009



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100023410, 2008. **N.T.S.** **PK09/1240/F**



## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The application relates to a modern, two-storey, 'David Wilson' detached family size dwelling, located to the north of Homeground, Emersons Green. Houses of a similar scale and design lie within Homeground whilst to the rear (north) and side (east) there are smaller detached dwellings that lie within Church Farm Road. The location is entirely residential in character.
- 1.2 It is proposed to erect an 'L' shaped single-storey extension to the rear of the house. The extension would provide a new family room and extended dining room. The family room element would project 4.0m to the rear and be 4.204m wide. The dining room element would only extend 1.705m to the rear and be 2.772m wide. The family room would have a gable end with a roof ridge set at 3.46m and eaves at 2.2m. The dining room element would have a mono-pitch roof with a maximum height of 3.291m and eaves also at 2.2m.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 - Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 - Design  
H4 - Proposals for Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Check List SPD (Adopted) 23<sup>rd</sup> August 2007.

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

- 3.1 P98/4283 - Erection of 32no. dwellings (reserved matters).  
Approved 16<sup>th</sup> Oct 1998

### **4. CONSULTATION RESPONSES**

- 4.1 Mangotsfield Rural Parish Council  
No objection
- 4.2 Other Consultees  
None

## **Other Representations**

### 4.3 Local Residents

4no responses were received, all objecting to the proposal. The concerns raised are summarised as follows:

- Loss of outlook for occupants of nos. 103, 105 and 107 Church Farm Road.
- Overbearing impact on nos. 107 and 105 Church Farm Road.
- Overshadowing and loss of sunlight to gardens of nos. 107, 105 and 103 Church Farm Road.
- Loss of house values.
- There is a restrictive covenant on the property.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy D1 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006 seeks to secure good standards of design in new development. Policy H4 permits extensions to new dwellings subject to criteria that are discussed below.

### 5.2 Scale and Design

The proposed extension would be single-storey only and would therefore be subservient to the existing dwelling. Given the size of the property, which is detached, the scale of the proposed extension is considered to be appropriate. The gable ended form with low roof pitches would integrate adequately within the existing built form. Furthermore the materials to be used in construction i.e. brick and tiles with PVCu framed doors and windows, all to match those of the existing house, are acceptable. Being to the rear of the property, the proposal would not be visible within the street scene. The scale and design are therefore acceptable.

### 5.3 Impact Upon Residential Amenity

Given that the existing rear garden to no.7 is large and the extension would replace an existing conservatory, adequate private amenity space would be retained to serve this family sized dwelling. The rear garden is entirely enclosed by 1.8m solid wood panel fencing, which provides adequate screening at ground level. Velux roof-lights are proposed for the eastern and western roof slopes of the family room but as these would be high-level windows, they would not result in loss of privacy from overlooking of neighbouring property.

5.4 Concerns have been raised about loss of outlook for neighbouring property as well as overbearing impact and overshadowing of neighbouring gardens. The gardens to nos. 107, 105 and 103 Church Farm Road are orientated at right angles to that of no.7 Homeground. The bottom end of the garden to no.105 lies almost entirely adjacent to the side elevation of no.7 Homeground, where the amount of sunlight received is already restricted.

- 5.5 Whilst there is no right to a view, the impact of the scheme on visual amenity is a material consideration. This matter has already been addressed under paragraph 5.2. In assessing the overbearing impact issue officers must consider the overall mass, height and proximity of the extension to neighbouring property.
- 5.6 The extension is single-storey only and although having a solid flank wall on the eastern side, this would be set back 1 metre from the boundary with the neighbouring gardens. Despite being 4m long the eaves level of 2.2m of the proposed family room is not excessive; given that there is a 1.8m high close board fence on the boundary the flank wall would not be projecting very far above this fence. Furthermore the proposed roof slopes of 22.5 degrees are suitably low, thus reducing the impact of the extension. On balance therefore the extension would not have a significantly overbearing impact on neighbouring property.
- 5.7 Moving to the issue of overshadowing and loss of sunlight for neighbouring property. Officers have noted that the gardens to nos.107, 105 & 103 Church Farm Road lie at right angles to the application site and would be the gardens most affected by the proposal. There is a conservatory to the rear of neighbouring no.5 Homeground, which projects 4.4m to the rear within 1m of the boundary of no.7. Since there is an offset between the two properties, the conservatory only projects 3.2m beyond the rear elevation of no.7. The proposed extension would be set well clear of the conservatory with the larger Family Room element set a full 8.8m from the side of the conservatory with the smaller extended dining room 6m away. Given the presence of a 1.8m high boundary fence between the respective properties, the proposed extension would not result in significant overshadowing of no.5.
- 5.8 The gardens to nos. 107, 105 and 103 Church Farm Road lie immediately to the east of the application site, where the main element of the proposed extension would be located within 1m of the boundary fence. The proposed extension would be flush with the side elevation of no.7 Homeground and extend 4m beyond the rear elevation on the eastern boundary. As stated in paragraph 5.6 the extension is not considered to be excessive in scale or height. Any overshadowing of neighbouring gardens would be late in the day when the sun sets in the west. Officers have viewed the application site from the garden of no.107 and concluded that the degree of overshadowing would not be justification for the refusal of planning permission.
- 5.9 In reaching the above conclusion, officers have been mindful that under current permitted development rights, a single-storey rear extension up to 4m deep and 4m high could normally be built, but eaves must be less than 3m high within 2m of the boundary. In effect the government considers that an extension of the dimensions proposed is acceptable, even within 1m of the site boundary.
- 5.10 In this instance the only reason that the proposal requires planning permission is because condition 7 of the original reserved matters consent (P98/4283) withdrew the permitted development rights for extensions. The reason for this was to allow the Local Authority, given the size of the plots, the opportunity for further detailed consideration in order to safeguard the amenities of the area.

5.11 Transportation Issues

As the proposed extension would have no impact upon the existing access and parking arrangements, there are no transportation objections.

5.12 Other Concerns Raised

Of the concerns raised that have not been addressed above; the impact of development on house values is not in fact a material consideration in the determination of planning applications. Furthermore, restrictive covenants are legal matters that are not administered through the planning act.

5.13 Use of Energy and Sustainability

None

5.14 Improvements Achieved to the Scheme

None

5.15 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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

**7. RECOMMENDATION**

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

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

**CONDITIONS**

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

Reason

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

2. 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.

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

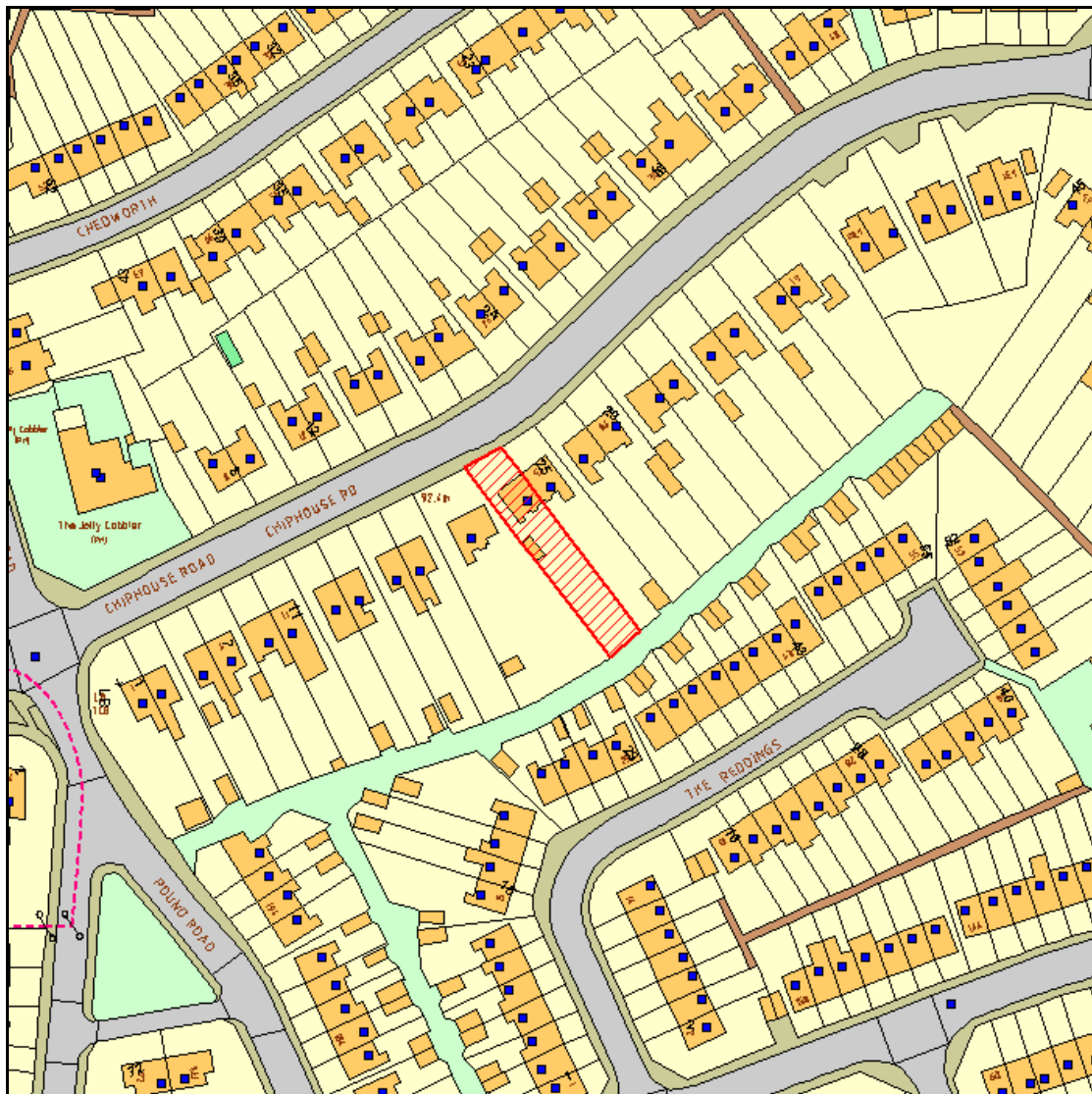
Reason

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

# ITEM 5

## CIRCULATED SCHEDULE NO. 35/09 – 4 SEPTEMBER 2009

<b>App No.:</b>	PK09/1319/F	<b>Applicant:</b>	Mr S Buck
<b>Site:</b>	23 Chiphouse Road Kingswood South Gloucestershire BS15 4TR	<b>Date Reg:</b>	16th July 2009
<b>Proposal:</b>	Erection of self contained single storey annexe with access ancillary to main residence.	<b>Parish:</b>	None
<b>Map Ref:</b>	3655650 1749790	<b>Ward:</b>	Rodway
<b>Application Category:</b>	Householder	<b>Target Date:</b>	16th September 2009



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100023410, 2008.

**N.T.S.**

**PK09/1319/F**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The application site forms part of the rear garden of no. 23 Chiphouse Road, Kingswood. The property is a two-storey, semi-detached house with dormer windows to the side and rear. There is an extensive area of hard-standing to the front of the house. The location is residential and suburban in character. Most of the houses in Chiphouse Road are semi-detached, family sized dwellings with large rear gardens. The gardens slope gently down to a private access lane to the rear. The lane is hard-surfaced and serves a variety of garages located to the rear of properties in Chiphouse Road, Pound Road and The Reddings.
- 1.2 The rear garden of no.23 is fairly well screened by a variety of vegetation that grows within the site and the neighbouring gardens. Also located at the bottom of the garden of no.23 is a single storey outbuilding, constructed of concrete block with a mono-pitch tiled roof.
- 1.3 It is proposed to demolish the existing outbuilding and erect a detached residential annexe at the bottom of the rear garden of no.23. The annexe is required to house the applicant's elderly mother. As an annexe, the principal pedestrian and vehicular access would be from the existing access off Chiphouse Road but it is also proposed to introduce a secondary vehicular access from the private lane to the rear, which would serve a single parking space next to the annexe.
- 1.4 A previous application PK08/2063/F for a bungalow of similar proportions and siting was refused for the three reasons listed in para. 3.3 below.

### **2. POLICY CONTEXT**

- 2.1 Joint Replacement Structure Plan
  - Policy 1 - Principles
  - Policy 2 - Location of Development
  - Policy 17 - Landscape
  - Policy 33 - Housing Provision and Distribution
- 2.2 South Gloucestershire Local Plan (Adopted) 6th January 2006
  - D1 - Design
  - L1 - Landscape Protection and Enhancement
  - L5 - Open areas
  - L9 - Species Protection.
  - L17 & L18 - The Water Environment
  - EP1 - Environmental Pollution
  - EP2 - Flood Risk and Development
  - EP7 - Unstable Land
  - H4 - Development within Existing Residential Curtilages
  - H6 - Affordable Housing

- T7 - Cycle Parking Provision
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (SPD) adopted 23<sup>rd</sup> August 2007  
Trees on Development Sites Adopted November 2005.

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

- 3.1 PK02/0329/F - Dormer extensions to side and rear of existing hipped roof to provide extra living space.  
Refused 25 March 2002
- 3.2 PK02/2256/F - Dormer extensions to side and rear of existing hipped roof to provide extra living space.  
Approved 3<sup>rd</sup> Sept 2002.
- 3.3 PK08/2063/F - Erection of 1no. detached bungalow with associated works.  
Refused 8 Sept 2008 for the following reasons:

1. The proposal is a piecemeal form of back-land development with no proper road frontage and with access from a narrow lane, furthermore the density of development i.e 76.9 d.p.h. would be excessive. The development would therefore not be compatible with the sites location, its accessibility or its surroundings, which would be contrary to criterion B of Policy H2 of the South Gloucestershire Local Plan and the requirements of Planning Policy Statement 3 - 'Housing'.

2. The site of the proposed development is restricted in size and the development of the land as proposed, would result in a cramped form of development, which by reason of its lack of amenity space and poor outlook, would be to the detriment of the amenities of the future occupiers of the dwelling proposed; which would be contrary to Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. The proposed access is considered to be unsuitable for use as a primary access as it is narrow, unlit and has restricted visibility onto Pound Road. Due to the narrow nature and limited turning area within the lane, it is also unsuitable for use by service and delivery vehicles. If allowed, the development would increase the risk of potential vehicle and pedestrian conflict; this would be detrimental to highway safety and therefore contrary to Policies T12, D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

### **4. CONSULTATION RESPONSES**

- 4.1 Parish Council  
Not a parished area.
- 4.2 Other Consultees  
None



## **Other Representations**

### 4.3 Local Residents

12no. letters/e-mails of objection were received from local residents. The concerns raised are summarised as follows:

- Additional traffic movements on private lane.
- Inappropriate siting would result in adverse impact on visual amenity.
- The lane to the rear is private – no right of access.
- Unsuitable access for construction vehicles.
- Set precedent for construction of dwellings in similar positions.
- Bats roost in the tree to be felled.
- Increased noise from extra traffic in lane.
- Poor access for emergency and delivery vehicles.
- Disruption during building phase.
- Cramped form of development.
- Poor outlook for future occupiers.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The site lies within the Urban Area and being residential curtilage, is previously developed land and can therefore be assessed as a brownfield site. There is therefore no in-principle objection to the development of the site for residential use.

5.2 A previous application PK08/2063/F for a detached bungalow on this site, with access from the private lane to the rear, was refused for the reasons listed in para.3.3. The current proposal is for a residential 'granny' annexe only. The key difference between this application and the previously refused application is that the annexe would not be a separate unit of residential accommodation but would be tied to the main house and used ancillary to the enjoyment of the existing dwelling; as such the facilities within the site would be shared. In order to occupy the annexe as a separate unit of accommodation, a separate planning permission would be required.

5.3 Government advice contained in PPS3 – 'Housing' supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes. Policy H4 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006, permits development subject to a number of criteria that are discussed below.

### 5.4 Scale and Design

The proposed annexe would be an 'L' shaped building, modest in scale, being single-storey and measuring a maximum of 3.9m to ridge height and 2.9m to eaves, when viewed from the lane to the rear of the site. The asymmetrical roof slopes would have a very low angle of pitch. The scale of the building would not be dissimilar to some of the larger garages situated along the private lane.

Furthermore the materials to be used in construction i.e. painted rendered wall with terracotta double roman roof tiles, would be sufficiently in-keeping.

5.5 As an annexe to the main dwelling the proposed building would be read as an outbuilding, much as the building that it would replace is and would not therefore require its own street frontage. The building would not therefore look out of place amongst the numerous garages and outbuildings located at the ends of neighbouring gardens and served by the private access lane.

5.6 Transportation Issues

The existing vehicular and pedestrian access to no.23 is directly from Chiphouse Road. A large area of hard-standing to the front of the house can already accommodate 3no. cars. The private lane to the rear of the site is accessed from Pound Road. The lane is unadopted and as such is narrow and unlit with very little opportunity for vehicles to pass or turn along its length. The lane is also considered to be unsuitable for pedestrians as well as service and delivery vehicles.

5.7 The lane is in private ownership but the applicant has submitted evidence to suggest that he does have legal right of access over the lane. Local residents have submitted that this is not the case, however this is a civil matter, the resolution of which does not fall within planning control and is therefore not a material consideration in the determination of this planning application.

5.8 The proposed parking space to the side of the annexe would be accessed from the private lane. Officers are satisfied that the parking space would allow sufficient room to allow the car to access and egress the lane (from Pound Road) in forward gear. The proposed security gates would open within the site and would not obstruct the lane. This arrangement would be very similar to the numerous garages that are served by the lane. This would not be a primary access to the site and furthermore officers are mindful of the fact that an area of hard-standing could be laid in this position under permitted development rights.

5.9 There would be pedestrian access to the annexe to the side of the main house. Waste could be collected from the Chiphouse Road access and fire appliance hoses could also reach the annexe from Chiphouse Road.

5.10 Having considered all of the above, officers are satisfied that an objection on highway grounds could not in this instance be justified. Even if the applicant does not have legal right of way over the lane, there would be sufficient parking provision to the front of the main house.

5.11 Impact on Residential Amenity

The development would be introduced into what was previously a tranquil garden environment. Nevertheless, due to the large size of the garden areas of the properties on Chiphouse Road, the enclosed nature of the site and the small size of the proposed annexe, the level of disturbance likely to be experienced by adjoining occupiers would not have a significant adverse impact on residential amenity.

5.11 Vehicular traffic would not pass through the site. The principal access to the site would remain from Chiphouse Road but there would be a secondary vehicular access only via the private lane to the rear; this would be a very similar situation to the numerous garages located along the lane. Only one parking space would be provided next to the annexe so any additional traffic disturbance along the lane would be minimal.

5.12 The annexe would be situated some 23m to 25m from the rear elevations of the nearest properties on Chiphouse Road, which would be an acceptable distance. Only high level velux windows are proposed for the roof slopes. High boundary fences would be introduced to ensure adequate screening at ground floor level. There would now be no windows in the south-eastern facing rear elevations, the principle living room window would face into the garden of no.23. It is proposed to obscurely glaze the side bedroom window.

5.14 Since the building would now only be occupied as an annexe, the future occupant would have full access to the garden of no.23 and as an elderly relative would no doubt spend time within the main house as well.

5.15 On balance therefore there would be no significant adverse impact on residential amenity.

5.16 Ecology

It has been suggested that the Fir tree on the site is a bat roost. The Council's Ecologist considers this most unlikely, bats are however likely to be feeding on the insects that congregate around the tree. It is possible however that the bats could be roosting under the roof tiles of the existing outbuilding or even within the building itself. Bats are a protected species and this is covered by legislation other than the planning system. In the event of planning permission being approved however, a condition would require the site to be assessed by an Ecologist for the presence of bats. Should a bat roost be found, appropriate measures in mitigation would need to be secured prior to any development taking place.

5.17 Landscape Issues

There is a good deal of vegetation on and around the site, none of which is protected by Tree Preservation Order. The scheme would involve the loss of some of this vegetation but this would be mitigated for by the proposed soft landscaping. There are therefore no landscape objections to the proposal.

5.18 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 imposing a condition to limit the hours of construction. There are therefore no objections on environmental grounds. In terms of drainage the Council's Drainage Engineer raises no objection to the proposal. A condition would however be required to secure the submission of a full drainage scheme and mining report for approval before development could commence.

5.19 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.20 Use of Energy and Sustainability

Condition to secure a SUDS drainage scheme.

5.21 Improvements Achieved to the Scheme

None

5.22 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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

**7. RECOMMENDATION**

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

**Contact Officer: Roger Hemming**

**Tel. No. 01454 863537**

**CONDITIONS**

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

Reason

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

2. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 23 Chiphouse Road, Kingswood, South Gloucestershire BS15 4TR.

Reason

The site is cramped and an additional dwelling in this location would have no street frontage and would result in excessive density of development to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Reason

The access would be unsuitable for use as a primary access to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

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

Reason

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

4. 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 EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

6. The hours of working on the site for the period of construction of the development hereby approved, shall be restricted to 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday 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. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority in respect of measures to:
- (i) Identify, through site survey, of protected wildlife species (in particular Bats) and/or their habitat at present (as designated under the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992).
  - (ii) Protection, as required, of wildlife species, and/or their habitat referred to under (i) above and as identified through the site survey. The approved measures shall be implemented in full unless the Local Planning Authority gives written consent to any variation.

Reason

To accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

9. 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 [other than those expressly authorised by this permission] shall be constructed.

Reason

To protect neighbouring residential amenity in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

# ITEM 6

## CIRCULATED SCHEDULE NO. 35/09 – 4 SEPTEMBER 2009

<b>App No.:</b>	PK09/1360/F	<b>Applicant:</b>	Mr S Davies
<b>Site:</b>	Land Adjacent To 16 Fisher Avenue Kingswood Bristol South Gloucestershire BS15 4RH	<b>Date Reg:</b>	24th July 2009
<b>Proposal:</b>	Erection of 1no. detached dwelling with access and associated works.	<b>Parish:</b>	None
<b>Map Ref:</b>	366191 174343	<b>Ward:</b>	Kings Chase
<b>Application Category:</b>	Minor	<b>Target Date:</b>	15th September 2009



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**N.T.S.**

**PK09/1360/F**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission to erect a detached bungalow within an existing residential curtilage of No. 16 Fisher Avenue, Kingswood. The bungalow would measure 8 metres by 10 metres and it would be approximately 4.5 metres to its ridge. The proposed bungalow would have two bedrooms and an off street parking space to the rear via an existing access lane. The existing residential curtilage would also be divided to provide each of the existing and proposed dwellings with a garden.
- 1.2 No 16 Fisher Avenue is a two-storey semi-detached dwelling surrounding by dwellings of similar scale and design and is situated at the end of cul-de-sac. The land is currently used a domestic garden and there is an existing parking space at the rear of property via an access lane.

### **POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS3 Housing

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
L17 & L18	The Water Environment
EP1	Environmental Pollution
H2	Proposals for residential development within the Existing Urban Area and Defined Settlement Boundary
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

- 2.3 Supplementary Planning Guidance  
Design Checklist

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

- 3.1 P82/4190 (K3942) Erection of two storey side extension. Approved 17.05.82
- 3.2 PK04/2219/O Erection of 1 no. dwelling (outline) with siting to be determined. All other matters to be reserved. Refused 17.08.04



- 3.3 PK05/0338/O Erection of 1 no. bungalow (outline) with siting to be determined. All other matters to be reserved (Resubmission of PK04/2219/O)

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

- 4.1 Parish/Town Council  
The site does not fall within any parished area
- 4.2 Sustainable Transport  
No objection
- 4.3 Council Street Care – Drainage  
No objection
- 4.4 Council Environmental Services  
No objection

#### **Other Representations**

- 4.3 Local Residents  
Five letters of objection have been received, and the local residents raised the following concerns:
- The proposal will restrict access and disturb the visibility as there is no turning area / point
  - Adverse impact upon the outlook
  - Loss of privacy
  - Duct, noise disturbance
  - There is no turning space within the site, any vehicles will need to reverse out onto neighbour's hardstanding in order to drive up the lane.
  - The site is not large enough to accommodate a dwelling
  - Highway safety issues as the access lane is frequently used by different group of people, including mothers with pushchairs, young children, the elderly, etc.
  - The access lane is poor condition, more cars and lorries (including delivering lorries) would damage it even further

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

- 5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) allows for development within existing residential curtilages, including new dwellings, subject to there being no adverse impact on the existing visual and residential amenities and highway safety within the immediate area. Therefore subject to these constraints, the proposal is considered acceptable in principle.
- 5.2 Density  
PPS3 seeks to avoid development, which makes an inefficient use of land and indicates that a national indicative minimum density of 30 dwellings per hectare

should be used and whilst not prescribing any maximum figure the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account. The proposal equates to 46 dwellings per hectare. Officers therefore consider that the proposal would represent the most efficient use of the land.

### 5.3 Design/Visual Amenity

The proposed dwelling would occupy a plot with a narrow frontage on the outside of a corner of Fisher Avenue. The adjacent property, No. 18 has a two-storey side extension.

The proposed dwelling would be single storey and set back from the existing building line followed by No.16 Fisher Avenue approximately 3 metres. It is acknowledged that the surrounding dwellings are two storey and that a single storey dwelling set well back from the existing building line does not sit comfortably with the character of the area. However this must be considered against the visual impact of the development and the requirement of PPG3 to maximise the re-use of previously developed land. No. 16 Fisher Avenue benefits from a reasonable rear and side garden and the proposal would make the best use of urban land. The dwelling would have a width of 10 metres and a length of 8 metres. The low roof height would help to mitigate the impact of the development. The proposal is not back land development as the dwelling does have a pedestrian frontage onto Fisher Avenue and a vehicular access via rear access lane. Therefore the siting of the new bungalow would echo that of the adjacent properties No. 10 - 16 Fisher Avenue (even no.)

The proposed dwelling would be constructed of brickworks and render under a concrete double roman tile roof. It is not considered that the proposed new dwelling would appear to be visually incongruous in the street scene. As such, there are no objections to the dwelling as proposed.

### 5.4 Residential Amenity

The proposed new bungalow would be set back from the existing building line by 3 metres and would be set in from the boundary line with No. 18 by 1 metre. The rear building line of the bungalow would project beyond the rear building line of No.16 by approximately 3.5 metres.

In this arrangement, there is no habitable window on the north side elevation of the proposed bungalow. The existing dwelling, No. 16, also has no habitable window on its side elevation. Officers therefore consider that the bungalow would not cause significant loss of privacy or overbearing impact upon the existing dwelling, No. 16.

The bungalow would be approximately one metre from the boundary with No. 18 Fisher Avenue, which has a two storey side extension. There is no window on the first floor on the side elevation of this neighbouring property and the extension would be approximately 7 metres from the proposed bungalow, which would have no habitable window facing the extension. Officers therefore consider that the proposed bungalow would cause any significant loss of privacy or overbearing impact upon the existing dwelling, No. 18.

The proposed bungalow would be approximately 30 metres from the rear elevation of the neighbouring properties along Tenniscourt Road. Officers therefore consider that the bungalow would not cause any significant loss of privacy or overbearing impact upon the neighbouring properties.

Although it is acknowledged that the garden space provided for the existing dwelling would be small in area, officers consider that there would be sufficient garden space. It is also considered that there would be sufficient garden space provided to serve the proposed dwelling. Subject to the attachment of relevant conditions, it is not considered that the proposed new dwelling will have any detrimental impact on the amenities of the surrounding occupiers.

A concern is also raised with regard to levels of noise disturbance and dust. As the site is currently used as a domestic garden and is located within a primary residential area of Kingswood, it is considered that the site is not subject to any unacceptable levels of disturbance or nuisance. Nevertheless a planning condition is imposed to ensure that the construction of the development would be carried out within a period of time of the day in order to minimise any disturbance to the neighbouring properties.

Local residents also raised concerns with regard to anti-social behaviours around the site. As the anti-behaviours would be controlled by separate legislations and would not be controlled by planning legislation, officers do not consider that it would be the reason to warrant a refusal of this application.

#### 5.5 Highway Safety

Planning permission is sought to erect a two-bed single storey dwelling on land adjacent to No 16 Fisher Avenue.

The site has an existing vehicular access and parking off the access lane to the rear of the site. This access will provide two vehicular parking spaces for the existing dwelling and will be extended to provide an additional parking space for the new dwelling. This level of parking is within the maximum standards set out in Policy T8 of the adopted Local Plan and is therefore considered acceptable.

Pedestrian access to both the existing and new dwellings will be provided off Fisher Avenue.

No detail has been submitted on cycle storage. One space for each dwelling needs to be provided in a secure, covered and overlooked position.

Subject to the following conditions, there is no transportation objection to this proposal.

#### 5.6 Trees

There are existing trees, hedges and vegetation within the site and they are not protected by a Tree Preservation Order, and part of the hedges would be removed to provide a pedestrian entrance to the bungalow. Officers have no objection to its removal.

Local residents state that existing trees along the boundary of Made-for-Ever Youth Centre provide a noise barrier and visual screen. As these trees are not protected by a Tree Preservation Order and it also appears to be outside the application site, it is therefore considered that there would be unreasonable to impose any condition to retain these trees.

5.7 Provision for education, leisure, recreation and other community facilities

With regard to the provision of above facilities, the proposal is for 1 dwelling only, and it would be below the Council threshold for requesting contributions.

5.8 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.9 Use of Energy and Sustainability

No information provided.

5.10 Improvements Achieved to the Scheme

Not required.

5.11 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## 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 planning permission be granted subject to the following conditions.

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

## **CONDITIONS**

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

### Reason

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

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

3. The vehicular access and parking shall be finished with a permeable bound surface and be satisfactorily maintained as such.

### Reason

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

4. The vehicular parking for the new dwelling shall be provided prior to its occupation.

### Reason

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

5. Detail of the required cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be provided prior to occupation of the new dwelling hereby approved.

### Reason

To encourage means of transportation other than the private car, to accord with Policies T7 and 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 7.30 - 18.00 Mondays to Friday, 08.00 - 13.00 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 Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

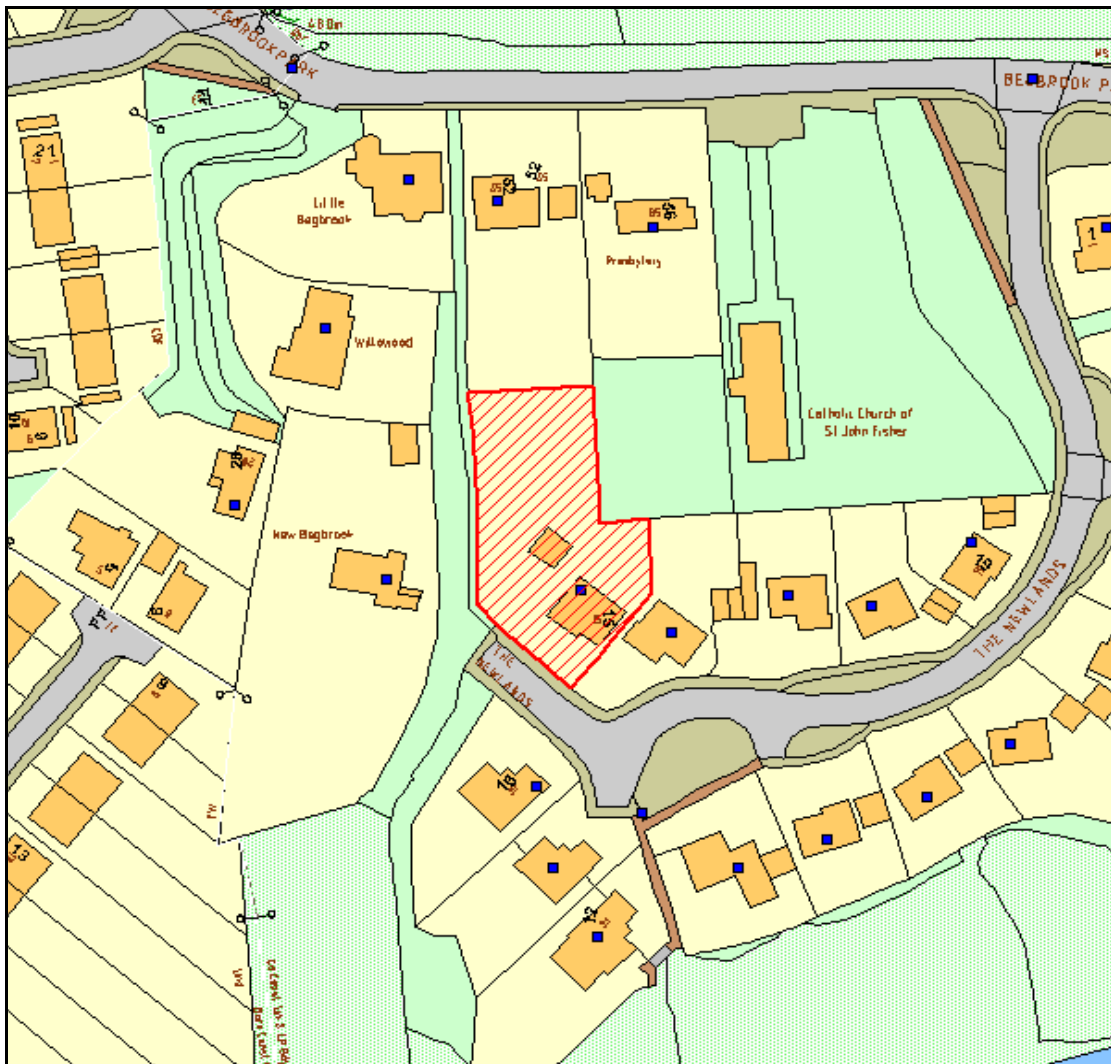
Reason

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

# ITEM 7

## CIRCULATED SCHEDULE NO. 35/09 – 4 SEPTEMBER 2009

<b>App No.:</b>	PT09/1169/F	<b>Applicant:</b>	Mrs M Eccles
<b>Site:</b>	15 The Newlands Frenchay South Gloucestershire BS16 1NQ	<b>Date Reg:</b>	24th June 2009
<b>Proposal:</b>	Erection of single storey side and rear extension to form additional living accommodation and granny annexe ancillary to main dwelling.	<b>Parish:</b>	Winterbourne
<b>Map Ref:</b>	3635060 1773700	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>	Householder	<b>Target Date:</b>	17th August 2009



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100023410, 2008. **N.T.S.** **PT09/1169/F**

## **INTRODUCTION**

The application appears on the Circulated Schedule in view of the comments that have been received with regards to the application details submitted.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the erection of a single-storey side extension to provide annexe accommodation and a single-storey rear addition to provide a study and enlarge the kitchen. The proposal would also provide for a rear conservatory.
- 1.2 The application relates to a two-storey detached dwelling located within The Newlands cul-de-sac, Frenchay. The property is sited within the settlement boundary and the Frenchay Conservation Area.
- 1.3 Amended plans form part of this application allowing minor alterations to the fenestration and roof of the proposal.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development  
PPG15: Planning and the Historic Environment
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design in New Development  
H4: Development within Residential Curtilages  
L12: Conservation Areas  
T12: Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)  
Frenchay Conservation Area

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

- 3.1 P99/1120: Erection of one dwelling. Refused: 5 March 1999

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection
- 4.2 Other Consultees  
Conservation Officer: objection



## **Other Representations**

### 4.3 Summary of Local Residents Comments received

One letter received expressing the following concerns:

- o There has been a mistake on the application form regarding ownership with the occupier owning half the property and the other held in trust;
- o The beneficiaries of the trust do not object to the planning application provided the trust share of the property is sold at terms unanimously agreed before building work commences.

4.4 In response, the agent has amended the application details and the application process has been restarted with this including an additional consultation period. Matters related to the sale of the property do not comprise a material planning consideration.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Planning policy H4 allows for the principle of residential development subject to considerations of design, residential amenity and highway safety. Where development is potentially capable of separate occupation (e.g. an annexe), but lacks an acceptable level of parking/ private amenity space, a condition will be added to ensure that the development is only used for ancillary purposes to the main dwelling.

5.2 Policy L12 details that development within or affecting a Conservation Area will only be permitted where it would either preserve or enhance the character or appearance of the Conservation Area.

### 5.3 Design/ Visual Amenity

The application relates to a two-storey detached dwelling contained within a cul-de-sac of modern residential development. Properties within The Newlands appear of the same age and character although are of differing design.

5.4 The application site benefits from an uncharacteristically large garden that is wider and deeper than that associated with many other neighbouring dwellings. The property is set into a hillside with land falling in a southerly direction whilst the property benefits from a detached garage to its west side the flat roof of which is level with the rear garden area.

5.5 The application would allow the erection of single-storey side and rear extensions. The former would provide annexe accommodation to the west side of the property and extend to encompass the flat roofed garage. It would provide a dining/ living room and bathroom directly above the garage with a bedroom, kitchen and WC linking this to the dwelling; the entrance would be at the rear. This side extension would measure 7m in depth and extend 10m in

- width; a split pitched roof that would reflect the gabled design of the property would encompass it.
- 5.6 Extensions that would form part of the host dwelling would comprise a single-storey rear lean-to that would project 2.9m into the rear garden allowing a kitchen extension and study. Further, a conservatory would be added adjacent to the east flank boundary that would adjoin the study and project 3.6m into the rear garden.
- 5.7 In response, it is considered that the annexe would reflect the general design of the dwelling whilst by reason of its single-storey height and rear entrance would also appear subservient. The single-storey rear additions would not appear readily visible from public viewpoints. As such, there is no objection to the proposal on design/ visual grounds.
- 5.8 Impact on the Character of the Conservation Area  
The Councils Conservation Officer has suggested that the width of the extension might be reduced to appear more in proportion with the main house. Further, the fenestration initially proposed was considered to be poorly detailed whilst concerns have been raised in respect of the stepped roof.
- 5.9 In response, it is considered that a reduction in the width of the proposal would provide a somewhat disjointed design with only part of the existing garage then covered; nonetheless, on balance the proposal is considered acceptable in this respect given that it would appear subservient to the host dwelling set back from the front elevation and with the stepped roof providing a visual 'break' between the existing dwelling and the main part of the extension. Alterations have though been made to the fenestration with openings amended and the windows tucked in immediately below the new eaves as per those of the host dwelling. This has necessitated a marginal change in roof pitch but has not altered its height.
- 5.10 For the above reasons, this current proposal is on balance considered to be acceptable with the proposal considered to preserve the appearance of the Conservation Area. As such, it is considered that any associated refusal reason in respect of its impact on the Conservation Area would be very unlikely to prove sustainable.
- 5.11 Residential Amenity  
The dwelling sits at the far end of the cul-de-sac and is devoid of any directly adjoining neighbours to its west side with a public footpath running along this boundary. It also benefits from a lengthy enclosed rear garden with that property behind at an appreciable distance from the proposals.
- 5.12 The neighbouring dwelling to the east stands alongside the property and is sat slightly further back and with two side windows overlooking the applicant's rear garden. These windows are positioned one above the other with views from the ground floor partly obscured by a 1.8m high (approx.) close-boarded boundary fence and some planting.

- 5.13 The proposed rear conservatory would extend to within close proximity of this window. Nevertheless, this window is understood to comprise a secondary living room window (with a bedroom window above) whilst in view of their position these already overlook the application site. As such, it is not considered that permission could be reasonably withheld on this basis with no significant adverse impact in residential amenity caused.
- 5.14 All other neighbouring dwellings stand at an appreciable distance from the site of the proposals. As such, and in view of the nature of the works, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.15 Design and Access Statement  
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document
- 5.16 Section 106 Requirements  
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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

## 7. RECOMMENDATION

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

**Contact Officer: Peter Burridge**  
**Tel. No. 01454 865262**

## **CONDITIONS**

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

Reason:

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

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

Reason:

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

3. The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 15 The Newlands.

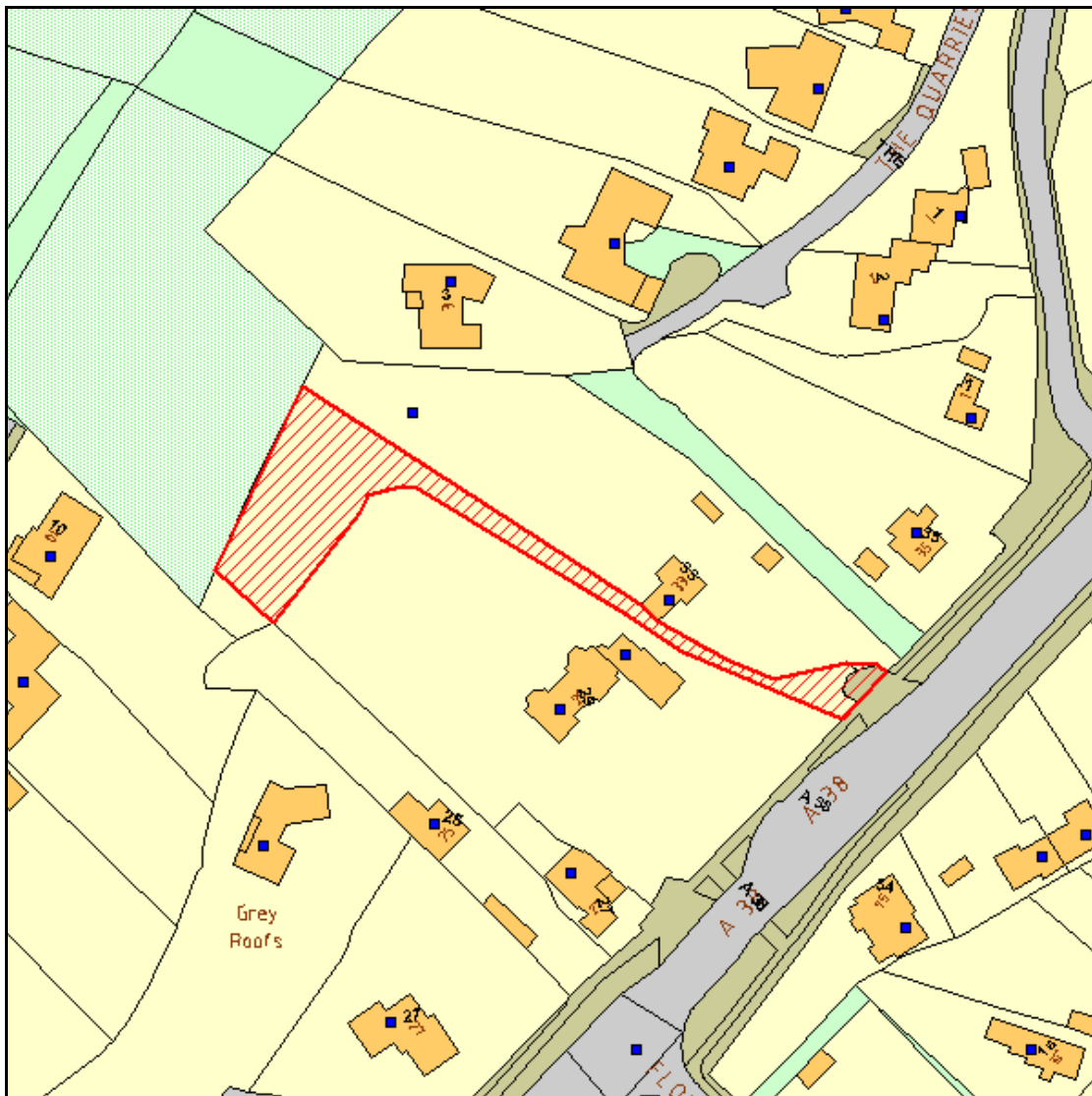
Reason:

To accord with Planning Policies H4, L12 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.

# ITEM 8

## CIRCULATED SCHEDULE NO. 35/09 – 4 SEPTEMBER 2009

<b>App No.:</b>	PT09/1349/F	<b>Applicant:</b>	Mr D Day
<b>Site:</b>	31 Severnridge Gloucester Road Almondsbury South Gloucestershire BS32 4HH	<b>Date Reg:</b>	22nd July 2009
<b>Proposal:</b>	Erection of 3 no. detached houses and creation of new vehicular access.	<b>Parish:</b>	Almondsbury
<b>Map Ref:</b>	3609560 1844390	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th September 2009



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## 1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of three two-storey detached dwellings.
- 1.2 The application relates to the rear garden of 29 and 31 Gloucester Road, Almondsbury. The site is located just within the settlement boundary with this running along the rear site boundary. The site and surrounding area is washed over by the Green Belt.
- 1.3 The application forms a resubmission of two previous applications with the first (PT08/2753/F) withdrawn and the second submission (PT09/1349/F) refused for the following four reasons:
  - o The proposed site access is substandard in terms of: width, radii and proximity between a bus stop and a neighbouring access whilst the additional traffic associated with this development would lead to increased hazards on the A38 when opposing vehicles use the access. The narrow access road would also result in conflict between pedestrians and vehicles within the site. Accordingly, the proposal is considered to be contrary to Planning Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.
  - o The proposed development does not incorporate adequate turning or manoeuvring facilities to enable service vehicle to enter and leave the highway in a forward gear, which is essential to highway safety whilst the car parking facilities are of a sub-standard design which would be likely to lead to discriminate parking and problems of congestion within the site. Accordingly, the proposal is considered to be contrary to Planning Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.
  - o Insufficient information has been provided in respect of the necessary ground protection works around the protected Oak Tree to the front of the application site to ensure its long term viability in accordance with BS5837:2005. The proposal is therefore considered to be contrary to Planning Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.
  - o Insufficient information has been submitted in respect of the installation of appropriate ground protection measures to safeguard the woodland area to the rear of the application site in accordance with BS5837:2005. The

proposal is therefore considered to be contrary to Planning Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.

- 1.4 An amended plan forms part of this application which has been submitted to show the amended root protection details around the protected Oak tree in the front garden of the application site.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

PPS1: Delivering Sustainable Development  
PPG2: Green Belt  
PPS3: Housing  
PPS9: Biodiversity and Geological Conservation  
PPG13: Transport  
PPG14: Development on Unstable Land

### **2.2 Development Plans**

South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design in New Development  
GB1: Development within the Green Belt  
H2: Residential Development  
H4: Development within Residential Curtilages  
T8: Parking Standards  
T12: Transportation Dev. Control Policy for New Development  
L1: Landscape Protection and Enhancement  
L8: Sites of Regional and Local Nature Conservation Interest  
L9: Species Protection  
L18: The Water Environment

### **2.3 Supplementary Planning Guidance**

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

## **3. RELEVANT PLANNING HISTORY**

- 3.1 N8897: Conversion of two existing dwellings to form elderly persons home. Permitted: 20 October 1983
- 3.2 P84/2350: Conversion of existing garage to form kitchenette, WC and store with lounge over; formation of three bedrooms and shower room in existing roof space. Permitted: 5 December 1984
- 3.3 P85/1027: Alteration and extension to existing dwelling to form dining room, playroom, toilet, utility room and lobby on the ground floor with two bedrooms and a toilet in the roof space. Permitted: 24 April 1985

- 3.4 P86/1291: Change of use of dwelling to use as a semi residential conference centre. Refused: 23 April 1986
- 3.5 P89/1535: Erection of two detached dwellings and garages. Refused: 11 May 1988
- 3.6 P89/2031: Erection of detached dwelling and garage. Refused: 13 July 1989
- 3.7 P90/1524: Erection of detached bungalow and garage. Refused: 16 May 1990
- 3.8 P90/2831: Change of use of premises from two semi-detached dwellings to elderly persons dwelling. Permitted: 14 January 1991
- 3.9 P93/1384: Change of use of part first floor to offices. Permitted: 16 June 1993
- 3.10 P95/1753: Use of first floor from residential to offices. Permitted: 14 July 1995
- 3.11 P97/1745: Conversion of garage to form annex. Permitted: 15 July 1997
- 3.12 P97/2128: Change of use of first floor to offices. Permitted: 24 October 1997
- 3.13 PT01/0155/F: Side porch and utility extension. Permitted: 27 February 2001
- 3.14 PT02/2307/F: Raising and levelling of garden. Permitted: 2 September 2002
- 3.15 PT08/2753/F: Three detached dwellings. Withdrawn: 12 November 2008
- 3.16 PT09/0473/F: Erection of three detached dwellings and associated works. Refused: 11 May 2009

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

4.1 Almondsbury Parish Council  
No comments received

4.2 Other Consultees  
Highways DC: no objection subject to condition  
Landscape Officer: no objection subject to condition  
Urban Design Officer: no objection  
Tree Officer: no objection subject to conditions  
Ecology Officer: no objection subject to conditions/ informatives  
Environmental Services: no objection in principle  
Technical Street Care (Drainage): no objection in principle

#### **Other Representations**

4.3 Summary of Local Residents Comments:  
Five letters received expressing the following concerns:

- o All concerns raised in respect of the last applications remain;



- o The first application was withdrawn on the basis that the access was unsuitable and the second refused on the same grounds- nothing has been done to ease the volume of traffic & potential dangers to the bus stop, pull in and pedestrian crossing;
- o Fears are expressed regards the pumping of sewerage up to the main sewer and the high level of rainwater running from the development;
- o The woodland report does not mention the disruption caused during construction;
- o The buildings are too close to the woodland behind maximising the applicant's site by using part of this adjoining land for visual amenity;
- o The height of the buildings, with the roof terraces (and given the site topography) will create a serious problem of overlooking onto the land behind;
- o The proposals will be very high and visually intrusive when viewed from the woodland;
- o The trees within the woodland are deciduous thus allowing views of the houses when not in leaf;
- o The proposals will require a significant amount of excavation and there have been no reports advising that this level of excavation will not adversely affect the land behind;
- o The proposal comprises over development within a washed over green belt area;
- o The development would bring a large number of extra vehicles (two minimum per property) exiting onto an already very busy road at a point where school children use a very busy bus stop;
- o There has been huge development already in Almondsbury including at Hortham where many houses remain unsold- there are no grounds for further residential development;
- o Levelling of the garden (PT02/2307/F) allowed the neighbouring garden to be completely overlooked (over the 6ft boundary fence)- this will be made even worse by the new development;
- o The proposal is unsuitable for reasons related to:
  - Layout and density of buildings;
  - Design, visual appearance and landscaping;
  - Overlooking boundary fence and loss of privacy;
- o There are already more than enough cars coming in and out of the property with part of it used for business purposes- the proposal could result in eight or more additional cars;
- o Over recent years many shrubs and hedges have been stripped out which has increased wind and motorway noise and opened up views to previously unseen properties;
- o A beautiful Chestnut tree has been recently removed;
- o If approved, the existing boundary fence (with 25 Gloucester Road) should be increased in height;

- o There is little difference in highway terms with entry/ exit in the same position and with the pavement crossed and the road accessed at a dangerous stretch along the highway.
- o Writers of one letter would be prepared to withdraw their objection if:
  - The buildings are moved back from the woodland 5m to reduce their visual impact and overlooking;
  - A condition is applied to any permission requiring a 2m high solid boundary fence to prevent builders waste spilling into the woodland and to limit views from the proposal.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Planning policies H2 and GB1 advise that proposals for residential development within the boundaries of settlements washed over by the Green Belt will be restricted to infilling. To this extent, the supporting text to policy H2 cites that *'in settlements washed over by the Green Belt, development will be restricted to infilling i.e. the filling of small gaps within built development, where it does not significantly impinge upon the openness of the Green Belt'*.

5.2 Further, planning policies H2 and H4 advise that proposals for new residential development will be permitted subject to considerations of design, residential amenity and highway safety. The maximum density compatible with the site, its location, its accessibility and its surroundings should also be achieved.

5.3 Planning policy T12 advises that development will only be permitted (in terms of transportation) where (here considered relevant) it provides safe access and is capable of accommodating traffic that generated by the proposal. It should not unacceptably exacerbate traffic congestion or generate traffic that would have an unacceptable impact on residential amenity or environmentally sensitive areas in terms of noise, vibration and air quality.

### 5.4 Design/ Visual Amenity

The application relates to the rear garden of 31 Gloucester Road, Rudgeway; a substantial two-storey dwelling fronting Gloucester Road that was originally built as one property but which was subdivided during the 1980's. This existing property retains the appearance of one dwelling (now two dwellings) with the front and rear gardens also devoid of any separating boundary treatments.

5.5 The application seeks full planning permission for three detached two-storey dwellings that would be located at the end of the large rear garden that serves these dwellings. It is noted that the design and positioning of the dwellings proposed remains similar to those shown as part of the previous application with no associated refusal reason in respect of design/ visual amenity considerations.

5.6 The existing garden has been previously levelled and now provides a large flat-grassed area but which falls steeply at the rear allowing extensive views across towards the River Severn from the existing dwelling. Although not physically

- divided, the application relates to that part of the garden now associated with 31 Gloucester Road with this 'L' shaped running and adjacent to the north boundary and the full width of the site at the rear.
- 5.7 The three dwellings would form four bedroom two-storey detached properties that would be cut into the hillside with their flat roofs level with the existing garden thus retaining the outlook from the existing dwelling.
  - 5.8 The site width allows the new dwellings to stand side by side; the Design & Access statement cites that dwellings along Gloucester Road are generally arranged in a linear fashion and set back from, but fronting the road behind which are a number of cul-de-sacs. These provide access to larger properties within large gardened sites that on this side of the road are set within sloping sites overlooking the Severn with these arranged in a broadly linear fashion responding to the topography of the slope. Given this context, the positioning of these dwellings in a linear fashion facing the Severn and its floodplain is considered to remain acceptable.
  - 5.9 As previously proposed, each of the dwellings would be of near identical design with a larger upper ground floor providing the living facilities above a smaller lower ground floor that would provide bedroom accommodation. The upper floor would incorporate a forward projecting single-storey garage with the lower level of accommodation restricted by the rising level of the slope.
  - 5.10 The rear (western) facade would be angled to reflect the site boundary and the natural topography of the site; this would provide a triangular shaped balcony to serve each of the rear facing living rooms with this extending above the lower ground floor bedrooms. Entrance to the units would be east facing albeit at a lower level to the host garden (avoiding views towards the existing property).
  - 5.11 Externally, as before, the units would be of contemporary design characterised by large areas of glazing to the rear, the strong horizontal lines created and the flat roofs. It is noted that the main alterations to this current scheme would omit the spiral staircase to the front of each unit (providing access to the rooftop terrace) allowing more space for vehicles to turn/ park. Unit three is also smaller with the playroom removed allowing a stepped frontage to the scheme to reflect the rear elevations. The proposals also sit slightly further apart with unit three closer to the north boundary.
  - 5.12 In response, as per the previous application, it is noted that the site is located in a visually prominent position on the edge of ridge although the design of the dwellings (set into the ground) would help to offset their visual impact. Medium length views of the site are limited by the topography and existing vegetation whilst distant views are unlikely to be significantly altered although there is some concern that the large areas of glass to the rear might create glare that would be visually disturbing over a wide area; this could be overcome by the use of non-reflective glass. In the event that permission is granted, it is recommended that this would form the basis of an appropriately worded condition.

- 5.13 Further, it is noted that concerns have been expressed with regards to the more compact nature of the proposals compared to the more spacious pattern of surrounding development. Nonetheless, at the time of the previous application, additional information was received to show that the units would be well concealed from surrounding views and thus would not be readily seen in this context. Further, it was considered that the design and materials would respond positively to this sensitive context and thus there was, and remains, no objection to the proposal on this basis.
- 5.14 Landscape Considerations  
Limited landscape management and the failure to replace trees in an ageing tree population along the ridge are identified within the Councils Landscape Character Assessment as being a significant threat to the landscape character of the locality. Further, as noted this site has largely been cleared of vegetation and this also contributes to the decline in local landscape character.
- 5.15 In this instance, the design and positioning of the units shows the desire to maintain views towards the Severn Estuary from the host property but this must be balanced with the wider public view of the ridge and the need to maintain its landscape character. Therefore, in the event that planning permission is granted, additional planting (including trees) would be required.
- 5.16 Notwithstanding the above, the previous application raised some concerns with regards to its potential impact upon the ridgeline with this considered to comprise a significant attribute of the landscape. As such, a landscaping scheme has now been included with this considered to offer a suitable level of landscape enhancement.
- 5.17 In view of the above (and as per the previous application); there is no objection to the current proposal on this basis.
- 5.18 Impact on the Openness of the Green Belt  
The application site occupies a sensitive position on the edge of the Almondsbury settlement boundary that is washed over by the Green Belt. However, the settlement boundary includes the whole garden and does not draw closer to the host dwelling as is done in other places. For this reason, and given the recent permission behind no. 33, and given the position of those units within The Quarries and Forest Hills, it is considered that the proposal would comprise 'limited infilling' for Green Belt policy purposes.
- 5.19 In view of the above, and as per the previous application, there is no objection to this current proposal on Green Belt grounds.
- 5.20 Density  
Policy H2 requires that the maximum density compatible with the site and location be achieved with the expectation of 30 dwellings per hectare. As per the previous submission, the proposal would allow three dwellings at a density of some 45 dwellings per hectare. As such, there remains no objection to the proposal on this basis.
- 5.21 Residential Amenity

- The proposals would occupy a position at the far end of the host garden some 40m from the host property; further, they would not appear readily visible when viewed from this existing property given their lower position. On this basis, there was no associated refusal reason attached to the previous planning application.
- 5.22 Notwithstanding the above, it is noted that the access drive would run the length of the garden adjacent to the north flank boundary though a scheme of landscaping could incorporate measures to help soften the visual appearance of this new access. It is noted that this access would pass within close proximity of this existing property.
- 5.23 In view of the above, policy H4 advises that tandem development, consisting of one house immediately behind another and sharing the same access, is generally unsatisfactory because of the difficulties of access to the house at the back of the site and the disturbance and lack of privacy suffered by the house in front.
- 5.24 In this instance, the level of separation between the existing and proposed units is significant whilst other similar forms of development have been permitted within the vicinity (i.e. next door). As such, on balance this form of development is considered to be acceptable with no significant adverse impact in residential amenity considered to be caused; this is despite the close proximity of the access road to the host dwelling with any associated refusal on this basis unlikely to prove sustainable.
- 5.25 Having regard to 29 Gloucester Road, this property would retain its full garden area whilst the proposals would not be readily apparent given their lower level. Therefore, and with an acceptable level of spacing retained between this unit and the proposals, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.26 A new chalet bungalow stands within the rear garden of no. 33 Gloucester Road. This property contains a number of overlooking windows that would face the proposed access but given its siting at 'land' level, it is considered that this dwelling would overlook the current proposal. On this basis, and with the main outlook from these new dwellings away from this property, it is not considered that any significant adverse impact in residential amenity would be caused. The same is true of 33 Gloucester Road with this equally close to the new access (compared with the host unit) but with its associated attached garage closest.
- 5.27 All other neighbouring dwellings stand at an appreciable distance from the site of the proposals albeit with some at a lower level to the rear of the application site. In this regard, views towards these dwellings would be at an oblique angle (which is not uncommon between residential dwellings). On this basis, on balance it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.28 Having regard to the comments received from the adjoining neighbour to the south of the application site, this property sits at an appreciable distance from

the site of the proposals whilst it's associated flank boundary is beyond the application site. An appropriately worded condition should though be attached to any planning permission in respect of boundary treatments around the application site.

5.29 Amenity Space

Planning policy H4 requires that proposals should not prejudice the retention of adequate amenity space for either existing or newly occupied dwellings. In this instance, the host dwelling would retain sufficient amenity space thus there is no objection to the current proposal on this basis.

5.30 In contrast, the proposed units would benefit from limited amenity space with this provided by reason of a roof garden (above each unit) and the new rear balconies. For a four-bedroom unit, this is considered to be severely restricted but on balance, it is considered that any associated refusal reason is unlikely to prove sustainable. Further, to take additional land from the host garden would require a further form of boundary treatment that would erode the discreet positioning of these dwellings.

5.31 Highway Safety

Issues related to highway safety provided the first two refusal reasons in respect of the previous application. For this reason, this revised application has been subject to subsequent discussions in an attempt to address these concerns.

5.32 The primary issue with this site has been achieving an acceptable means of access given the conjoining entrance to the neighbouring property. Attempts to address this concern by moving the access to the east led to conflict with adjoining the bus stop. However, the neighbouring access has subsequently been widened allowing a shared four-way access. Comments received from the Councils Highway Engineer consider that the conflict between opposing vehicles would be negligible whilst the plan received shows an extended dropped kerb to the east that would formalise its use.

5.33 Further, the landscape plan shows the turning movement of a fire tender and so it is reasonable to assume that a medium size service vehicle could also turn; however, it is not anticipated that a refuse vehicle would enter the site even if the turning head was extended. Nonetheless, the proposed access is wide enough to be used as a lay-by by larger service vehicles (e.g. refuse vehicle), which would visit infrequently.

5.34 This application also includes an improved parking and turning area (with the external staircases removed) that could accommodate two vehicles for each unit in accordance with the Councils car parking standards. The garages are also large enough to accommodate both a bicycle and a car whilst a pedestrian refuge area has been introduced along the single-track drive for safety reasons.

5.35 In view of the above, it is considered that these alterations address the first two refusal reasons in respect of the previous application. As such, there is no transportation objection to this current proposal subject to an appropriately

worded condition requiring that the proposed access and kerbing shall be constructed in accordance with the approved plans prior to first occupation.

5.36 Arboricultural Considerations

The second two refusal reasons in respect of the last application related to the protected Oak tree which stands to the front of the site and those trees within the woodland behind. To this extent, the protected Oak tree stands within the front garden of the existing property next to the drive; this raised concerns related to its root protection area both during construction and after completion with additional vehicles using this access.

5.37 In view of the above, an amended plan has been received as part of this application that shows cell web beneath the drive over the root protection area with protective fencing either side of the drive to prevent vehicles straying beyond this protected area. Subject to an appropriately worded condition to control this element of the proposal; it is considered that these details are sufficient to address the third refusal reason previously listed.

5.38 Concerning the trees on the hillside at the rear of the application site, comments received from the Councils tree office suggest that in view of the steep gradient and the nature of the ground that is to be excavated, it is not considered that the proposal would adversely affect the root systems of those trees within the adjacent woodland; care should be taken however to avoid spoil, materials, mixings etc from being allowed to drop down into this woodland. In this regard, it is recommended that protective fencing as described in BS5837:2005 would provide a minimum specification for the boundary between the site and the woodland. This should form the basis of an appropriately worded condition that would address the fourth refusal reason in respect of the previous scheme.

5.39 Outstanding Issues

Comments received from the Councils Ecological Officer suggest that a condition be attached to any favourable decision requiring that the site be surveyed for slowworms and if present, a mitigation strategy be provided. A further condition should also require the planting of a mixed native species hedgerow along the boundary.

5.40 Third party comments raise concerns with regards to the suitability of this site for the level of excavation proposed. In this regard, land stability issues comprise a material planning consideration with PPG14 stating that where 'there are good reasons to believe that instability could make the ground unsuitable or could adversely effect it or neighbouring land, a specialist investigation and assessment by the developer to determine the stability of the ground may be required' (paragraph 34).

5.41 In response, the agent confirms that removal of the material from the top of the slope would tend to increase its stability although two areas of concern would require particular attention. These relate to the need for care when removing the made ground and weathered lime stone (variably one to two metres thick) with retaining walls where necessary and the possibility of solution features within the limestone. Nonetheless, it is considered that the works would tend to

improve rather than reduce the stability of the slope thus the consulting engineer in respect of this scheme has confirmed his satisfaction that the proposal would not reduce slope stability.

5.42 Similarly, informal Building Control advice suggests that the land is formed of rock thus associated problems would not be reasonably anticipated. Furthermore, there has also been further development within and around the area with no known associated problems. On this basis, there is considered to be no objection to this current proposal with it noted that if built, the units would be subject to the necessary building regulations procedure.

5.43 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.44 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## 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: Peter Burridge**  
**Tel. No. 01454 865262**

### CONDITIONS

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



Reason

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

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

Reason

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

3. 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 and F), 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 ensure the satisfactory external appearance of the development in the interests of visual amenity, to protect the residential amenity of the neighbouring occupiers and in the interests of highway safety, all to accord with Planning Policies D1, H4, GB1 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No windows other than those shown on the plans hereby approved shall be inserted at any time in the in the dwellings hereby approved.

Reason

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

5. Prior to the commencement of development, full details of the non-reflective glazing to be used in the rear elevations of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall accord with these approved details.

To help safeguard the Local Landscape Character in accordance with Planning Policies D1, L1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To protect the character and appearance of the area to accord with Planning Policies H4, D1, L1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To protect the character and appearance of the area to accord with Planning Policies H4, D1, and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of development, a site survey in respect of slow worms shall be submitted to and approved in writing by the Local Planning Authority. If found to be present, the details submitted shall include an appropriate mitigation strategy which shall be approved in writing by the Local Planning Authority. Development shall accord strictly with these approved details.

Reason

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

9. Prior to the commencement of development, details of a mixed native species hedgerow along the new driveway shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timescale for planting. Development shall accord with these approved details.

Reason

In the interests of biodiversity and to accord with Planning Policies L1 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. 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 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. The proposed access and kerbing shall be constructed in accordance with the plans hereby approved prior to the first occupation of the development hereby approved.

Reason

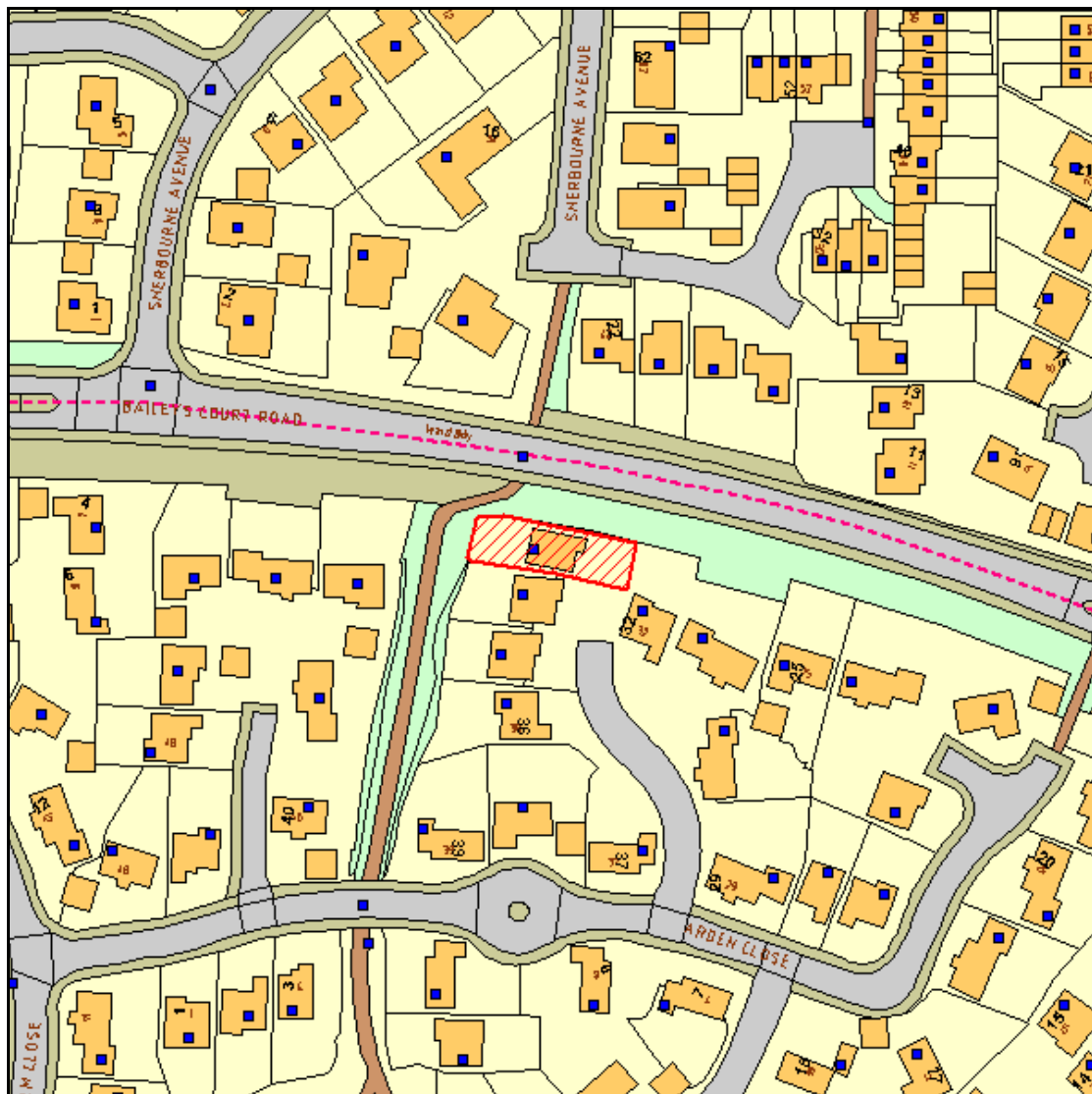
In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.



# ITEM 9

## CIRCULATED SCHEDULE NO. 35/09 – 4 SEPTEMBER 2009

<b>App No.:</b>	PT09/1380/F	<b>Applicant:</b>	Mr D Raynor
<b>Site:</b>	33 Arden Close Bradley Stoke Bristol South Gloucestershire BS32 8AX	<b>Date Reg:</b>	27th July 2009
<b>Proposal:</b>	Erection of two storey front extension to form additional living accommodation with integral garage (Resubmission of PT09/0807/F)	<b>Parish:</b>	Bradley Stoke
<b>Map Ref:</b>	362337 180898	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Householder	<b>Target Date:</b>	16th September 2009



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PT09/1380/F

## **INTRODUCTION**

This application appears on the Circulated Schedule List because an objection has been received from Bradley Stoke Town Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a two storey front extension to form additional living accommodation with an integral garage. The application forms a resubmission of application no. PT09/0807/F, which was refused on design and residential amenity grounds.
- 1.2 The application site comprises a modern detached two-storey dwellinghouse located within the established residential area of Bradley Stoke. The property is located to the north of the cul-de-sac Arden Close.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Residential Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist

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

- 3.1 PT00/0396/F, Erection of rear conservatory, 22/03/00, Approve with conditions.
- 3.2 PT09/0807/F, Erection of two storey front extension with integral garage, 27/05/09, Refusal.

### **4. CONSULTATION RESPONSES**

- 4.1 Bradley Stoke Town Council  
Objection – Over development of the site and the unattractive front extension is detrimental to the street scene.
- 4.2 Public Rights of Way  
No objection

#### **Other Representations**

- 4.3 Local Residents  
No comments received

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

### 5.1 Principle of Development

Planning policy D1 applies to all types of development and ensures that a good standard of design is achieved. Planning policy H4 allows for residential extensions subject to design, residential amenity and transportation considerations.

### 5.2 Design/Visual Amenity

This application seeks planning permission for the erection of a two storey front extension to form additional living accommodation with an integral garage. The property is located within the established residential area of Bradley Stoke to the north of the cul-de-sac Arden Close. Bailey's Court Road extends to the north of the property and because of the topography of the site, the property is clearly visible from the road. A public right of way extends south to the west of the property.

5.3 The proposed extension would be located on the north front side of the property and extend approximately halfway across the width of the dwellinghouse. The two storey element would project forward approximately 3 metres from the front elevation of the dwellinghouse and be encompassed by a pitched roof with a gable end. The extension would then step down from two storeys to a single storey and project forward 2 metres and be encompassed by a pitched roof with a gable end. Fenestration would comprise a vehicular access door in the ground floor front elevation, with a window above; no fenestration is proposed in the northern elevation, however a ground and first floor window would be located in the existing elevation. The southern elevation would comprise a relocated main pedestrian access with canopy and window in the two-storey extension with a window above, whilst a high level window would be positioned in the single storey extension. Materials would comprise facing brick for the walls, concrete tiles for the roof and uPVC for the windows and doorframes. If consent is granted, a condition would be applied to ensure that matching materials are used in construction.

5.4 The previous application, which was refused on design grounds, featured a two storey front extension, which projected forward 5 metres from the principal elevation. The front elevation appeared unattractive with a large void at first floor level with a high level window above. It is considered that the revised front design is more in keeping with the character of the original dwelling. The unattractive void has been filled with a window similar to existing and the gables reflect the existing roof gable. The step from two storeys to single storey would also help to break up the massing of the build and is more in keeping with the proportions of the existing property.

5.5 Notwithstanding the above, this is a large extension proposed on the front of a property and the Town Council's concerns regarding over-development and the impact on the visual amenity have been noted. However, given that the extension has been reduced in size and improved in appearance, it is considered that the proposal has sufficiently overcome the previous refusal reason. Arden Close and the surrounding area include many different types of built form and it is considered that the proposal would not be adversely harmful to the character of the area. Whilst the site is adjacent to Baileys Court Road it

does not relate directly to that road, it is behind a brick curtain wall. The footpath is to the rear boundary of the development and again the extension to the front will not effect that 'street scene'. Accordingly, the street scene in question is Arden Close itself. The property is located in the top corner of this cul-de-sac and as such, the 'front' elevation is at 90 degrees to the approach. It is the side elevation of the extension, which will be seen, and at 3 metres it is unlikely to be overly dominant in the streetscene given the siting of the main house. On balance, the proposal is considered acceptable in terms of design and visual amenity.

#### 5.6 Residential Amenity

The host property has 2no. neighbouring properties within close proximity. Property no. 32 is located to the east and no. 34 is located directly to the south. Given that the host property has no physical attachment to either of these neighbouring properties and is located further north, it is considered that the proposal would not have a significant overbearing impact or result in a significant loss of light to the detriment of either occupiers residential amenity. The previous application was refused on residential amenity grounds because it would result in an unacceptable loss of residential amenity in the form of overlooking. The two storey extension has been reduced from 5 metres to 3 metres and the front window would therefore, be situated approximately 7 metres from the neighbouring boundary of no.32. Given that the existing windows to a degree already overlook no.32, it is considered that the proposal would not result in adverse loss of privacy for the neighbouring occupiers. A side window is proposed in the western elevation, however this would be situated close to the front elevation of the host dwelling and would not directly face the front windows of no. 34. On balance, the proposal is considered acceptable in terms of residential amenity.

#### 5.7 Transportation

Despite the loss of a functional garage, it is considered that sufficient parking would remain on the hardstanding within the curtilage following the extensions. There are no transportation objections to the application.

#### 5.8 Improvements Achieved to the Scheme

Improvement to the front elevation. Reduction in the massing of the extension.

### 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. The bricks and tiles to be used 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 Policies D1 and H4 of the South Gloucestershire Council Local Plan (adopted) 2006.



# ITEM 10

## CIRCULATED SCHEDULE NO. 35/09 – 4 SEPTEMBER 2009

<b>App No.:</b>	PT09/1386/F	<b>Applicant:</b>	Mr & Mrs Sheppard
<b>Site:</b>	Snailhams Barn Bristol Road Winterbourne Bristol South Gloucestershire	<b>Date Reg:</b>	28th July 2009
<b>Proposal:</b>	Erection of residential annexe (Resubmission of PT08/0546/F).	<b>Parish:</b>	Winterbourne
<b>Map Ref:</b>	365334 181572	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	16th September 2009



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## **INTRODUCTION**

This application appears on the Circulated Schedule List because objections have been received from the Parish Council and neighbouring occupier.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the reconstruction of a former outbuilding to provide additional ancillary accommodation to the main dwellinghouse.
- 1.2 The application site comprises Snailhams Barn, which is located within the open Green Belt outside of the designated Winterbourne settlement boundary. The property is located to the north of the Bristol Road and is accessed off the Bristol Road via a narrow vehicular track, which is a Public Right of Way.
- 1.3 This application is a resubmission of application no. PT08/0546/F for the erection of a residential annex, which was refused on design and Green Belt grounds.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Residential Development within Existing Residential Curtilages  
GB1 Development within the Green Belt  
L17/18 The Water Environment  
EP1 Environmental Pollution
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist (adopted)  
Development within the Green Belt (adopted)

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

- 3.1 PT08/0546/F, Erection of residential annexe, 11/04/08, Refusal.
- 3.2 P96/2145, Erection of 1.8m high boundary fence, 15/03/06, Withdrawn.
- 3.3 P95/1177, Conversion of barn to dwelling, 28/04/95, Approval.

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
Objection – This property is in the Green Belt. This is not an annexe but a new building.
- 4.2 Public Rights of Way  
No objection

4.3 Sustainable Transport

No objection

4.4 Drainage

No objection subject to condition

**Other Representations**

4.5 Local Residents

No comments received

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Planning Policy D1 applies to all types of development and ensures that a good standard of design is achieved. Planning Policy H4 allows for residential development subject to design, residential amenity and transportation considerations. Planning Policy GB1 allows for extensions to dwellings within the Green Belt provided that it is not adversely harmful to the openness of the Green Belt and does not result in a disproportionate addition over and above the size of the original dwellinghouse.

5.2 Design/Visual Amenity

This application seeks planning permission for the reconstruction of a former outbuilding to provide additional ancillary accommodation to the main dwellinghouse. The applicant states that an original outbuilding stood until recently in the location and can be viewed on historic maps. The application site forms a relatively isolated location outside the designated settlement boundary and within the Green Belt. A neighbouring property is located to the south of the site, whilst open fields are located to the north and west.

5.3 The outbuilding would measure approximately 4.6 metres in width, 12.8 metres in length and have an apex of 4 metres at ridge height falling to 2.5 metres at eaves level. The build would comprise a single storey rectangular form and be encompassed by a pitched roof. It would be located in the rear garden of the host property and flank an existing 1.8 metre high stone boundary wall approximately 9 metres from the host property. The build would abut the existing wall, which would form part of the rear elevation of the building. The build would be flanked by existing outbuildings to the north and south, with the outbuilding to the south situated within the curtilage of the neighbouring property. The materials proposed would comprise stone and block work with brick detailing to match the existing dwelling for the walls. The roof would be covered with clay tiles and the windows and doorframes would be wood. These materials would match the host dwellinghouse.

5.4 The previous application was refused on design grounds on the basis that the scale, size and external appearance would be out of keeping with the existing dwellinghouse and would detract from the visual amenities of the locality. It is considered that the revised proposal has overcome this refusal reason. The proposed build has been reduced in size and bulk. The number and size of the

roof lights has been reduced and the distance from the neighbouring outbuilding has been increased to reduce the visual impact of the building. The materials would be in keeping with the existing dwelling and would be sympathetic to the character of the area. The site is also situated well off the public realm behind existing development and would only be viewed from the west from afar where it would be set against the backdrop of existing development. Given the above, it is considered that the proposal would not have a negative impact on the character of the host building or the surrounding area.

#### 5.5 Green Belt

Policy GB1 and H3 does not allow for the principle of new residential development within the open Green Belt, however, given that the dwelling could not facilitate self-contained accommodation (no kitchen is proposed) and is situated within close proximity to the main dwellinghouse, it will be assessed as a residential extension and not as separate accommodation. If consent is granted a condition will also be applied to ensure that the building is occupied ancillary to the main dwellinghouse. Policy GB1 only allows for residential extensions that are proportionate to the main dwellinghouse. The proposal would result in a volume increase of approximately 39% over and above the volume of the original dwelling. The Council's 'Development within the Green Belt SPD' states that additions resulting in a volume increase over 30% of the original dwellinghouse will be carefully assessed in terms of size and design. Measures have been taken to reduce the impact of the proposal on the Green Belt. For example, the size and bulk of the build has been reduced, the number and size of the roof lights has been reduced and the spacing around the build has been increased to break up the visual impact of the structure. In addition to this, the build would comprise materials which would be sympathetic to existing built form nearby and the character of the surrounding area and the fairly low ridge height proposed would ensure that the structure would be subservient to the existing dwellinghouse and inconspicuous from the surrounding Green Belt. Given the above, it is considered that the proposal adheres to Policy GB1 of the South Gloucestershire Local Plan (adopted) 2006 and the Development within the Green Belt SPD.

#### 5.6 Residential Amenity

The host property has one neighbouring dwelling within close proximity to the south, separated by a closed wooden boundary fence approximately 2 metres in height. It is considered that the proposal would not have an adverse overbearing impact on the residential amenity of the neighbouring occupiers since the build would be somewhat screened behind an existing neighbouring outbuilding and the 2 metre boundary fence. Given that no windows proposed would directly face the neighbouring property, it is considered that the proposal would not introduce any significant privacy issues. Sufficient amenity space would remain to serve the host dwelling. Given that the build would be located approximately 6.5 metres from the host dwelling, a condition will be applied to the consent to restrict a separate occupancy, which would be likely to introduce unacceptable residential amenity issues.

5.7 Transportation

It is not anticipated that the proposal would result in a significant increase in traffic generation. The existing access and parking arrangements are unchanged. On this basis, there are no transportation objections.

5.8 Further Matters

Whilst the Officer is satisfied that the proposed building would be located within the properties residential curtilage approved in the original application for the barn conversion, an informative will be applied to the consent because the indicated curtilage in this application appears to be longer at the front than the original approval.

The following objections have been received from a neighbouring occupier.

**The build could easily be used as separate accommodation.** A condition will be applied to the consent to ensure that the build is occupied ancillary to the main dwellinghouse and not occupied as separate accommodation given the location of the site within the Green Belt and possible residential amenity issues. This then would require planning permission in its own right.

**The proposed building has a larger footprint than that of the supposed demolished former farm building in the same position. The proposal is that the roofline be raised above that of the supposed former building. We believe that reference to „ evidence of original roof line on adjacent property „ is incorrect. The feature highlighted on the adjacent building is a dormer style window set within the roof of that building. There is no evidence that the walls of the adjacent building were ever connected to another building.**

The proposal is larger than the previous out building, however, on the basis of the design and Green Belt assessment above, the size is considered acceptable as a new structure. The decision relates to the plans submitted which are considered accurate. The comments regarding the positioning of the former out building are not critical to the outcome of the application.

**Former concerns:- Loss of Light and interference with boundary.** Given the location of the neighbouring occupiers outbuilding and existing 2 metre high boundary fence, it is considered that the proposal would not result in an adverse loss of light to the detriment of the neighbouring occupiers residential amenity. Any interference with the boundary is a civil matter. Nevertheless in this instance, the applicants have indicated on the application form that the proposal would not interfere with the neighbouring boundary.

5.9 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

#### 5.10 Improvements Achieved to the Scheme

Reduction in the scale of the build. Reduced number of roof lights and reduced their size. Increased distance between neighbouring outbuilding to break up the visual impact on the Green Belt. Brick detailing no longer projects beyond the building line of the gables, which reduces the overhang of the roof and the overall bulk of the structure.

### 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. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Snailhams Barn.

To adhere to Policies GB1 and H4 of the South Gloucestershire Local Plan (adopted) 2006 and on the basis of residential amenity given the relationship with the main dwelling.

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

To ensure a satisfactory standard of external appearance and to accord with Policies D1, GB1 and H4 of the South Gloucestershire Local Plan (adopted) 2006.

4. 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.

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