



**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. 34/10**

**Date to Members: 03/09/10**

**Member's Deadline: 09/09/10 (5pm)**

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

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

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

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

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

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

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

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

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

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

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

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

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

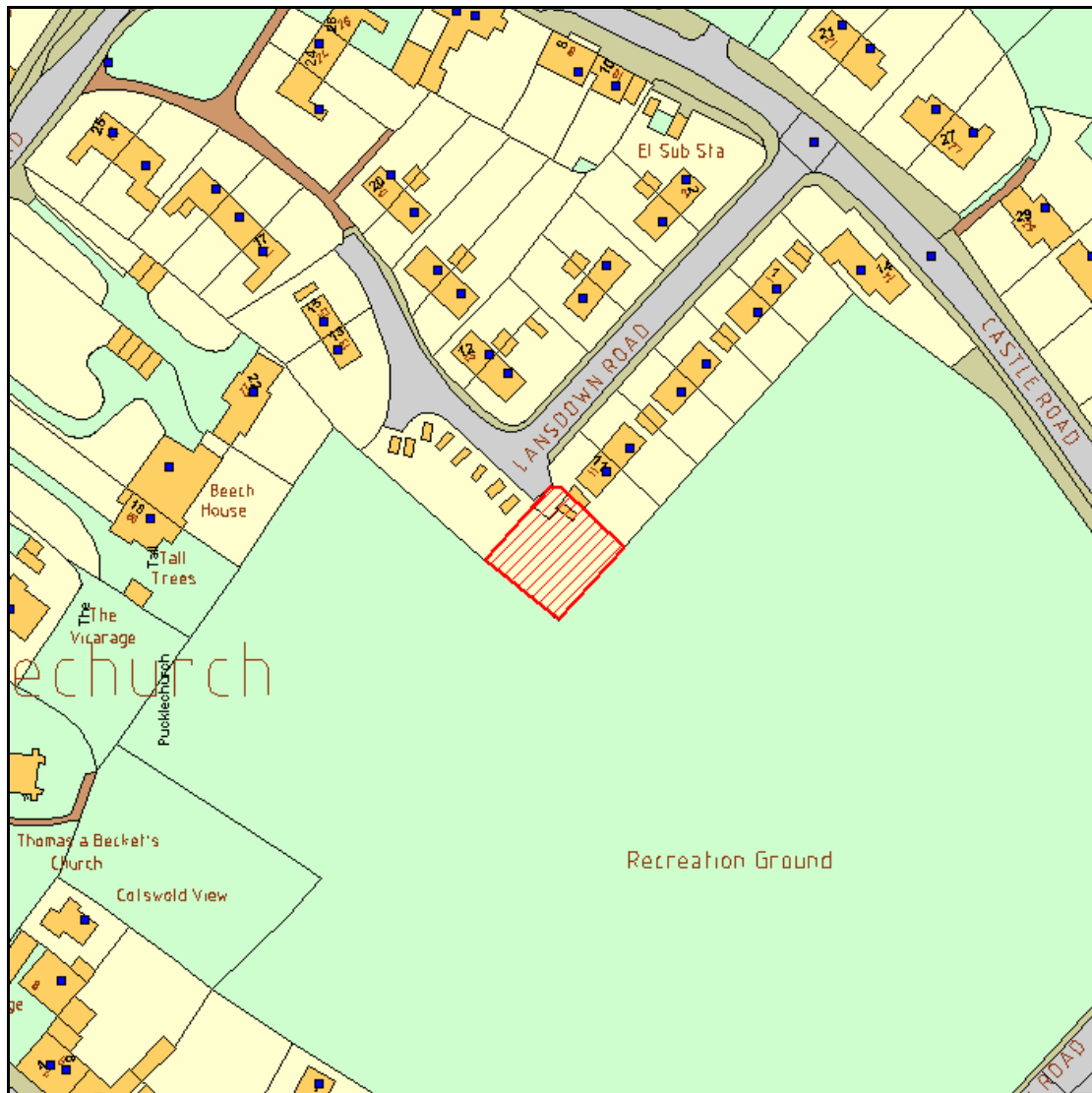
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

# CIRCULATED SCHEDULE – 03 SEPTEMBER 2010

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	<b>PK10/0982/F</b>	Approve with Conditions	Land At 11 Lansdown Road Pucklechurch South Gloucestershire BS16 9RG	Boyd Valley	Pucklechurch Parish Council
2	<b>PK10/1471/F</b>	Approve with Conditions	Unit 1 Yard And Premises 390 North Road Yate South Gloucestershire BS37 7LW	Ladden Brook	Iron Acton Parish Council
3	<b>PK10/1472/F</b>	Approve with Conditions	Yard And Premises ADJ 390 North Road Yate South Gloucestershire BS37 7LW	Ladden Brook	Iron Acton Parish Council
4	<b>PK10/1831/F</b>	Approve with Conditions	1 Crown Gardens Warmley South Gloucestershire BS30	Siston	Siston Parish Council
5	<b>PK10/1836/F</b>	Approve with Conditions	61 Downend Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
6	<b>PT10/1862/CLP</b>	Approve with Conditions	34 Osprey Park Thornbury South Gloucestershire BS35 1LY	Thornbury North	Thornbury Town Council
7	<b>PT10/1869/F</b>	Approve with Conditions	32 Bristol Road Winterbourne South Gloucestershire	Winterbourne	Winterbourne Parish Council
8	<b>PT10/1941/F</b>	Approve with Conditions	55 Ormonds Close Bradley Stoke South Gloucestershire BS32 0DT	Bradley Stoke North	Bradley Stoke Town Council

## CIRCULATED SCHEDULE NO. 34/10 – 3 SEPTEMBER 2010

<b>App No.:</b>	PK10/0982/F	<b>Applicant:</b>	Mr T Britton
<b>Site:</b>	Land At 11 Lansdown Road Pucklechurch Bristol South Gloucestershire BS16 9RG	<b>Date Reg:</b>	5th May 2010
<b>Proposal:</b>	Erection of 1no. detached dwelling with associated works	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	370066 176592	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th June 2010



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100023410, 2008. **N.T.S.** **PK10/0982/F**

## **INTRODUCTION**

The application has been forwarded to the Council's Circulated Schedule of applications for Member consideration as a representation has been received raising views contrary to the Officer recommendation.

### **1. THE PROPOSAL**

1.1 The application site is situated at the end of a street of post war ex Local Authority houses located towards the north of Pucklechurch village. The application site is a square piece of land forming part of the residential curtilage of no.11 to the south west of the dwelling. The application site contains one single detached garage and domestic garden and is bounded by a public park to the south east and south west, no.11 to the north east and a row of single garages to the north west. A tall hedge predominately conifer runs along the south east and south west boundaries

The application site is situated adjacent to Pucklechurch Conservation Area which abuts the south east and south west boundaries. A large visually prominent Horse Chestnut tree is situated within the Conservation Area adjacent to the south west boundary of the application site. The Grade II Listed Beech House and Tall Trees and the Grade I Listed St Thomas a Becket's Church are situated across the open area to the west. A Public Right of Way runs north east to south west through the playing field to the east of the site.

1.2 The application proposes erection of a single detached two storey dwelling.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1 Delivering Sustainable Development  
PPS7 Sustainable Development in Rural Areas  
PPS5 Planning and the Historic Environment

#### 2.2 Development Plans

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

D1 Design  
H4 Development within Existing Residential Curtilages  
L1 Landscape Protection and Enhancement  
L12 Conservation Areas  
L13 Listed Buildings

##### South Gloucestershire Core Strategy Pre Submission Publication Draft – March 2010

CS1 High Quality Design  
CS8 Improving Accessibility  
CS9 Environmental Resources and Built Heritage

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist – August 2007

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

- 3.1 PK09/5100/F                      Erection of 2no. semi-detached dwellings with associated works.  
Refused 06.10.2009

### **4. CONSULTATION RESPONSES**

4.1 Pucklechurch Parish Council

No objection

4.2 Other Consultees

Tree Officer – No objection

Conservation Officer – No objection, subject to conditions

Sustainable transport - No objection

Drainage Engineer – No objection, subject to conditions

Environmental Protection – No objection

#### **Other Representations**

4.3 Local Residents

One letter received from the occupiers of 9 Lansdown Road raising the following concerns:

Whilst we understand the issues of protecting the trees & providing off road parking the proposed contravention of the existing building line towards the recreation ground is extremely excessive, also in relation to the close proximity to the donor property it will no doubt be very, if not totally overbearing, as we feel it will be to our property. It can never be right that an extension to an existing property be limited to approx 3mtrs beyond building line at ground level, yet a new development that extends far beyond the building line is being considered two storeys.

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

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for new dwellings within the curtilage of existing dwellings, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. The proposal would be situated adjacent to a Conservation Area and policy L12 of the adopted Local Plan seeks to preserve the setting of such areas. Policy L13 requires for development which affects a listed building or its setting, special regard should be had to the desirability of preserving the building, or its setting, or any features of architectural or historic

interest which it possesses. Policies T8 related to the Council's adopted off street parking standard and T12 in relation to highway safety are also relevant considerations.

This application has been submitted following refusal of application PK09/5100/F for two dwellings in this site. The application was refused for reasons

- 1) Impact on the setting of the Conservation Area
- 2) Insufficient information submitted in relation to highway safety concerns
- 3) Insufficient information submitted in relation to tree impact.

This application has reduced the number of units to one, moved the dwelling further from the tree adjacent to the south east boundary and provided additional information in relation to tree impact and parking layout, in order to overcome the refusal reason.

## 5.2 Visual impact

The proposal would provide a new detached two storey dwelling on land forming part of the residential curtilage of no.11 Lansdown Road to the south east of the existing dwelling. The existing curtilage for no.11 is significantly larger than that of the other dwellings on Lansdown Road and the resultant curtilage sizes for both the existing dwelling and the proposal would be proportionate to the other dwellings in the street.

The application site is screened from the open space to the south east and south west by tall trees a conifer hedge and other mature hedging. The boundary of the Conservation Area, which includes the open space to the south abuts the south east and south west boundaries of the site. The site is considered to be well screened from views from the open space due to the significant boundary screening.

The proposal would provide one dwelling in a position set back marginally from no.11 and the other dwellings which form a linear pattern of development which fronts onto Lansdown Road. The dwelling would have similar eaves and ridge heights to no.11 and the other dwellings on the east side of Lansdown Road. The dwelling is proposed to be constructed from recon Cotswold stone and double Roman clay tiles. Although the form would be similar to the other dwellings on the east side of Lansdown Road when viewed from the front, the design of the new dwelling would be much improved with recessed doors and windows, similar but improved quality of materials. The proposal would include a rear two storey projection. The dwelling attached to no.11 (no.9) has a large single storey rear projecting extension and although the rear of the new dwelling would be clearly visible from the open space to the east and the Public Right of Way, it is considered that a rear projection would not be incongruous in relation to its surroundings.

The proposal would be situated close to the rear of the Grade II Listed Beech House and Tall Trees (70m) and the Grade I Listed St Thomas a Becket's Church (120m) are situated across the open area to the west of the application

site. The proposal would be situated some distance from the Listed Buildings to the west and only the rear of the Listed Buildings would be viewed in conjunction with the proposal from the open space and Public Right of Way.

Accounting for all of the above matters, the proposal would enhance the street scene and the character and appearance of the locality and the setting of the adjacent Conservation Area. The proposal would also preserve the setting of the Listed Buildings to the west.

### 5.3 Residential amenity

The proposed dwelling would be situated 5.4m from the side elevation of no.11 and 12.6m from the nearest part of no.9. The proposal would be set back from the rear elevation of no.11 by 2.8m. It is considered that the proposal would be situated sufficient distance from nos 11 and 9 to the north east for there to be no significant impact in terms of shadowing resulting in no significant loss of daylight or sunlight to the gardens or rear windows of nos 11 and 9. Additionally the proposal would be sufficient distance from nos 11 and 9 for there to be no issue of loss of outlook from their rear windows. The proposal is therefore considered not to result in a material loss of amenity to the current and future occupiers of the dwellings in the immediate area.

### 5.4 Tree impact

A mature Horse Chestnut tree is situated adjacent to the south west boundary of the site. The tree is approximately 23m in height and is clearly visible as a backdrop to the site from Lansdown Road and from within the public open space to the south of the application site. The tree is considered to have a high amenity value as a contribution to the character and appearance of the area. The tree is also situated within the Conservation Area and contributed to its character and appearance. It is therefore important that the development does not result in harm to the immediate and future health of the tree.

The proposal would be situated 11.5m from the trunk of the tree. As such a tree protection scheme including protection area during construction must be provided. The applicant commissioned a tree survey report (Branch Walkers Tree Services Ltd dated 23.07.2009) a tree survey (Tree Services Ltd dated 07.04.2010) and a method statement for the parking area (received 22.06.2010). The reports provide a comprehensive assessment of the tree and provide a scheme for immediate protection during construction and accounting for potential issues in the future. The Council's Tree Officer has accepted the scheme and raises no objection to the proposal subject to a condition requiring the development to be implemented in strict accordance with the scheme. On this basis the proposal is considered to be acceptable in relation to tree impact in accordance with policy L1 of the adopted Local Plan.

### 5.5 Highway matters

It is recognised that the street does currently have on street parking problems in evenings and as school start/end times. The site currently provides one off street parking space within a single garage with a hardstanding in front which is



of insufficient size for a further vehicle to park. The proposal would provide a minimum of two off street parking spaces within the application site and one space in the front garden area of no.11. Additional vehicle spaces could be provided in addition to this within both plots. However, this is considered to be an acceptable level of off street parking. No adequate turning area is to be provided within each plot. However due to the cul de sac nature of the street it is considered that reversing onto the highway is acceptable. The Highways Officer has raised no objection to the proposal. The proposal is therefore considered to be acceptable in highway safety terms.

The proposal has overcome the previous refusal reason under application PK09/5100/F by reducing the number of dwellings proposed, rearranging the parking layout for the new dwelling and adding off street parking for the existing dwelling

#### 5.5 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.

#### 5.6 Use of Energy and Sustainability

The proposal would use materials which could be sourced locally and would be situated within an existing settlement walking distance to local village amenities. The proposal is considered to represent a sustainable form of development.

#### 5.7 Improvements Achieved to the Scheme

Since application PK09/5100/F was refused Officers have negotiated a reduction to one dwelling. The scale of the dwelling has been amended to be in line with no.11, tree protection measures have been incorporated into the scheme. The detailed design of the scheme has been much improved.

#### 5.8 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. A summary of reasons for granting planning permission in accordance with article 22 of the town and country planning (general development procedure) order 1995 (as amended) is given below.

- a) Due to its scale and position in relation to the adjacent dwellings, the proposed dwelling is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) It has been assessed that the proposed dwelling has been designed to respect and enhance the massing scale, proportions, materials and overall design and character and appearance of the street scene and surrounding area, the character and appearance of the Conservation Area and the setting of the Listed Buildings to the west. The development therefore accords to Policy D1, L12, L13 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
- c) The proposal would incorporate sufficient tree protection measures to have no significant impact on the health and amenity value of the Horse Chestnut tree adjacent to the south west boundary. The development therefore accords to Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

7.1 That planning permission is GRANTED subject to the following conditions.

**Contact Officer: Sean Herbert**  
**Tel. No. 01454 863056**

### **CONDITIONS**

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

Reason

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

2. Prior to the commencement of development [details/samples] of the 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 to preserve the setting of the adjacent Pucklechurch Conservation Area, and to accord with Policy D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the approved plans prior to the commencement of development full details comprising a plan at a scale of 1:20 of the proposed chimney shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

To ensure a satisfactory standard of external appearance to preserve the setting of the adjacent Pucklechurch Conservation Area, and to accord with Policy D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Any bargeboards or eaves fascias shall be timber and finished in a colour to be first submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory standard of external appearance to preserve the setting of the adjacent Pucklechurch Conservation Area, and to accord with Policy D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. All doors and windows shall be recessed by a minimum of 75mm from the external face of the building.

Reason

To ensure a satisfactory standard of external appearance to preserve the setting of the adjacent Pucklechurch Conservation Area, and to accord with Policy D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To ensure a satisfactory standard of external appearance to preserve the setting of the adjacent Pucklechurch Conservation Area, and to accord with Policy D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. 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 ensure a satisfactory standard of external appearance to preserve the setting of the adjacent Pucklechurch Conservation Area, and to accord with Policy D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To ensure a satisfactory standard of external appearance to preserve the setting of the adjacent Pucklechurch Conservation Area, and to accord with Policy D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. 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

In the interest of flood protection and pollution control in accordance with South Gloucestershire Local Plan (Adopted) January 2006 Policies L17, L18, EP1, EP2 and PPS25 Planning Policy Guidance

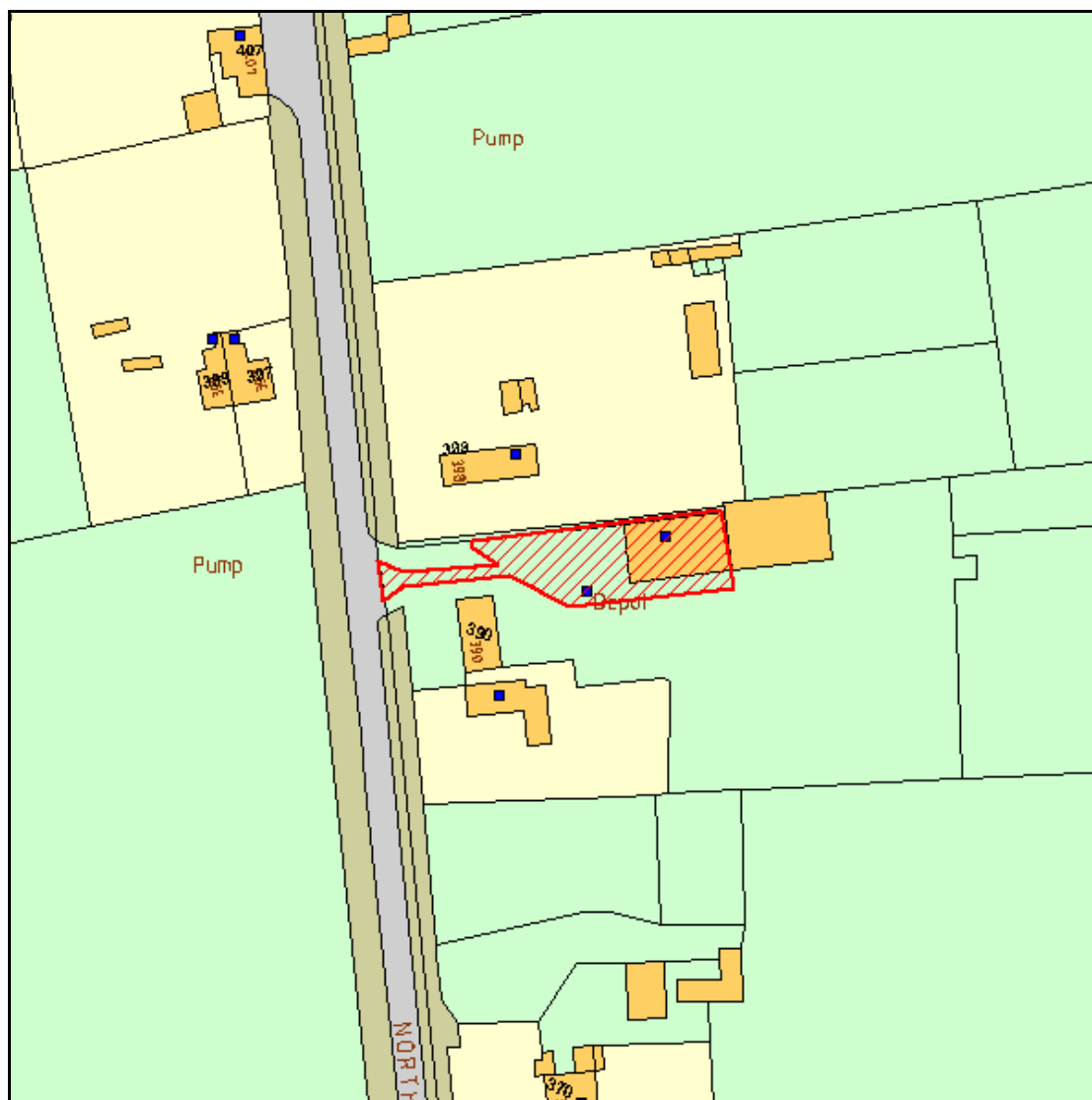
10. The development hereby permitted shall be implemented in strict accordance with the approved scheme for the protection of the existing Horse Chestnut Tree as defined in Tree Report (Branch Walkers Tree Services Ltd) dated 23.07.2009, Tree Survey (Tree Services Ltd) dated 07.04.2010 and Method Statement for Parking Area at 11 Lansdown Road, Pucklechurch received 22.06.2010.

Reason

To protect the health of the Horse Chestnut tree and the character and appearance of the area to accord with Policies H4, D1, L1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 34/10 – 3 SEPTEMBER 2010**

<b>App No.:</b>	PK10/1471/F	<b>Applicant:</b>	Mr Jeremy Clark
<b>Site:</b>	Unit 1 Yard And Premises 390 North Road Yate Bristol South Gloucestershire	<b>Date Reg:</b>	18th June 2010
<b>Proposal:</b>	Change of use from road haulage (Sui generis) to Internet car sales (Sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	369824 184593	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	10th August 2010



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 100023410, 2008. **N.T.S.** **PK10/1471/F**

## **INTRODUCTION**

The application has been forwarded to the Council's Circulated Schedule of applications for Member consideration as a representation has been received raising views contrary to the Officer recommendation.

Members should note that another application ref PK10/1472/F also appears on this Circulated Schedule for change of use of the whole depot site from the existing road haulage use to vehicle storage and Class B8 (storage and distribution).

### **1. THE PROPOSAL**

- 1.1 The application site is situated on the east side of North Road, Engine Common. The application site forms part of a former Haulage Depot comprising an open surfaced area covering most of the depot and a large industrial building on the north boundary. A single storey site office occupies an area between the application site and North Road. The site is bounded by residential development to the north and south with open fields to the east and vehicular access onto North Road to the west.

The application site comprises the west half of the industrial building with a strip of hardstanding to the south, a manoeuvring area to the west and vehicular access onto North Road.

The south east corner of the depot is currently used for mini bus storage. The rest of the site (including the application site and buildings on the north boundary) is currently unoccupied and being advertised for let.

The application site and the depot site are situated outside any settlement boundary as defined in the adopted Local Plan. The application site is situated outside any defined employment areas as defined in the adopted Local Plan.

This application relates to an area in the north of the haulage depot site only at 390 North Road. As indicated above, a separate application ref PK10/1472/F also appears on this Circulated Schedule for change of use of the entire site from the existing road haulage use to Class B8 (storage and distribution). The applicant has indicated that a tenant is ready to take up the lease for the internet car sales use. If this application is successful and implemented then the site will benefit from a sui generis internet car sales use only and as such to change the use of the area of land edged red on the submitted plan thereafter (including to Class B8) will require planning permission.

- 1.2 The application proposes change of use from road haulage depot (Sui generis) to Internet car sales (Sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

The applicant intends to use the site for storage of 15-20 cars. Sales would take place solely through the internet and vehicles would be stored mainly inside the building. Approximately 8 customers would visit the site per week to view the vehicle and complete the transaction of which approximately 5

vehicles would be sold. Stock would be replenished 4-5 times per week but not by car transporter due to the low volume involved.

## **2. POLICY CONTEXT**

### 2.1 National Guidance

PPS1 Delivering Sustainable Development  
PPS7 Sustainable Development in Rural Areas  
PPG13 Transport

### 2.2 Development Plans

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

D1 Design  
E6 Employment Development in the Countryside  
E7 Conversion and Reuse of Rural Buildings  
T8 Parking Standards  
T12 Transportation for New Development

#### South Gloucestershire Core Strategy Pre Submission Publication Draft – March 2010

CS8 Improving Accessibility

## **3. RELEVANT PLANNING HISTORY**

- |     |          |  |
|-----|----------|--|
| 3.1 | N1069    | Erection of office block.<br>Approved 13.03.1975   |
| 3.2 | N1069/1  | Use of land as a lorry park.<br>Refused 14.08.1975   |
| 3.3 | N1069/2  | Extension to existing haulage depot by provision of turning, parking and refuelling facilities and installation of fuel tank. Alterations to vehicular access.<br>Refused 16.09.1976 |
| 3.4 | N1069/3  | Formation of turning area, and alteration to parking areas.<br>Refused 14.09.1978  |
| 3.5 | P86/1635 | Use of land in connection with road haulage depot.<br>Refused 16.07.1986   |
| 3.6 | P91/2694 | Erection of building for use as workshop for heavy vehicles<br>Refused 19.02.1992  |
| 3.7 | P92/2679 | Erection of building for lubrication and   |

servicing of vehicles in connection with road haulage use and use of land for parking and manoeuvring of vehicles in connection with the road haulage use.

Approved 12.03.1993

3.8 P95/1621

Change of use of agricultural land to use for car park associated with haulage yard.

Refused 24.09.1995

3.9 PK05/0244/F

Installation of LPG fuelling facility.

Refused 16.03.2005

3.10 PK05/1854/F

Change of use from road haulage (sui generis) to mixed use vehicle recovery (sui generis) and MOT testing and vehicle maintenance with associated uses (Class B2) as defined in the Town and Country Planning (Use Classes) Order 2005.

Refused 03.04.2006

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

4.1 Iron Acton Parish Council

No objection

4.2 Other Consultees

Sustainable transport – No objection

Tree Officer – No objection

#### **Other Representations**

4.3 Local Residents

One letter of objection received from the occupier of 397 North Road raising the following concerns:

This is a residential area; North Road is already busy with fast traffic, traffic would increase considerably; hours of business should be fixed.

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

5.1 Principle of Development

Policy E6 of the adopted Local Plan accepts new employment development in the countryside only as conversion or reuse of existing rural buildings or extension or intensification of existing employment uses or development for tourism or within employment areas. Policy E7 of the adopted Local Plan supports employment generating development involving the conversion and



reuse of rural buildings outside urban areas provided the building is structurally sound and capable of conversion, the building is in keeping with its surroundings and the development would not have a harmful effect on the character of the countryside or the amenities of the surrounding area. Policies T8 related to the Council's adopted off street parking standard and T12 in relation to highway safety are also relevant considerations.

## 5.2 Planning history

The application site and the depot site in general have been the subject of a great deal of historic planning applications, most of which were refused.

The site benefits from an authorised use as a road haulage depot. Application P92/2679 subsequently gained consent for erection of the industrial building on the north boundary to be used for lubrication and servicing of vehicles in connection with the road haulage use and use of the hardstanding area to the south of the building for parking and manoeuvring of these vehicles. A number of restrictive conditions were attached to this approval which comprises the extant permission related to the site. This is a summary of the relevant conditions:

- Protection of trees on site
- No outside storage
- The buildings shall be used solely for maintenance, servicing, cleaning and storage of road haulage vehicles only
- The buildings are to be used for maintenance, servicing, cleaning and storage of vehicles in relation to the haulage use only.
- Control of trip movements for HGVs over 3.5 tonnes to 30 trips Mon, Fri and Sat, 22 trips Tues, Wed and Thurs, 10 trips Sun and Bank Holidays.
- HGV vehicle trips on Sundays and Bank Holidays within the hours of 0700-1900hrs only
- Maintenance/service/power washing of vehicles shall take place on site only within 0700-1900 Mon-Fri and 0700-1400 Sat and none on Sun or Public Holidays.

In 2005 planning permission was sought under PK05/1854/F for vehicle recovery/MOT testing/vehicle maintenance place. The application was supported by the Council's Highways Officer and the Environmental Health Officer raised no objection, subject to conditions. However, the applicant did not agree to operating hours of 0700-1800 Mon-Fri, 0800-1300 Sat and no other working times. The application was refused for reasons of impact on residential amenity by virtue of noise and disturbance and inaccuracy of plans.

## 5.3 Residential amenity

The permitted use of the site as road haulage depot could result in 20-30 daily Heavy Goods Vehicles trips from the site Monday to Friday. This is unrestricted other than on Sundays and Public Holidays. Operation of other vehicles from the site in relation to the road haulage use is currently unrestricted. The proposal would generate approximately 8 customers per

week, 3 staff movements per day and approximately 5 car deliveries per week. The proposal would result in a significant reduction in noise when compared to the existing use and the numbers of vehicle movements *per se* is considered not to be significant. No maintenance or repair of vehicles is proposed and a condition is recommended to control this. The applicant has stated business hours of Mon to Fri 07:00 to 19:00hrs, Sat - 07:00 to 14:00hrs and at no times on Sundays or Public Holidays. It is therefore considered that the proposal would result in a material reduction in noise and disturbance within the application site when compared to the permitted road haulage use, to the benefit of the local residents.

#### 5.4 Highways matters

From the planning history, it is understood that the site has been used as a road haulage company since the early '70's operating 30 HGVs with associated workshop and staff. According to information provided, the haulage company ceased operating in 2003 and since then the site has been rented out for variety of uses including storage and distribution of accident damaged vehicles and in recent time, part of the site was sublet for the storage of vehicles a local minibus company without the benefit of planning permission.

As explained in the above paragraph, the number of vehicle trips generated by the proposed internet car sales use would be significant less than the permitted road haulage use. Additionally, the types of vehicles would be private cars only rather than HGV's. The business would employ 3 members of staff (2 ft and 1 pt). The vehicles would be advertised on the internet and as explained above, customers would visit the site to look at the vehicle and complete the transaction. In this location outside the settlement little passing trade would be possible. As such Officers consider the applicant's figures for prospective vehicle movements to be generated to be accurate. Therefore it is considered that as the proposal would result in a significant decrease in vehicle movements to and from the site when compared to the existing road haulage use and a change from HGV movements to private car, the proposal would result in a more sustainable form of development with an improvement in relation to highway safety.

#### 5.5 Visual amenity

The proposal would incorporate no operational development. Many of the vehicles would be stored inside the building but some would be stored in the surfaced area between the building and the access onto North Road. The cars would be visible through the entrance from North Road. The site is otherwise well screened on the front and side boundaries by existing established hedging and trees and the office building at the front of the site. As such the application site is considered not to be visually prominent. However, the vehicles would only be stored outside during business opening times for security. Additionally, the existing road haulage use incorporates provision for HGV storage on site. The proposal is considered to represent a material gain in visual impact terms due to the existing industrial character of the site, existing screening on the front and side boundaries, reduced timescale of vehicles to be stored outside and the type of and number of vehicle being of less industrial scale.

The proposal would result in no below ground excavation and would use only existing surfaced areas and as such would have no additional impact on trees around the site.

5.6 Design and Access Statement

A design and access statement is not required for an application for change of use.

5.7 Use of Energy and Sustainability

The proposal would result in a significant reduction in vehicle movements to and from the site and a change from HGV traffic to private cars which are less pollutant. The proposal is therefore considered to represent an improvement in energy efficiency terms and a more sustainable form of development.

5.8 Improvements Achieved to the Scheme

None required.

5.9 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. A summary of reasons for granting planning permission in accordance with article 22 of the town and country planning (general development procedure) order 1995 (as amended) is given below.

- a) The proposal would result in a material gain in terms of noise and pollution generation. As such the proposal would result in a material improvement in relation to the amenity of the adjacent occupiers. The development therefore accords to Policy E6, E7 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposal by virtue of reduced vehicle movements and reduced scale of vehicle types would result in a material improvement in terms of sustainable development and highway safety. The

development therefore accords to Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

- c) It has been assessed that the proposed change of use would have a minimal additional visual impact to a site that is not visually prominent in the street scene. The development therefore accords to Policy D1, E6 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.

## **7. RECOMMENDATION**

7.1 That planning permission is GRANTED subject to the following conditions.

**Contact Officer: Sean Herbert**  
**Tel. No. 01454 863056**

### **CONDITIONS**

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

Reason

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

2. The use hereby approved shall operate on site between the following times only Mon to Fri 07:00 to 19:00hrs, Sat - 07:00 to 14:00hrs and at no times on Sundays or Public Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E6 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006.

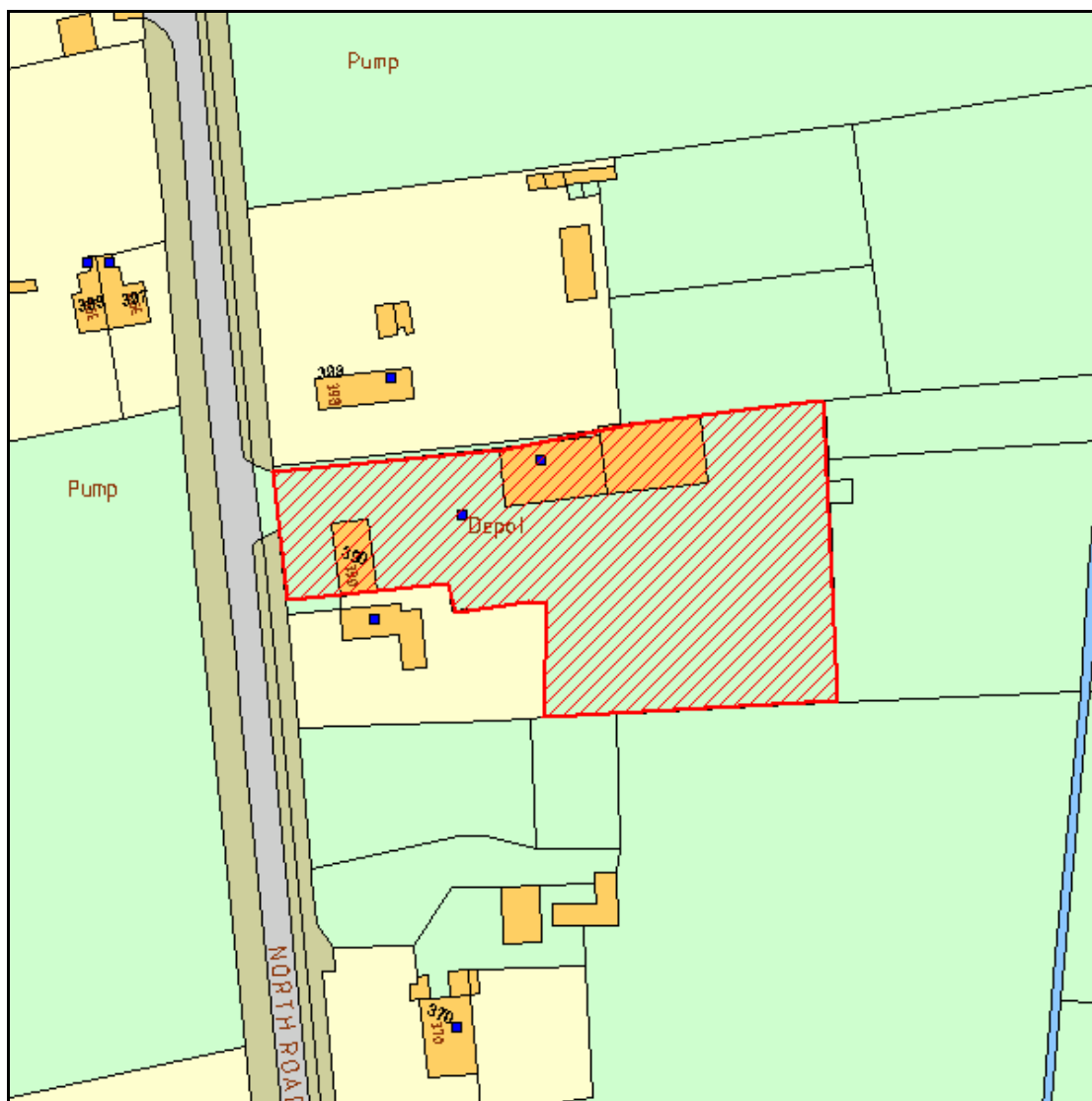
3. No maintenance or repair of vehicles shall take place within the application site unless first agreed in writing with the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E6 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 34/10 – 3 SEPTEMBER 2010**

<b>App No.:</b>	PK10/1472/F	<b>Applicant:</b>	Mr Jeremy Clark
<b>Site:</b>	Yard And Premises ADJ 390 North Road Yate Bristol South Gloucestershire	<b>Date Reg:</b>	18th June 2010
<b>Proposal:</b>	Change of use from road haulage (Sui generis) to Storage and Distribution (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	369824 184593	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	10th August 2010



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 100023410, 2008. **N.T.S.** **PK10/1472/F**

## **INTRODUCTION**

The application has been forwarded to the Council's Circulated Schedule of applications for Member consideration as a representation has been received raising views contrary to the Officer recommendation.

Members should note that another application ref PK10/1471/F also appears on this Circulated Schedule for change of use of the north part of the site from the existing road haulage use to vehicle storage and internet sales business.

### **1. THE PROPOSAL**

1.1 The application site is situated on the east side of North Road, Engine Common. The application site forms a former Haulage Depot comprising an open surfaced area covering most of the depot and a large industrial building divided into two units on the north boundary. A single storey site office occupies an area at the front of the site adjacent to North Road. The site is bounded by residential development to the north and south with open fields to the east and vehicular access onto North Road to the west.

The south east corner of the depot is currently used for mini bus storage. The proposal would regularise this currently unauthorised use. The rest of the site is currently unoccupied and being advertised for let.

The application site is situated outside any settlement boundary as defined in the adopted Local Plan. The application site is situated outside any defined employment areas as defined in the adopted Local Plan.

This application relates to the entire haulage depot site at 390 North Road. As indicated above, a separate application ref PK10/1471/F also appears on this Circulated Schedule for change of use of the north part of the site from the existing road haulage use to vehicle storage and internet sales business. The applicant has indicated that a tenant is ready to take up the lease for the Internet car sales use. Members should note that if both applications are approved only the use that first commences on the site will become the authorised use for the land in question, i.e. if the Internet car sales use commences then planning permission will be required to change the use of that part of the site to a use other than internet car sales.

1.2 The application proposes change of use from road haulage (Sui generis) to Storage and Distribution (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

The application is made for general Class B8 (storage and distribution) use. The applicant's intention is to regularise the existing mini bus use in the south east corner and market the remaining parts of the site to businesses falling within B8 Class.

## 2. POLICY CONTEXT

### 2.1 National Guidance

PPS1 Delivering Sustainable Development  
PPS7 Sustainable Development in Rural Areas  
PPG13 Transport

### 2.2 Development Plans

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

D1 Design  
E6 Employment Development in the Countryside  
E7 Conversion and Reuse of Rural Buildings  
T8 Parking Standards  
T12 Transportation for New Development

#### South Gloucestershire Core Strategy Pre Submission Publication Draft – March 2010

CS8 Improving Accessibility

## 3. RELEVANT PLANNING HISTORY

- |     |          |   |
|-----|----------|---|
| 3.1 | N1069    | Erection of office block.<br>Approved 13.03.1975  |
| 3.2 | N1069/1  | Use of land as a lorry park.<br>Refused 14.08.1975  |
| 3.3 | N1069/2  | Extension to existing haulage depot by<br>provision of turning, parking and refuelling<br>facilities and installation of fuel tank.<br>Alterations to vehicular access.<br>Refused 16.09.1976 |
| 3.4 | N1069/3  | Formation of turning area, and<br>alteration to parking areas.<br>Refused 14.09.1978  |
| 3.5 | P86/1635 | Use of land in connection with road<br>haulage depot.<br>Refused 16.07.1986   |
| 3.6 | P91/2694 | Erection of building for use as workshop<br>for heavy vehicles<br>Refused 19.02.1992  |
| 3.7 | P92/2679 | Erection of building for lubrication and<br>servicing of vehicles in connection with road<br>haulage use and use of land for parking and  |

- manoeuvring of vehicles in connection with the road haulage use.  
Approved 12.03.1993
- 3.8 P95/1621 Change of use of agricultural land to use for car park associated with haulage yard.  
Refused 24.09.1995
- 3.9 PK05/0244/F Installation of LPG fuelling facility.  
Refused 16.03.2005
- 3.10 PK05/1854/F Change of use from road haulage (sui generis) to mixed use vehicle recovery (sui generis) and MOT testing and vehicle maintenance with associated uses (Class B2) as defined in the Town and Country Planning (Use Classes) Order 2005.  
Refused 03.04.2006

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

##### 4.1 Iron Acton Parish Council

Objection, for reasons:

The Parish Council would refute the applicants statement that there have been no complaints from neighbours since the ratification of planning in 1993. A business called Kingsgate Autos operated out of the site and caused considerable nuisance to neighbours during their occupation which was reported to South Gloucestershire Council. The Parish Council would also request that operating hours are restricted in line with the fact that the site is in a residential area.

##### 4.2 Other Consultees

Sustainable transport – No objection

Tree Officer – No objection

Environmental Health Officer – No objection, subject to conditions

#### **Other Representations**

##### 4.3 Other representations

Email received from local Ward Member Howard Gawler raising the following concerns:

This was a haulage yard with artics operating on a road with a 7.5T weight limit. This still exists due to the school, shop etc. The artics were routed onto the Wotton Rd for all directions.

Any application which has a B8 category attached raises serious concerns. There is no way that even the possibility, of heavy lorries once again using North Rd should be accepted.



## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy E6 of the adopted Local Plan accepts new employment development in the countryside only as conversion or reuse of existing rural buildings or extension or intensification of existing employment uses or development for tourism or within employment areas. Policy E7 of the adopted Local Plan supports employment generating development involving the conversion and reuse of rural buildings outside urban areas provided the building is structurally sound and capable of conversion, the building is in keeping with its surroundings and the development would not have a harmful effect on the character of the countryside or the amenities of the surrounding area. Policies T8 related to the Council's adopted off street parking standard and T12 in relation to highway safety are also relevant considerations.

### 5.2 Planning and site history

The application site and the depot site in general have been the subject of a great deal of historic planning applications, most of which were refused.

The site benefits from an authorised use as a road haulage depot. Application P92/2679 subsequently gained consent for erection of the industrial building on the north boundary to be used for lubrication and servicing of vehicles in connection with the road haulage use and use of the hardstanding area to the south of the building for parking and manoeuvring of these vehicles. A number of restrictive conditions were attached to this approval which comprises the extant permission related to the site. This is a summary of the relevant conditions:

- Protection of trees on site
- No outside storage
- The buildings shall be used solely for maintenance, servicing, cleaning and storage of road haulage vehicles only
- The buildings are to be used for maintenance, servicing, cleaning and storage of vehicles in relation to the haulage use only.
- Control of trip movements for HGVs over 3.5 tonnes to 30 trips Mon, Fri and Sat, 22 trips Tues, Wed and Thurs, 10 trips Sun and Bank Holidays.
- HGV vehicle trips on Sundays and Bank Holidays within the hours of 0700-1900hrs only
- Maintenance/service/power washing of vehicles shall take place on site only within 0700-1900 Mon-Fri and 0700-1400 Sat and none on Sun or Public Holidays.

In 2005 planning permission was sought under PK05/1854/F for vehicle recovery/MOT testing/vehicle maintenance place. The application was supported by the Council's Highways Officer and the Environmental Health Officer raised no objection, subject to conditions. However, the applicant did not agree to operating hours of 0700-1800 Mon-Fri, 0800-1300 Sat and no

other working times. The application was refused for reasons of impact on residential amenity by virtue of noise and disturbance and inaccuracy of plans. The applicant has indicated that the haulage depot use commenced in the 1970's and operated until 2003. In 2004 the site was leased to a business dealing with storage and distribution of damaged vehicles on behalf of insurance companies, local authorities and the police. The site was then let to a firm dealing with storage of vehicles, who then sub-let the site to Yate Sodbury Community District Transport Ltd (YSCDT). When the lease terminated in March 2008 YSCDT took on their own lease. YSCDT remain on the site but are now the only tenants.

### 5.3 Highways matters

From the planning history, it is understood that the site has been used as a road haulage company since the early '70's operating 30 HGVs with associated workshop and staff. According to information provided, the haulage company ceased operating in 2003 and since then the site has been rented out for variety of uses including storage and distribution of accident damaged vehicles and in recent time, part of the site was sublet for the storage of vehicles a local minibus company without the benefit of planning permission.

The permitted use of the site as road haulage depot could result in 20-30 daily Heavy Goods Vehicles trips from the site Monday to Friday. This is unrestricted other than on Sundays and Public Holidays. Operation of other vehicles from the site in relation to the road haulage use is currently unrestricted. The condition restricting trip movements was imposed in 1993, prior to publication of Government Circular 11/95 (The use of conditions) and subsequent amendments. Such a condition restricting numbers of vehicle movements would clearly be very difficult to enforce and as such would not meet the acceptability tests of Cir 11/95. Such a condition is therefore not recommended for this application and alternative controls are recommended instead.

Concern has been raised that originally, HGV's were routed to Wotton Road and that routing vehicles via North Road would be unacceptable. No record could be found of a formal planning condition or agreement controlling the route taken by vehicles using the site. Such agreements or conditions are difficult to enforce and result in a concentration of vehicles using certain roads which instead of resolving issues only transfer issues to other locations. Accident records indicated that there are two recorded accidents south of the application site on North Road. Both were minor and unrelated to HGV's and both were more than 370m from the site entrance. There is no evidence that providing no restriction to traffic movements to and from the site is harmful. As such it would not be reasonable to control the route taken by vehicles using the site.

In summary, the site currently benefits from an authorised road haulage use, the use has been in operation from the 1970's until 2003 and there is no record of related accidents on North Road. The site has been developed for vehicle storage, including access with splayed entrance, manoeuvring space and pollution control measures, grey water disposal and provision of oil interceptors. Officers consider it would be difficult to justify how the proposed

Class B8 Use would be materially more harmful in comparison to the authorised use and as such the proposal is considered to be acceptable in highway safety terms.

#### 5.4 Residential amenity

Local residents have made complaints to the Council in the past in relation to a previous vehicle storage use on the site. This use related to recovery of storage of damaged vehicles which were taken to the site at all times. This use was unauthorised and operated without control from the Local Authority. Officers consider the proposal to represent an opportunity to regularise and clearly define the use of the site for future occupiers and to apply controls through planning conditions in the interest of protecting the residential amenity of the adjacent occupiers and the local residents.

A condition is recommended to control the operating hours of any business to Mon to Fri - 07:00 to 19:00hrs, Sat - 07:00 to 14:00hrs and at no other times. Additionally, these hours would also apply to Heavy Goods Vehicles and Public Service Vehicles (buses and coaches) accessing and leaving the site and operating on site, including manoeuvring and running of engines. This provides the same operational hours to the authorised use approved under P92/2679 and a tighter control in relation to the use and operation of vehicles within the site. Mini bus operation would be restricted to 07:00 to 22.30hrs Mon to Fri and 07:00 to 17:00hrs Sat, Sun and Bank Holidays. This is in line with the current operating hours of Yate Sodbury Community District Transport Ltd.. Mini buses are less noise sensitive and as such less restrictive operating are considered to be reasonable.

Currently, the site is restricted to 0700-1900 Mon-Fri and 0700-1400 Sat for maintenance/service/power washing of vehicles. A condition is recommended to ensure no operation of power/compressor tools within the site at any time. This would provide an improved control of noise in the interest of the amenity of the local residents. Additionally, any fork lift trucks must be fitted with a broadband reversing alarm system which directs all noise from a reversing alarm to the immediate area behind the vehicle which would also provide an improved noise control.

Considering all of the above factors, it is therefore considered that the proposal with the benefit of improved controls, would result in a material reduction in noise and disturbance within the application site when compared to the permitted road haulage use, to the benefit of the local residents.

#### 5.5 Visual amenity

The proposal would incorporate no operational development but storage of material would be possible under the Class B8 Use. The site would be visible through the entrance from North Road, but the site is otherwise well screened on the front and side boundaries by existing established hedging and trees and the office building at the front of the site. As such the application site is considered not to be visually prominent. Although it is possible that storage material and vehicles could be seen through the entrance on North Road, only

a brief view into the site could be afforded at the entrance. No wider views would be possible along North Road. Considering the authorised use of the site, the existing industrial character of the site and the visual screening which exists, it is considered that the proposal would have no greater impact on the character and appearance of the area.

The proposal would result in no below ground excavation and would use only existing surfaced areas and as such would have no additional impact on trees around the site.

5.6 Design and Access Statement

A design and access statement is not required for an application for change of use.

5.7 Use of Energy and Sustainability

The proposal would retain/reuse use of a HGV traffic generating use close to Yate and with links to Bristol and the M4/M5. The proposal is therefore considered to represent a sustainable form of development.

5.8 Improvements Achieved to the Scheme

None required.

5.9 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. A summary of reasons for granting planning permission in accordance with article 22 of the town and country planning (general development procedure) order 1995 (as amended) is given below.

- a) The proposal would result in a potential material gain in terms of noise and pollution generation. As such the proposal would result in a material improvement in relation to the amenity of the adjacent

- occupiers. The development therefore accords to Policy E6, E7 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposal would reuse an existing traffic generating site which has no accident record. The proposal would result in no material change in traffic and highway safety terms. The development therefore accords to Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
  - c) It has been assessed that the proposed change of use would have a minimal additional visual impact to a site that is not visually prominent in the street scene. The development therefore accords to Policy D1, E6 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.

## **7. RECOMMENDATION**

7.1 That planning permission is GRANTED subject to the following conditions.

**Contact Officer: Sean Herbert**  
**Tel. No. 01454 863056**

### **CONDITIONS**

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

Reason

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

2. The use of the workshop and yard area associated with them should be limited to;

Mon to Fri - 07:00 to 19:00hrs

Sat - 07:00 to 14:00hrs

Sun and Bank Holidays - No use.

These hours must also apply to Heavy Goods Vehicles and Public Service Vehicles (buses and coaches) accessing and leaving the site and operating on site, including manoeuvring and running of engines.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E6 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No power tools/compressors should be operated outside of the workshop buildings, and Fork Lift Trucks where used should be fitted with broad band reversing alarms or other reversing alarm details of which to be submitted to and approved in writing by the Local Planning Authority prior to installation.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E6 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Mini buses accessing and leaving the site should be limited to;

Mon to Fri - 07:00 to 22.30hrs

Sat, Sun and Bank Holidays - 07:00 to 17:00hrs.

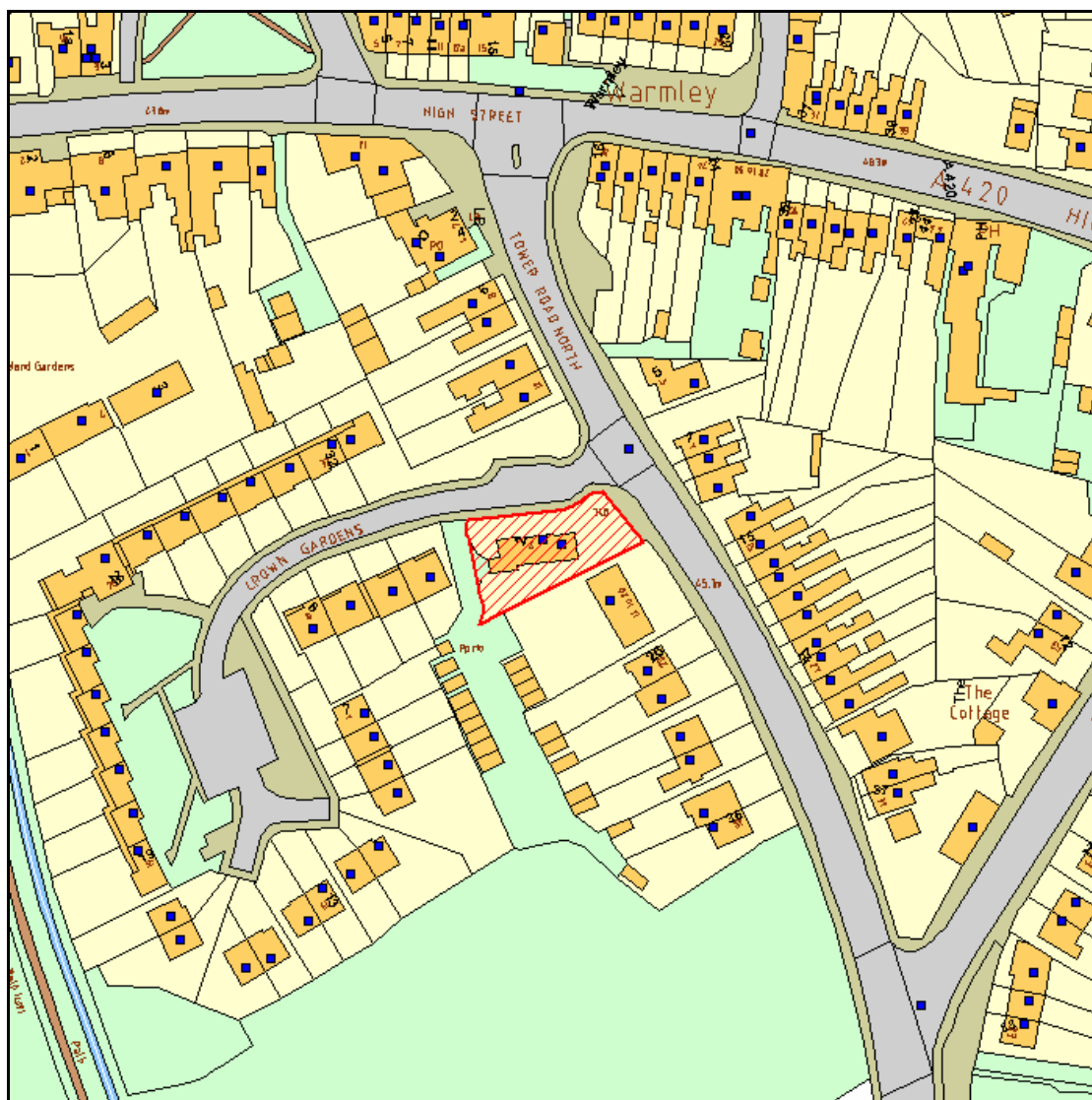
Mini busses should only be stored in the area of the yard identified in the application.

Reason

To protect the amenities of the occupiers of nearby dwelling houses and the character and appearance of the area, and to accord with Policy D1, E6 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 34/10 – 3 SEPTEMBER 2010**

<b>App No.:</b>	PK10/1831/F	<b>Applicant:</b>	Mrs Veronica Hardiman
<b>Site:</b>	1 Crown Gardens Warmley Bristol South Gloucestershire BS30 8YG	<b>Date Reg:</b>	22nd July 2010
<b>Proposal:</b>	Erection of single storey side extension to form 1 no. additional dwelling with associated works.	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	366924 173475	<b>Ward:</b>	Siston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th September 2010



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 100023410, 2008. **N.T.S.** **PK10/1831/F**

## **INTRODUCTION**

This application has been referred to the Circulated Schedule following the receipt of an objection from a local resident, which is contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to a detached dwelling house situated on a corner plot at the junction of Crown Gardens and Tower Road North, Warmley. The property was built as a Police house about 60 years ago and currently comprises a two-storey detached building with single-storey extensions at both ends. The location is generally residential in character but there are a number of commercial properties further down Tower Road to the south.
- 1.2 The house sits on a site with a narrow garden to the front; a garden area to the east extends to the road frontage behind a timber fence. The garden to the rear is wedge shaped and comprises patio, lawn and flower beds. The area to the west comprises a car hard-standing.
- 1.3 The occupier now finds staircases difficult to manage and therefore wishes to create a separate single-storey, one-bedroom, dwelling attached to the eastern end of the existing house. It is intended that family members would occupy the main house.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

- PPS1 - Delivering Sustainable Development
- PPG2 - Green Belts
- PPS3 - Housing as revised June 9<sup>th</sup> 2010.
- PPG13 - Transport
- Ministerial Statement 9<sup>th</sup> June 2010

#### **2.2 Development Plans**

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

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

##### South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010

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



South Gloucestershire Local Plan (Adopted) 6th January 2006

L1	-	Landscape protection and enhancement
L5	-	Open Areas within Existing Urban Areas
EP1	-	Environmental Pollution
EP2	-	Flood Risk and Development
L17 & L18	-	The Water Environment
GB1	-	Green Belt
H2	-	Residential development
H4	-	Development within Residential Curtilages
D1	-	Design
T8	-	Parking standards
T12	-	Transportation development control

Supplementary Planning Guidance

The South Gloucestershire Design Check List (SPD) Adopted Aug 2007

**3. RELEVANT PLANNING HISTORY**

3.1 None.

**4. CONSULTATION RESPONSES**

4.1 Siston Parish Council  
No response.

4.2 Other Consultees

Sustainable Transport

There are no highway objections to this proposal but it is recommended that the following condition is imposed:

‘Prior to the occupation of the dwelling, provide two parking spaces on the site for the existing dwelling and one parking space on the site for the new dwelling. The said parking spaces shall then be maintained satisfactory thereafter.’

**Other Representations**

4.3 Local Residents

1no. e.mail has been received from the occupier of no. 16 Tower Road North, who objects on the following grounds:

- Loss of daylight from living room.
- Loss of view.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The site lies within the Urban Area, there is therefore no in-principle objection to the development of the site for residential use.

- 5.2 Having regard to the adopted Joint Replacement Structure Plan Policy 2 of the JRSP, the locational strategy, aims to concentrate development for jobs, housing and facilities within the main urban areas, in order to maintain and develop their vitality and quality as regional and sub-regional centres. JRSP Policy 19 requires development to be managed in a manner that respects local character and distinctiveness through good design.
- 5.3 Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes. Recent changes to PPS3 mean that residential gardens are no longer considered to be ‘previously developed’, brown field sites. That is not to say however that garden areas cannot be developed at all; any development would need to satisfy local plan policies relating to design and impact on the character of the area in question.
- 5.4 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:
- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
  - B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
  - C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
  - D. Provision for education, leisure, recreation and other community facilities, within the vicinity, is adequate to meet the needs arising from the proposals.
- 5.5 It should be noted however that in the recently revised version of PPS3 the reference to the national indicative minimum density target of 30dph has been deleted. The changes have been introduced to reflect concerns regarding overdevelopment of neighbourhoods, loss of green space and the impact upon local character.
- 5.6 Also of relevance is Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 which permits development within residential cartilages, including new dwellings, subject to similar criteria. Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010, both seek to secure good quality designs that are compatible with the character of the site and locality.

- 5.7 The site is not subject to unacceptable levels of noise, disturbance, air pollution, smell, dust or contamination. There is adequate provision in the locality for Education, Leisure, Recreation and other Community Facilities to meet the needs arising from the proposal.
- 5.8 Density  
Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. Whilst not prescribing any maximum figure the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account.
- 5.9 PPS3 (para.50) states that *“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”*
- 5.10 Officers are satisfied that having regard to the site’s constraints relating to pattern of development, size, access, and impact on residential amenity, no more than one dwelling could realistically be accommodated on the site. The level of proposed density is considered appropriate for this location and accords with the established density of development in Crown Gardens and Tower Road North. In this respect therefore the proposal is not considered to be an overdevelopment of the site.
- 5.11 Scale and Design  
Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 only permits new development where good standards of site planning and design are achieved. Criterion A of Policy D1 requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality. These criteria are carried forward into Policy CS1 of the emerging Core Strategy.
- 5.12 In terms of scale and design, the proposed dwelling would have a similar footprint area (55sq.m.) as the main house and is designed to extend the established built form of the existing single-storey element of the host build, around the corner. The building strictly conforms to the established building lines on both Crown Gardens and Tower Road North. As the proposed dwelling would be single-storey it would be read in the street scene as a subservient element to the existing two-storey elements either side; it should also be noted that nos. 3-6 Crown Gardens are bungalows. This is considered to be an acceptable design solution to ‘turning the corner’, which would integrate well within the established built form. Furthermore the proposed materials to be used in construction as well as the fenestration design, would match those of the host dwelling. The proposed dwelling is therefore acceptable in terms of both scale and design.

5.13 Landscape and Green Belt Issues

The development site lies entirely within the garden area to the eastern end of the existing dwelling. The area is quite large and is well enclosed by existing fences and hedges. At present this part of the garden is gravelled over and sparsely vegetated, resulting in a rather stark appearance in comparison to the rest of the property. A good deal of the garden would be retained as would an existing Lilac Tree to the front; officers are therefore satisfied that in terms of Policies L5 and L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 the proposal is acceptable and would not represent a significant loss of open space or have a detrimental impact on the character of the landscape.

5.14 Transportation

The proposal would provide two off-street car parking spaces one for each of the existing and proposed dwellings. These spaces would be situated to the west of the existing house, comprising a single garage and one hard-standing to the side. Crown Gardens is a cul-de-sac with unrestricted on-street parking and there is a specific set-back parking area directly opposite the property. Notwithstanding the off-street parking provision proposed, officers consider that a second parking space should be provided for the existing dwelling; this can be accommodated alongside the proposed hard-standing space. Subject to a condition to secure the extra parking space, the proposal satisfies the Council's adopted parking standards T8 and the requirements of Policy T12, no highway objections are raised.

5.15 A separate timber shed would be provided within the garden to provide secure cycle parking and adequate bin storage facility. The shed would be located next to a new pedestrian access from Crown Gardens.

5.16 Impact upon Residential Amenity

Adequate garden space would be retained to serve the existing and proposed properties; in this respect the scheme does not represent an overdevelopment of the site. The relationship of the proposed dwelling to the adjacent properties is such that it would not result in an overbearing impact for neighbouring occupiers or any significant loss of light. There are first-floor and ground floor windows in the end elevation of neighbouring no.14 Tower Road North but these are only secondary windows. Given that the ground floor window overlooks a driveway and lies mostly behind a fence, and that the proposal is only single-storey, there would be little adverse impact to result from the proposal. Whilst there is no right to a view, the scheme is modest in scale and would not result in any significant loss of outlook for neighbouring occupiers. Adequate bin storage would be provided to the front of the property.

5.17 There would be no significant issues of over-looking or inter-visibility, adequate amenity distances would be achieved. New 2.0m high fence would be erected between the new property and the rear garden of the existing house. There would therefore be no significant adverse impact on residential amenity.

5.18 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this can be adequately mitigated for by imposing a condition to limit the hours of construction. There are therefore no objections on environmental grounds. It is proposed to utilise the existing mains sewer for foul disposal.

5.19 Community Services Department

The proposal is for 1no. house only and since this falls below the 10 unit threshold for contributions to Community Services, no contributions are requested in this case.

5.20 Education Service

Due to the small size of the development including only 1no. house, it is considered that no contributions to education provision can be justified for this development.

5.21 Affordable Housing

The site area is below 0.5 hectares in area and the proposed number of units (1) is below local and national policy guidance on the threshold for requiring affordable housing (15). There is therefore no requirement for the provision of affordable housing in this case.

5.22 Use of Energy and Sustainability

None.

5.23 Improvements Achieved to the Scheme

None.

5.24 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 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 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) 6th 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 dwelling hereby permitted shall match those used in the existing building.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of The South Gloucestershire Core Strategy Pre-Submission Draft (March 2010).

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

Reason

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

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

Reason

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

5. Notwithstanding the details shown on the submitted plans, two off-street parking spaces for the existing dwelling and one for the proposed dwelling, shall be provided prior to the first occupation of the dwelling hereby approved and maintained as such thereafter. Prior to the commencement of development, details of the off street car parking spaces shall be provided to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety, and to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 34/10 – 3 SEPTEMBER 2010**

<b>App No.:</b>	PK10/1836/F	<b>Applicant:</b>	McCarthy Property Services Ltd
<b>Site:</b>	61 Downend Road Downend Bristol South Gloucestershire BS16 5UF	<b>Date Reg:</b>	22nd July 2010
<b>Proposal:</b>	Conversion of existing 2no flats into 3no self contained flats with bin and cycle stores and associated works	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	364846 176523	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	10th September 2010



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 100023410, 2008. **N.T.S.** **PK10/1836/F**



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

This application appears on the Circulated Schedule as representations were made contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the conversion of existing 2no flats into 3no self contained flats with bin and cycle stores and associated works.
- 1.2 The application site relates to an end terrace dwelling located within the existing urban area of Downend. The existing property is currently vacant and it is proposed to convert the property from 2no. one bedroom flats into 3no. one bedroom flats. No external changes to the existing building are proposed. Covered bin storage and secure cycle storage for 3no. bicycles will be provided to the rear of the property.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

#### **2.2 Development Plans**

##### **Joint Replacement Structure Plan**

Policy 1	Sustainable Development Objectives
Policy 2	Location of Development
Policy 34	Re-use of Previously Developed Land
Policy 35	Housing Density

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

D1	Achieving Good Quality Design in New Development
H2	New Residential Development within the Urban Areas
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
H5	Residential Conversions, House in Multiple Occupation and Re-use of Buildings for Residential Purposes
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

##### **Emerging Development Plan**

##### **Core Strategy Pre-Submission Publication Draft (March 2010)**

CS1	High Quality Design
-----	---------------------

CS5	Location of Development
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

## 2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

## 3. **RELEVANT PLANNING HISTORY**

3.1 No relevant history.

## 4. **CONSULTATION RESPONSES**

4.1 Downend and Bromley Heath Parish Council  
Objection - No reference to any car parking spaces and the Parish Council feel there should be at least 3 of them.

4.2 Other Consultees

Highways  
No objection.

### **Other Representations**

4.3 Local Residents

Two letters of objection were received raising the following concerns:

- Lack of car parking spaces
- Bins being left on road due to narrow access
- Late parties and noise from occupiers
- Parking in adjacent lane would cause congestion
- Workmen vehicles could cause a safety hazard

## 5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application site lies within the urban area of Downend. Advice contained within PPS3 actively encourages the conversion of existing dwellings into smaller units of self-contained residential accommodation and the provision of new residential development in urban areas and this advice is reflected in Policies H2 and H5 of the adopted local plan. Policy H5 relates to the conversion of existing dwellings provided the character of the area is not prejudiced, the proposal is acceptable in residential amenity and highway safety terms and provides adequate off-street parking and amenity space. Policy H2 broadly envelops the above policy criteria and specifically relates to new residential development within urban areas and settlement boundaries provided the following criteria are complied with:-

**(A) Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity;**

5.2 The Council's Highways Engineer was consulted as a part of this application. The proposed development involves the conversion of two existing two-bed flats into three one-bed flats. No extension or external alterations are proposed. There is currently no vehicular parking within the site boundary and none is proposed as part of this development. Indeed, given the constraints of the site it would be difficult to provide off street parking as part of the proposal. Given the size of the existing flats against that proposed, it is considered that there is not likely to be any significant increase in vehicular traffic for this development. As a result, it is not considered that the proposal would lead to an unacceptable level of congestion or prejudice highway safety. The Council's parking standards policy (T8) allows for 'car-free' development in sustainable locations. The site is within the established urban area and there are bus stops within close proximity on Downend Road. In light of this, it is considered there is no basis for a transportation objection to this proposal.

Concern was raised in regard to workman's vehicles causing congestion, clearly this would be for a temporary period and this planning application cannot control inconsiderate or illegal parking.

In environmental impact terms, cycle storage and refuse/bin facilities are provided and it is considered the proposal would have no adverse impact in this regard. The onus would be on occupants of the flat to use these facilities in the correct manner.

5.3 Residential Amenity

With regard to residential amenity, the proposal is considered acceptable. No external changes are proposed that would prejudice nearby occupiers and no material increase in noise is anticipated. Any issues in respect of noise pollution created by occupants would be a matter for Environmental Health. No private amenity space is provided due to the constraints of the property however there are recreational facilities in relative close proximity in Staple Hill and Mangotsfield.

The proposal is therefore acceptable in residential amenity terms.

**(B) The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved;**

5.4 The proposal would result in an increase in the density of the site from two self contained units, to three. The proposal is located within an urban area and in a highly sustainable location and respects the existing pattern of development. The proposal is considered to satisfactorily maximise the efficient use of land without adverse impact to surrounding amenity and therefore accords with this criterion.

**(C) The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination;**

5.5 The site is not affected by any of the above and as such complies with this criterion.

**(D) Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.**

5.6 The proposal is for one additional residential unit. Due to the location of the site within the urban area of Downend and the range of facilities available, it is considered that the proposal will not significantly impinge upon the level of service provision within the locality and as such complies with this criterion.

5.7 Design

The proposal would not result in any external alterations to the existing building. The bin storage and cycle storage to the rear would be fairly enclosed and therefore no harm would be caused to the visual amenity. The proposal is considered to comply with Policies D1 and H4 of the Local Plan.

5.8 Improvements to Scheme

No improvements considered necessary.

**6. CONCLUSION**

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

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

- a) The proposal would identify an acceptable level of amenity for occupiers of the flats and would not prejudice the residential amenity of neighbouring occupiers. The development therefore accords to Policy D1, H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposal represents an acceptable form of 'car-free' development and would not prejudice highway safety. The development therefore accords to Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- c) The proposal would achieve the maximum density compatible with the site, is of an acceptable design and would not have any adverse

environmental impacts. The development therefore accords to Policy D1, H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

Reason

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

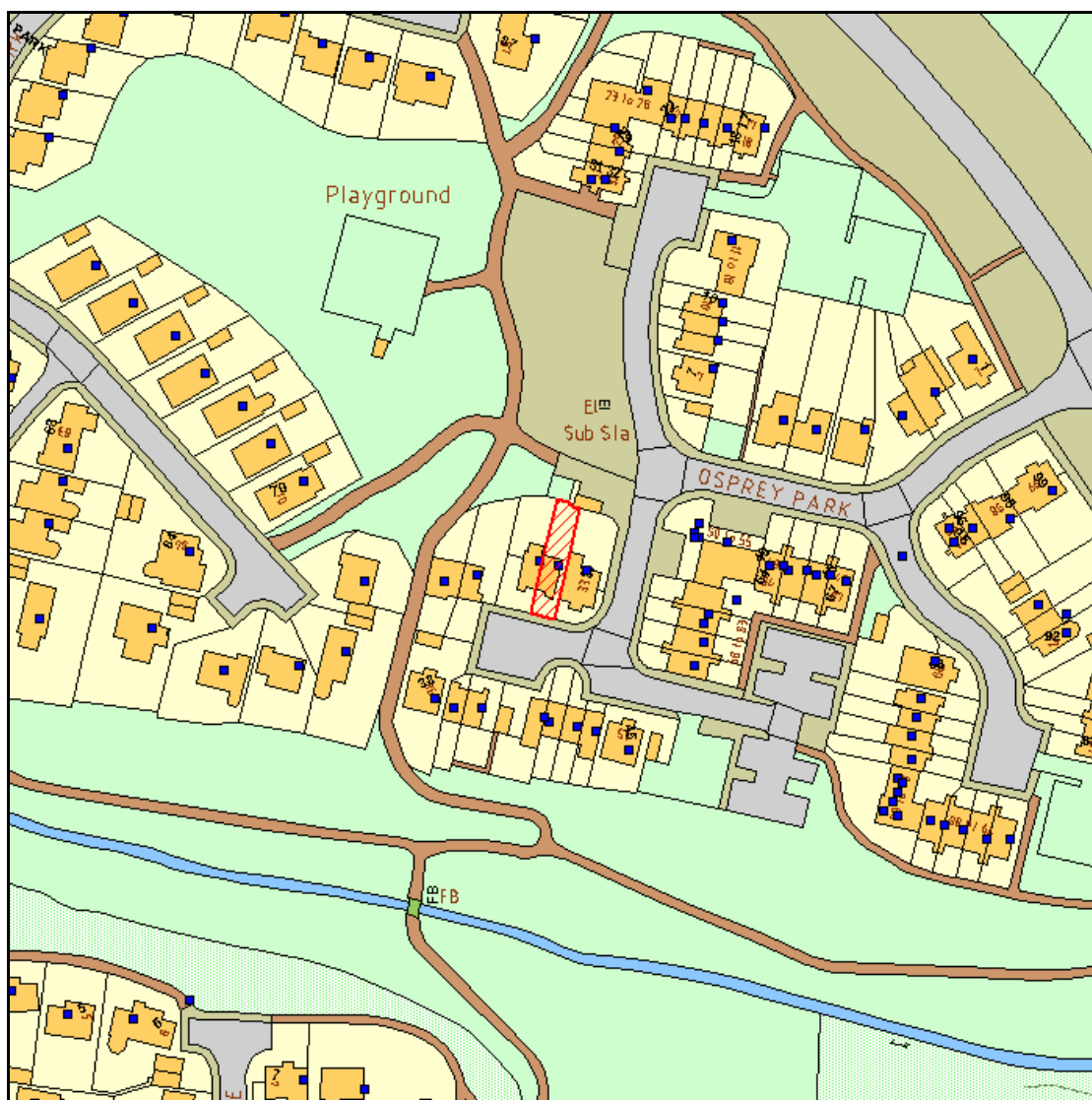
2. The refuse storage shown on drawing no. CA/1052/02 shall be provided in full prior to the first occupation of the flats hereby approved.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 34/10 – 3 SEPTEMBER 2010**

<b>App No.:</b>	PT10/1862/CLP	<b>Applicant:</b>	Miss Olivia Leaman
<b>Site:</b>	34 Osprey Park Thornbury Bristol South Gloucestershire BS35 1LY	<b>Date Reg:</b>	28th July 2010
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed erection of a single storey rear extension to provide additional living accommodation.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364680 191063	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	16th September 2010



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 100023410, 2008. **N.T.S.** **PT10/1862/CLP**

## **INTRODUCTION**

This application appears before members, as it is an application for a Certificate of Lawfulness for a Proposed Development.

### **1. DESCRIPTION OF DEVELOPMENT**

1.1 The applicant is seeking a formal decision as to whether a proposal to construct a single storey rear extension within the residential curtilage of 34 Osprey Park, Thornbury is lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

1.2 The proposed rear extension would be 2.5 m deep, 4.1 m wide and 3.1 m in height. Materials would consist of facing brick and tiles to match existing.

The site lies within the defined settlement boundary of Thornbury.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Town and Country Planning (General Procedures) Order 1995 Article 24  
Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class A. (referred to in this report as GPDO 2008)

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

3.1 No relevant history.

### **4. CONSULTATION RESPONSES**

#### **4.1 Thornbury Town Council**

No objection.

#### **Other Representations**

#### **4.2 Local Residents**

No response.

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

5.1 Site plan, existing and proposed plans and elevations drawing.

## 6. EVALUATION

The application for a Certificate of Lawfulness is purely an evidential test. The test of evidence to be applied is whether the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence. As has been set out already the case made here is that the proposed rear extension falls within the permitted development rights enjoyed by householders under the GPDO 2008. Accordingly, if this case is made successfully there is no consideration of planning merit nor an opportunity for planning conditions. The development is simply lawful or not lawful according to the evidence.

The key issue here is the operation of the permitted development rights, namely Part 1, Class A which allows householders “The enlargement, improvement or other alteration of a dwellinghouse”. There is no evidence that permitted development rights have been removed in this instance and there is no dispute as to the extent of the residential curtilage put forward. Accordingly, it is accepted that the permitted development rights apply to this site which is in use as a single dwelling house. The remaining issues are whether the proposed development falls within the remit. The limitations on the operation of Class A in respect of single storey side extensions are as follows:

- Extensions (including previous extensions) and other buildings must not exceed 50% of the total area of land around the original house. The submitted plans demonstrate this.
- The extension would not extend beyond a wall that fronts a highway and forms either a principal or a side elevation of the original dwellinghouse. The submitted plans demonstrate this.
- Materials used in exterior work to be similar in appearance to those of the exterior of the existing house. The submitted plans demonstrate this.
- The height of the eaves of the part of the dwellinghouse enlarged would not exceed the height of the eaves of the existing dwellinghouse. The submitted plans demonstrate this.
- The height of the extension would not exceed the highest part of the roof of the existing dwellinghouse. The submitted plans demonstrate this.
- The extension, which would extend beyond a wall forming a side elevation of the original dwellinghouse would not; exceed 4 metres in height, have more than one storey, or have a width greater than half the width of the original dwellinghouse. The submitted plans demonstrate this.
- The proposed development is not on “article 1(5)” land eg within a conservation area or within the curtilage of a listed building. This is not the case.

Accordingly, on the balance of probability the evidence points to the proposed development falling within Schedule 2, Part 1, Class A, of the GPDO 2008.



## **7. RECOMMENDATION**

- 7.1 That a Certificate of Lawfulness of Proposed Use be granted as it has been shown on the balance of probability that the proposal would fall within Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. Therefore the proposal does not require planning permission.

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

## CIRCULATED SCHEDULE NO. 34/10 – 3 SEPTEMBER 2010

<b>App No.:</b>	PT10/1869/F	<b>Applicant:</b>	Mr And Mrs P Mitchell
<b>Site:</b>	32 Bristol Road Winterbourne South Gloucestershire	<b>Date Reg:</b>	28th July 2010
<b>Proposal:</b>	Erection of two storey rear extension to provide additional living accommodation. Erection of front porch. Alteration of existing flat roof to pitched roof on rear elevation. Installation of 2no. windows in the northeastern and southwestern side elevations.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365347 181454	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	20th September 2010



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 100023410, 2008. **N.T.S.** **PT10/1869/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule List because an objection has been received from a neighbouring occupier, which is contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a two-storey rear extension to provide additional living accommodation. Planning permission is also sought for the erection of a front porch, alteration of an existing flat roof to a pitched roof on rear elevation, increase in the size of the parking area and the installation of 4no. additional windows and 4no. velux windows.
- 1.2 The application site comprises a two-storey detached property situated on the southwestern side of Bristol Road within the established residential area of Winterbourne.
- 1.3 The defined Green Belt boundary is located on the opposite side of Bristol Road. The proposed extension would not be visible from the Green Belt.

### **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  
L17 The Water Environment
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)

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

- 3.1 P89/2726, construction of pitched roof over existing two-storey rear extension and construction of roof over rear yard to form utility room, approval, 04/10/89.
- 3.2 N3960/2, erection of a single storey extension to form a W.C, approval, 26/04/79.
- 3.3 N3960/1, erection of vehicular and pedestrian access (in accordance with amended plans received by the Council on 12<sup>th</sup> March 1979), approval, 29/03/97.
- 3.4 N3960, erection of detached dwelling and garage, construction of vehicular and pedestrian access (outline), approval, 15/12/77.

## 4. **CONSULTATION RESPONSES**

### 4.1 Winterbourne Parish Council

“Objection. This is a very large development. The Planning Committee requires the plan to be called in.”

(Only local members can call in applications to Committee. The objection from the Parish Council is however, noted and if the Officer’s recommendation is to grant planning permission, the application will be circulated round to local Members who will have a chance to call it to Committee).

### **Other Representations**

### 4.2 Local Residents

One letter of objection has been received. The objector states the following concerns:

- The proposed relocation of the door would result in a loss of privacy and create noise and disturbance;
- Proposed first floor window in the southwestern elevation would overlook the neighbouring properties bedroom and living room resulting in a loss of privacy;
- The proposed two-storey rear extension would result in reduced levels of daylight into living room and bedroom above and also the bathroom in the northeast elevation;
- Parking bay would be an advantage and improve the existing situation in terms of highway safety.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Planning Policy H4 allows for the principle of residential extensions within existing residential curtilages subject to design, residential amenity and transportation considerations.

- 5.2 It is considered that the removal of the front access door and the insertion of a window on the front elevation of the dwellinghouse is permitted development by virtue of Part 1, Class A of the General Permitted Development Order (2008). In addition, it is considered that the insertion of a front door in the southwestern side elevation and the replacement front window in the garage is permitted development by virtue of Part 1, Class A. It is considered that the 4no rooflights proposed in the roofslope are permitted development by virtue of Part 1 Class C of the General Permitted Development Order. The increase in the size of the parking area is considered to be permitted development by virtue of Part 1, Class F of the General Permitted Development Order (2008). Since the area of hardsurfacing proposed is over 5 square metres, a condition will be applied, if permission is granted, to ensure that the hard surface is made of porous materials or provision is made to direct surface water run off onto a permeable or porous area within the curtilage of the dwellinghouse.

These parts of the proposal do not require planning permission and therefore, require no further consideration.

5.3 Design/Visual Amenity

An existing two-storey extension, which measures approximately 3 metres in length and 4.5 metres in width would be encompassed by a pitched roof, which would be set down at ridge height from the main roof apex. The proposed two-storey extension would measure approximately 4 metres in length and 5.1 metres in width overlapping the existing extension. It would be encompassed by a pitched roof, which would also be set down at ridge height and comprise a brick base, render for the walls and roof tiles to match the existing dwelling. Four, full-length window panes would comprise the fenestration at ground and first floor level. A box rooflight would be situated between the proposed rear gables to allow the required head room at the first floor staircase. Amended plans have been received which have included a pitched front to the box to match the pitch of the existing roof slope, which is considered to be more sympathetic to the character of the existing dwelling. Given the rear location of this feature and the proposed set back from the rear building line, it is considered that it would not be prominent from the surrounding area. The proposed porch would be modest in size and comprise a gabled canopy to match the roof pitch of the existing dwelling.

- 5.4 Given the above, it is considered that the proposal complies with Policy D1 of the South Gloucestershire Local Plan (adopted) January 2006 and the South Gloucestershire Design Checklist (adopted).

5.5 Residential Amenity

The host dwelling has 2no. neighbouring properties within close proximity. No.30a is located within close proximity of the neighbouring boundary to the south of the host dwelling and aligns with the rear building line of the host dwelling. No. 34 is situated to the east of the host dwelling at a distance of approximately 16 metres. Objections have been received from the occupiers of no.30a on the basis that the installation of the proposed new window in the first floor southwestern elevation would introduce privacy and overlooking issues. In addition, the occupiers have objected on the basis that the proposed two-storey extension would reduce the levels of daylight to the front living room and bedroom above and also to the bathroom in the northeastern elevation of the property. Whilst these concerns are noted, there is no objection in terms of residential amenity. The siting of the neighbouring property south of the host dwelling and the existing layout of the site, with the front elevation of the neighbouring dwelling aligned with the rear elevation of the neighbouring property, is such that the proposed development would not have a material impact in terms of loss of light to the front of the dwellinghouse. In addition, the orientation and layout of the site is such that it is considered that there would not be a significant loss of light to the bathroom windows of the neighbouring property, which would have a significant adverse impact on the residential amenity of the neighbouring occupiers.

- 5.6 The southwestern side elevation contains existing windows at ground, first floor and second floor level. The applicants propose the installation of an additional window above the proposed new access to serve a study. It is considered that any views of the neighbouring property would be oblique due to the close proximity of the window to the front building line of the neighbouring dwelling. On this basis, and given that a distance of approximately 6 metres separates the host and neighbouring property, it is considered that the proposal would not introduce any significant adverse privacy or inter-visibility issues. Whilst the window would overlook the front drive and garden of the neighbouring property, the proposal would not be materially different from the existing situation given the presence of existing side windows.
- 5.7 Notwithstanding the objector's comments, it is considered that the existing windows, which are situated further back from the front building line of the neighbouring property, would allow for a greater degree of inter-visibility due to the wider angle of view. The applicant has agreed to obscure glaze the 2no. second floor windows and 1no. first floor window. This would also reduce the level of overlooking over the neighbouring drive and front garden overall.
- 5.8 The neighbouring property to the northeast is approximately 14 metres from the host dwelling. The front of the neighbouring dwelling aligns with the rear elevation of the host dwelling. On this basis, and given that the property is well screened by vegetation, it is considered that any new views from the proposed second floor side window would not introduce any significant adverse privacy issues to the detriment of the neighbouring occupiers residential amenity.
- 5.9 Design and Access Statement  
A design and access statement is not required.
- 5.10 Use of Energy and Sustainability  
N/A
- 5.11 Improvements Achieved to the Scheme  
Amendments to the box roof light to be more in-keeping with the host dwelling and the inclusion of obscure glazing in the existing first and second floor windows in the interests of residential amenity.
- 5.12 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:

The proposal would be in-keeping with the design, form, scale and siting of the existing dwelling and would not have a significant adverse impact on the character of the surrounding area – Policies D1 and H4 of the South Gloucestershire Local Plan and the South Gloucestershire Design Checklist (adopted).

The concerns of the neighbouring occupiers have been noted, however, it is considered that the proposal would not have a significant adverse impact in terms of loss of natural light or privacy. The inclusion of the obscure glazing in the existing side windows would reduce the degree of overlooking to the front of the neighbouring property – Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

## **7. RECOMMENDATION**

- 7.1 Planning Permission is GRANTED subject to the following condition.

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

### **CONDITIONS**

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

Reason

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

2. The proposed hardsurface shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Reason

To ensure a satisfactory method of drainage of surface water to accord with Policy L17 of the South Gloucestershire Local Plan (adopted) January 2006.

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.

Reason

In the interests of visual amenity and to ensure an adequate standard of external appearance to accord with Policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted).

4. The first and second floor obscure glazing proposed on the southwestern elevation and demonstrated on plan no.1355/002.C shall be retained to at least Level 3 obscure glazing at all times.

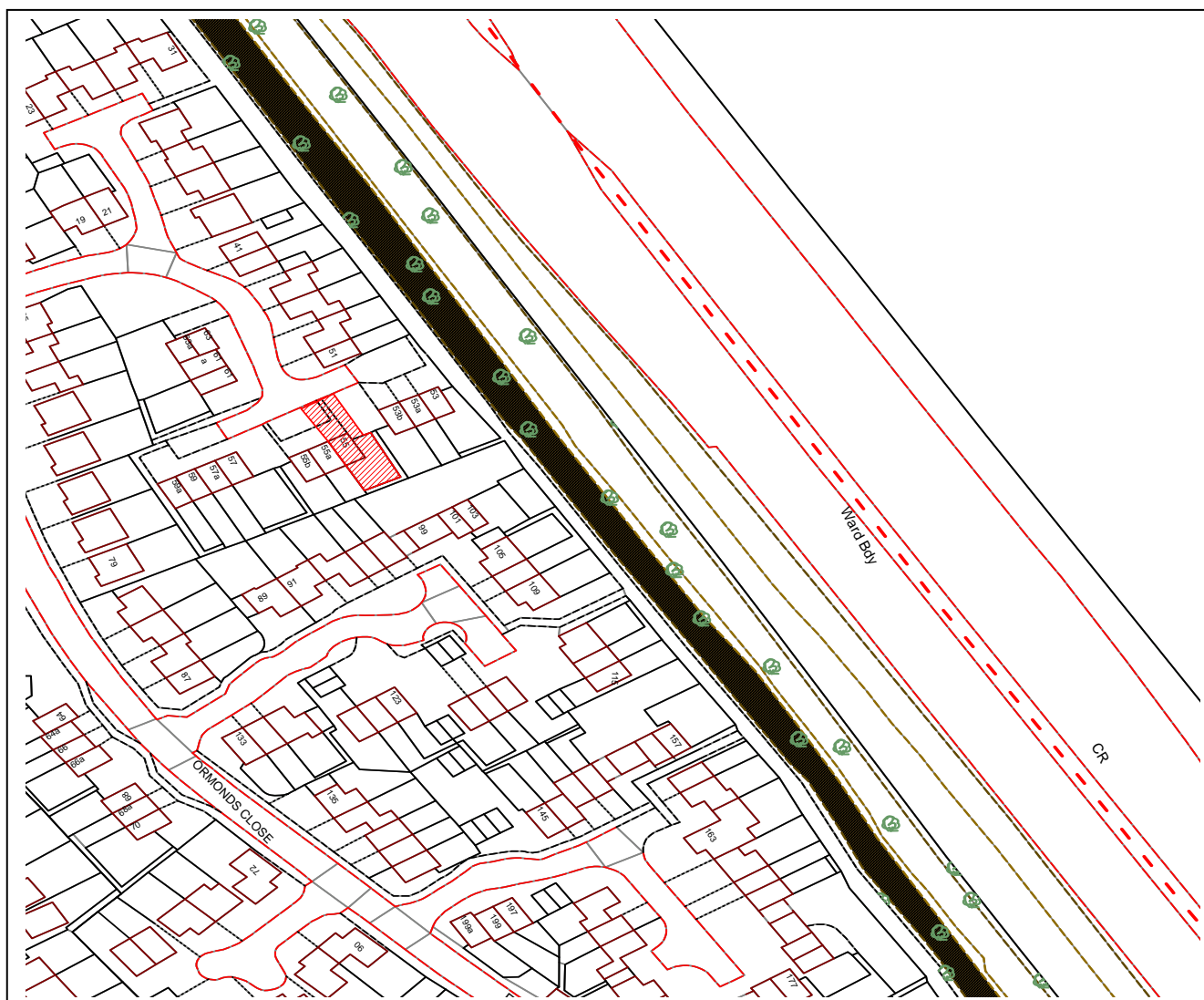
Reason

In the interests of residential amenity to accord with Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.



**CIRCULATED SCHEDULE NO. 34/10 – 3 SEPTEMBER 2010**

<b>App No.:</b>	PT10/1941/F	<b>Applicant:</b>	Mr & Mrs K Ahmad
<b>Site:</b>	55 Ormonds Close Bradley Stoke Bristol South Gloucestershire BS32 0DT	<b>Date Reg:</b>	3rd August 2010
<b>Proposal:</b>	Erection of two storey side and rear extension, erection of single storey side extension to provide additional living accommodation	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	362346 182577	<b>Ward:</b>	Bradley Stoke North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	23rd September 2010



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 100023410, 2008. **N.T.S.** **PT10/1941/F**

## 1. THE PROPOSAL

- 1.1 This full application relates to the erection of a two storey side and rear extension and single storey side extension at 55 Ormonds Close, Bradley Stoke. The two storey side extension is set back from the front elevation of the host dwelling by 2.2m and has a width of 3.7m. It extends beyond the rear building line by 2m. The single storey side extension is sited in front of this element, is flush with the front elevation of the host property but measures 2.4m in width.
- 1.2 The ridge height of the side extension is 6.5m, some 0.5m below the ridge height of the original dwelling, with a gabled end. The rear two storey element has a lower ridge height measuring 6.1m and also incorporates a gabled elevation. All materials are to match existing.
- 1.3 The application site is an end-terrace, within a rank of 3 properties. It benefits from a large garden area, especially to the side and is located to the end of a cul-de-sac. Off-street parking is to the front of the site. The M4 motorway lies in close proximity to the east of the site. The site lies within the urban area of Bradley Stoke, within a predominately residential area.

## 2. POLICY CONTEXT

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H4 Development Within Existing Residential Curtilages,  
Including Extensions and New Dwellings  
T12 Transportation Development Control Policy for New  
Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)
- 2.4 Emerging Policy  
South Gloucestershire Core Strategy Pre-Submission Publication Draft March  
2010  
CS1 High Quality Design

## 3. RELEVANT PLANNING HISTORY

- 3.1 None.

## 4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council  
Object to the proposal on the following grounds:-  
a) over-development of site;

- b) not in-keeping with street scene and surrounding area.
- 4.2 Other Consultees  
Sustainable Transport  
No objection.

### **Other Representations**

- 4.3 Local Residents  
No response received.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
In assessing applications for residential extensions, planning policies D1 and H4 of the adopted local plan are particularly relevant. Policy D1 is a general design policy and cites that development will only be permitted where good standards of site planning and design are achieved. In particular, proposals will be required to demonstrate that siting, overall massing, form, scale, height, detailing, colour and materials respect and enhance the amenity, character and distinctiveness of both the site and the locality. Policy H4 specifically relates to residential development, including extensions, and considers issues such as design, residential amenity and highway safety.
- 5.2 Design  
The size of the application site is considered large enough to accommodate the proposed extension, especially as it is predominantly located to the side of the dwelling. It is not considered to represent an over-development of the site, especially having regard to the characteristics of surrounding development. It has been designed as subordinate to the host property, set back from the front building line and demonstrates lower ridge heights. The overall mass of the proposal is therefore reduced, and the extension reads as a subservient addition to the main dwelling. It does not appear out of scale with the existing property and can be adequately incorporated within the street scene in visual terms. Indeed the area is characterised by an array of house types and sizes and the development is wholly in keeping with the locality. The proportions and detailing of the extension respect the existing property and as such the proposal is acceptable in this respect.
- 5.3 Residential Amenity  
The majority of the extension is located to the side of the property, only 2m at two storey level extending beyond the existing rear building line. In terms of the adjoining property of 55a Ormonds Close, the extension will have no material impact. The rear extension is limited in depth and located some 4m from the boundary. The property likely to be most affected is that of 53b, to the other side and adjacent to the application site. This property forms the end property of a similarly arranged rank to the application site, the garden area comparable in size.

5.4 The application site (and remainder of the rank) is set back some 2m from the neighbouring rank, resulting in the proposal having a depth of 4.1m beyond the rear building line of 53b. Although the extension abuts the site boundary, it is separated from 53b by a private footpath 1m in width. The side garden of this property results in the extension located a distance of some 4m away. This distance is viewed as acceptable to ensure that no overbearing impact or loss of light will result from the extension. In addition, no loss of privacy to neighbouring occupiers will occur as no windows are proposed to the side elevations, and the dwellings to the rear are located a distance of 17m. The application is therefore acceptable in terms of residential amenity.

5.5 Transportation

Existing access and parking arrangements are unchanged by the proposal, with two off-street parking spaces available.

5.6 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.

1. The design of the proposal is considered to be acceptable and in keeping with the character and design of the host property. The proposal is therefore considered to accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposed extension would not cause any significant adverse impact in residential amenity. The proposal is therefore considered to accord with Planning Policy H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The proposed extension will have no adverse impact upon highway safety. The proposal is therefore considered to accord with Planning Policy T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

7.1 Planning permission be granted.

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

### **CONDITIONS**

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

Reason

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

2. 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 at first floor level in the side elevations of the extension hereby permitted.

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.