

**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. 17/10**

**Date to Members: 07/05/10**

**Member's Deadline: 13/05/10 (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.

**Dates and Deadlines for Circulated Schedule  
Over the May Bank Holiday Period 2010**

<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline 5pm on</b>
16/10	Thurs 29 April 2010	Thurs 06 May 2010
20/10	Thurs 27 May 2010	Thurs 03 Jun 2010

# CIRCULATED SCHEDULE – 7 MAY 2010

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	<b>PK10/0641/F</b>	Approve with Conditions	45 Hollyguest Road Hanham South Gloucestershire	Hanham	Hanham Parish Council
2	<b>PK10/0642/CLP</b>	Approve with Conditions	52 Gilbert Road Kingswood South Gloucestershire	Kings Chase	None
3	<b>PK10/0674/CLP</b>	Refusal	37 Baugh Gardens Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
4	<b>PK10/0679/F</b>	Approve with Conditions	Laurel Farm 60 Westerleigh Road Pucklechurch South Gloucestershire BS16 9RE	Boyd Valley	Pucklechurch Parish Council
5	<b>PK10/0725/LB</b>	Approve with Conditions	Laurels Farm 60 Westerleigh Road Pucklechurch South Gloucestershire BS16 9RE	Boyd Valley	Pucklechurch Parish Council
6	<b>PT10/0304/F</b>	Approve with Conditions	6 Salem Road Winterbourne South Gloucestershire	Winterbourne	Winterbourne Parish Council
7	<b>PT10/0396/F</b>	Approve	145 Conygre Grove Filton South Gloucestershire BS34 7HX	Filton	Filton Town Council
8	<b>PT10/0595/F</b>	Approve with Conditions	Rear Of 264/266 Badminton Road Coalpit Heath South Gloucestershire BS36 2QW	Westerleigh	Westerleigh Parish Council
9	<b>PT10/0668/F</b>	Approve without conditions	St Mary's Roman Catholic School Webbs Wood Road Bradley Stoke South Gloucestershire BS32 8EJ	Bradley Stoke South	Bradley Stoke Town Council
10	<b>PT10/0683/CLP</b>	Approve	The Woodlands 165 Henfield Road Coalpit Heath South Gloucestershire BS36 2UH	Westerleigh	Westerleigh Parish Council
11	<b>PT10/0719/F</b>	Approve with Conditions	Lower Corston Farm Whale Wharf Lane Littleton Upon Severn South Gloucestershire	Severn	Aust Parish Council

## CIRCULATED SCHEDULE NO. 17/10 – 7 MAY 2010

<b>App No.:</b>	PK10/0641/F	<b>Applicant:</b>	Mr And Mrs Woodward
<b>Site:</b>	45 Hollyguest Road Hanham Bristol South Gloucestershire BS15 9NN	<b>Date Reg:</b>	23rd March 2010
<b>Proposal:</b>	Erection of single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	365135 172567	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th May 2010



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 100023410, 2008. **N.T.S.** **PK10/0641/F**

## **INTRODUCTION**

This planning application has been referred to the Council's Circulated Schedule as objections have been received from a local resident regarding the proposed development.

### **1. THE PROPOSAL**

- 1.1 This planning application seeks planning permission for the erection of a single storey rear extension.
- 1.2 The application site relates to a two storey semi detached dwelling within the established residential area of Hanham.

### **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 Extension

South Gloucestershire Core Strategy Pre-submission Draft March 2010

CS1 High Quality design

- 2.3 Supplementary Planning Guidance  
SPD Design

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

- 3.1 None

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Parish Council  
No objections.

#### **Other Representations**

- 4.2 Local Residents

One letter has been received from a local resident raising the following planning objections regarding the proposed development, which have been summarised by the Planning Officer as follows:

- Party wall concerns, lack of party wall notices
- No dimensions on plans
- Reduction of skyline and sunlight
- Undertake works to tree to improve light

- Extension should have a flat roof and not pitched roof, velux roof lights be frosted as they will allow for overlooking and step extension from boundary
- Want insurance to protect us from potential damage and will not grant permission for any building to take place on our side of property

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for extensions to existing dwellings subject there being no adverse impact on existing visual and residential amenities.

### 5.2 Visual Amenity

This application site relates to a two storey semi detached 1930's style dwelling with spar render finish and clay roof tiles. This application seeks planning permission for the erection of a single storey rear extension measuring 4.0m in length x 2.10m in height to the eaves and 3.20m to the ridge with gable end. The proposed extension by reason of its scale, design and materials is considered to be in keeping with the character of the existing dwelling.

### 5.3 Residential Amenity

The proposed extension will be sited along the adjoining boundary with no.47, which has a 3.0m deep conservatory. The remaining boundary comprises of a small wall with fence on top measuring approximately 2.0m in height. The neighbour has commented that there are no dimensions on the plan and that the applicant has advised it will measure 3.0m. The Officer would advise that dimensions are not required on plans, however all submitted plans must be to scale which these are. The proposed extension will measure 4.0m.

5.4 Objections have been raised by the neighbour regarding the impact of the proposed extension in terms of loss of light due to the position and design of extension i.e. pitched roof, along with cumulative impact of nearby tree and size of gardens. The Officer accepts the extension will be sited along the adjoining boundary at a depth of 4.0m. It is considered however as the proposed extension has a relatively low pitched roof measuring 2.10m in height to the eaves and 3.20m to the ridge and is single storey and given its orientation in relation to the neighbouring property in terms of sun light, that an extension of this scale and in this location would not have an adverse impact on existing levels of sunlight or have an overbearing impact. The neighbour has suggested the extension have a flat roof and be pulled back from the boundary. The Planning Officer is of the opinion as the submitted scheme before the Council is considered acceptable; it is not considered necessary or reasonable to ask for revisions to the scheme.

5.5 The neighbour has suggested that the roof lights have obscure glazing, as views are visible from the neighbour's bedroom window. It is considered that as the rooflights will not allow for direct overlooking, it would be unreasonable to impose a condition requesting that they be obscurely glazed.

5.6 Other Issues

Issues of party wall and request to cut the tree back are considered to be non material planning considerations with regards the determination of this application. The applicant has served the relevant notice on the neighbour with regards works taken place on and over somebody else's land. The issue relating to any further damage to the neighbouring property is a civil matter.

5.7 Design and Access Statement

Not required with this particular householder planning application.

5.8 Use of Energy and Sustainability

No specific measures proposed above Building Regulations.

5.9 Improvements Achieved to the Scheme

None required.

5.10 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) The proposed extension has been designed to positively enhance the character and appearance of the dwelling and area taking account of materials, design, siting, height and scale of the development - Policies D1 and H4.

b) The proposed extension has fully taken account of neighbouring residential amenities and through careful design, the proposal will not materially harm the amenities of neighbouring properties by reason of loss of privacy or overbearing impact - Policy H4.



## **7. RECOMMENDATION**

7.1 Planning permission be granted subject to the following planning condition.

**Contact Officer: Tracey Price**  
**Tel. No. 01454 863424**

### **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).

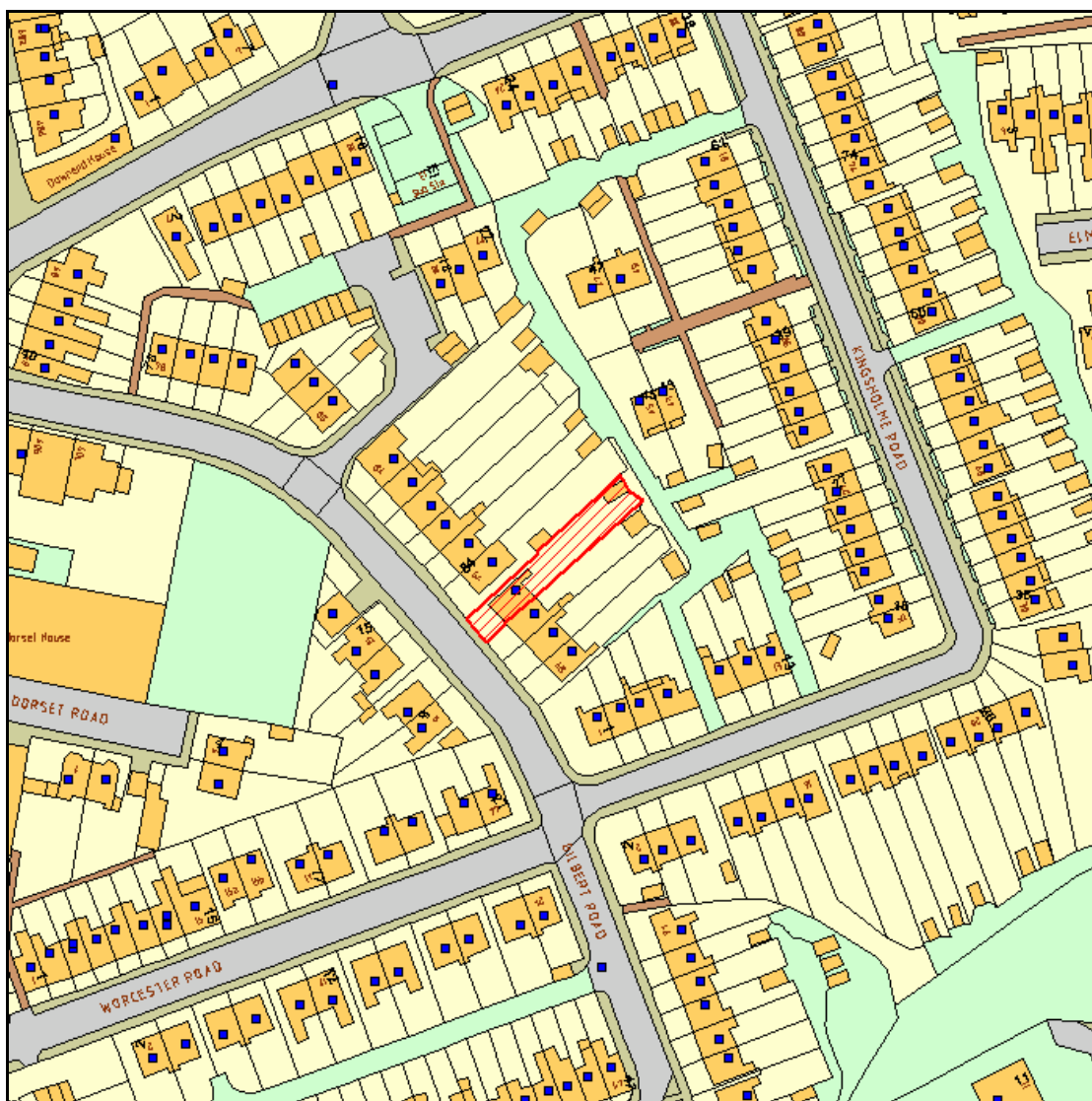
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

**CIRCULATED SCHEDULE NO. 17/10 – 7 MAY 2010**

<b>App No.:</b>	PK10/0642/CLP	<b>Applicant:</b>	Mr and Mrs Gillway
<b>Site:</b>	52 Gilbert Road Kingswood Bristol South Gloucestershire BS15 1RH	<b>Date Reg:</b>	8th April 2010
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed installation of rear and side dormers.	<b>Parish:</b>	None
<b>Map Ref:</b>	364752 174177	<b>Ward:</b>	Kings Chase
<b>Application Category:</b>	Householder	<b>Target Date:</b>	24th May 2010



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 100023410, 2008. **N.T.S.** **PK10/0642/CLP**

## **INTRODUCTION**

This application appears on the Circulated Schedule in accordance with the standard procedure for the determination of such applications.

### **1. THE PROPOSAL**

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to the installation of a rear dormer and a side dormer at No. 52 Gilbert Road, Kingswood. The application property is a two storey semi detached dwelling and is located within the settlement boundary of Kingswood.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission. Accordingly there is no consideration of planning merit; the decision is based on the facts presented.

### **2. POLICY CONTEXT**

- 2.1 Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Parish / Town Council  
The site is not within the parished area.

#### **Other Representations**

- 4.2 Local Residents  
No comments received.

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

- 5.1 Principle of Development  
The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan

(Adopted) January 2006 do not apply in this instance. It stands to be ascertained whether the proposed development falls within the limits set out in Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

5.2 The proposed development would fall under the criteria of Schedule 2, Part 1, Class B of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (Development within the curtilage of a dwelling house), which allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof provided that it meets certain criteria

5.3 Under the provisions of Class B, developments which fail any of the following criteria would not be permitted:

**B1 Development is not permitted by Class B if—**

**(a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The proposed dormers will not exceed the height of the highest part of the existing roof.

**(b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;**

The proposed dormers will be on the rear elevation and the side elevation, which are not principal elevation and do not front a highway.

**(c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—**

**(i) 40 cubic metres in the case of a terrace house, or**

**(ii) 50 cubic metres in any other case;**

The dwelling is semi detached and the total cubic content of the proposed dormers is less than 32 cubic metres.

**(d) it would consist of or include—**

**(i) the construction or provision of a veranda, balcony or raised platform, or**

**(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**

The proposed development will not consist of any veranda, balcony, raised platform. Although the proposal will include the installation of a soil and vent pipe, it would not exceed above the highest part of the roof.

**(e) the dwellinghouse is on article 1(5) land.**

The application site is not located on article 1(5) land.

In addition, the applicant confirmed that the new window (W2) on the side elevation will be non-opening and fitted with obscure glazed. The new roof tiles and concrete tiles for the dormers walls will match those on the existing dwelling.

5.4 Use of Energy and Sustainability  
No measures proposed

5.5 Improvements Achieved to the Scheme  
None necessary

5.6 Conclusion  
The proposed development comply with schedule 2, Part 1 Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and is not permitted development.

## 6. RECOMMENDATION

6.1 That a Certificate of Lawfulness for Proposed Development is approved.

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

**CIRCULATED SCHEDULE NO. 17/10 – 7 MAY 2010**

<b>App No.:</b>	PK10/0674/CLP	<b>Applicant:</b>	Ms J Philips
<b>Site:</b>	37 Baugh Gardens Downend Bristol South Gloucestershire BS16 6PP	<b>Date Reg:</b>	30th March 2010
<b>Proposal:</b>	Application for a Certificate of Lawfulness for the proposed installation of rear dormer and replacement of flat roof with dual pitched roof.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365410 178145	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	19th May 2010



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 100023410, 2008. **N.T.S.** **PK10/0674/CLP**

## **INTRODUCTION**

This application appears on the Circulated Schedule in accordance with the standard procedure for the determination of such applications.

### **1. THE PROPOSAL**

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to the installation of a rear dormer, change an existing hipped roof to a gable roof, and the construction of a pitched roof above the existing flat roof at No. 37 Baugh Gardens, Downend. The application property is a two storey semi detached dwelling and is located within the settlement boundary of Downend.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission. Accordingly there is no consideration of planning merit; the decision is based on the facts presented.

### **2. POLICY CONTEXT**

- 2.1 Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

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

- 3.1 PK10/0462/F Installation of rear dormer and replacement of flat roof with dual pitched roof. PD 03.10.10

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
No comment.

#### **Other Representations**

- 4.2 Local Residents  
No comments received.

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

- 5.1 Principle of Development  
The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning

Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance. It stands to be ascertained whether the proposed development falls within the limits set out in Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

5.2 The proposed development would fall under the criteria of Schedule 2, Part 1, Class B of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (Development within the curtilage of a dwelling house), which allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof provided that it meets certain criteria

5.3 Under the provisions of Class B, developments which fail any of the following criteria would not be permitted:

**B1 Development is not permitted by Class B if—**

**(a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The proposed dormer and dual pitched roofs will not exceed the height of the highest part of the existing roof.

**(b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;**

The proposed dormer will be on the rear elevation and the dual pitched roof will be on the side elevation, which is not a principal elevation and do not front a highway.

**(c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—**

**(i) 40 cubic metres in the case of a terrace house, or  
(ii) 50 cubic metres in any other case;**

The dwelling is semi detached and the cubic content of the proposed dormer and dual pitched roof is approximately 57 cubic metres. Therefore officers consider that the development is not permitted under this Class. Accordingly, it is recommended that the Certificate of Proposed Lawfulness is refused.

**(d) it would consist of or include—**

**(i) the construction or provision of a veranda, balcony or raised platform, or**

**(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**

The proposed development will not consist of any veranda, balcony, raised platform. Although the proposal will include the alteration of a soil and vent pipe, it would not exceed one metre above the highest part of the roof.

**(e) the dwellinghouse is on article 1(5) land.**

The application site is not located on article 1(5) land.



In addition, it is proposed to construct the proposed development with brickwork. Nevertheless, the existing building is finished with render, officers therefore consider that the development would fail to meet the condition (a).

5.4 Use of Energy and Sustainability  
No measures proposed

5.5 Improvements Achieved to the Scheme  
None necessary

5.6 Conclusion  
Due to the proposed development will exceed 50 cubic metres and the proposed material, i.e. brick, the proposed development does not comply with schedule 2, Part 1 Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and is not permitted development.

## **6. RECOMMENDATION**

6.1 That a Certificate of Lawfulness for Proposed Development is refused for the following reason;

The proposed development will exceed 50 cubic metres and as such the proposal does not comply with schedule 2, Part 1 Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008.

The proposed development will be finished with different material from the existing wall material of the host dwelling and as such the proposal does not comply with condition (a) of Schedule 2, Part 1 Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

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

### **REASONS FOR REFUSAL**

1. The proposed development will exceed 50 cubic metres and as such the proposal does not comply with schedule 2, Part 1 Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008.
2. The proposed development will be finished with different material from the existing wall material of the host dwelling and as such the proposal does not comply with condition (a) of Schedule 2, Part 1 Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

**CIRCULATED SCHEDULE NO. 17/10 – 7 MAY 2010**

<b>App No.:</b>	PK10/0679/F	<b>Applicant:</b>	Mr G Sawford
<b>Site:</b>	Laurel Farm 60 Westerleigh Road Pucklechurch Bristol South Gloucestershire	<b>Date Reg:</b>	6th April 2010
<b>Proposal:</b>	Conversion of outbuildings to form residential annexe, workshop and storage room, garaging and stable.	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	369998 176810	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	17th May 2010



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 100023410, 2008. **N.T.S.** **PK10/0679/F**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the conversion of outbuildings at Laurel Farm, 60 Westerleigh Road, to form a one bedroom residential annex, the applicant also proposes repairs to the outbuildings to provide a workshop, garage and stable.
- 1.2 The site is situated within the village of Pucklechurch, within the Pucklechurch Conservation Area. The outbuildings are curtilage listed. The site adjoins the Bristol Bath Green Belt to the north but is not located within the Green Belt.
- 1.3 During the course of the application amended plans were requested to remove internal partitions and reduce the number of rear rooflights. Amended plans were received as requested.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1 Delivering Sustainable Development  
PPG2 Green Belts  
PPS5 Planning for the Historic Environment

#### 2.2 Development Plans

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

D1 Achieving Good Quality Design in New Development  
GB1 Development in the Green Belt  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
L9 Species Protection  
L12 Conservation Areas  
L13 Listed Buildings

##### South Gloucestershire Core Strategy, Pre-submission Publication Draft March 2010

CS1 High Quality Design  
CS9 Environmental Resources and Built Heritage

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.

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

- 3.1 PK04/0817/LB Demolition of store. Erection of single storey extension to form cloak room and link between house and barn. Internal and external alterations to include dwelling and barn.  
Approved April 2004

## 4. **CONSULTATION RESPONSES**

- 4.1 Pucklechurch Parish Council  
No objections

### **Other Representations**

- 4.2 Local Residents

At the time of preparing this report one letter of objection has been received raising the following observations and concerns.

- Restoration of these buildings would have a beneficial effect on the area.
- Construction noise including machinery and power tools occurs many weekends and bank holidays.
- Radio and amplified noise has also caused disturbance
- Would appreciate quiet periods over the weekends so that residents can enjoy some restful time.

## 5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development

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

- 5.2 Design / Visual Amenity

The applicant is proposing to convert the existing outbuildings located along the eastern boundary into a one bedroom annex, in addition the milking parlour and store would be rebuilt to form a stable, open garage and a workshop area.

The proposed restoration and conversion of the existing outbuilding is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. It is considered that the restoration of the severally depilated parts of the outbuilding would result in a significant improvement in the visual amenity of the site. Whilst there is a large glazed link proposed in the centre of the hay barn, the majority of openings relate to previous existing openings. Furthermore the number of rear roof lights has been decreased. As such it is considered that the rural character of the building would be retained.

- 5.3 Residential Amenity

The building lies adjacent to the drive area of the main building, No. 60 Westerleigh Road and extends along the eastern boundary. In this respect it is considered that the proposed annex is well related to the main building. The garage and stable would be located to the northern end of the site to the rear of the main dwelling. Given the location of the building away from any

neighbouring residential properties and the fact that no increase in foot print is proposed, it is not considered that the proposal would have any overshadowing or overbearing impact on the neighbouring dwellings. All the main windows would be inserted in the north west elevation, overlooking the grounds of No. 60 Westerleigh road, and a small window would be located on the south west elevation. Given the location of the windows, it is not considered that the proposal would result in any issues of inter-visibility or loss of privacy. In addition it is considered that there is adequate private amenity space to serve both the main dwelling and the proposed annex.

#### 5.4 Listed building Implications

The farm outbuildings are within the curtilage of the grade 2 listed Laurel Farmhouse and is considered a curtilage listed building. It will be important thus that the proposals do not harm the character of the curtilage listed building nor the setting of the nearby listed farmhouse. The site is also located within the Pucklechurch Conservation Area.

The outbuildings form part of an attractive group of traditional historic buildings connected with Laurel Farm (dating from the 16<sup>th</sup> and 17<sup>th</sup> century) which has recently been restored. The outbuildings form a long line along the eastern boundary helping to enclose the site from the adjoining the public footpath and the primary school. The older buildings are located at each end of the range with more recent buildings in between. Many of the outbuildings are in a poor state, some with roofs missing and parts of walls collapsed. The best preserved is the former haybarn at the site entrance.

The repair and reuse of the outbuildings is generally supported provided that this is achieved in a way that is sensitive to the historic character and does not adversely affect the setting of the former farmhouse. The dilapidated state of many of the buildings will result in areas of new building. The key to the success of any scheme will be retaining the character and appearance of the former rural outbuildings both by preserving as much of the existing historic fabric and ensuring new alterations/buildings do not give too domestic an appearance.

Following pre-application discussions the scheme has been modified generally resulting in a much more sympathetic scheme. The previous proposal sought to introduce light by inserting more openings and a series of roof lights and this has been altered. A more appropriate patient glazing to the roof ridge has been introduced giving a contemporary/industrial feel not unsuited to former agricultural buildings. The glazed oak framed link to the front is also an acceptable new addition.

The barn at the southern end which is the most original and intact of the group, is the most important building in the range and thus any alterations need care. It is proposed to enlarge the existing small windows to the front and a new long vertical slit opening (similar to the barn adjacent to the house) is to be inserted to the side elevation facing the road and on balance, this is acceptable due to the need to allow more light into the building. A reduced number of additional glazed tiles are proposed on the rear roof-slope adjoining the school and public footpath. As such the solid character and appearance of the clay tiled roof to

public view is maintained. Consequently there are no objection to the proposed works.

#### 5.5 Landscape Implications

The site is located on the northern edge of Pucklechurch and adjoins open countryside within the Green Belt. The site is not within the Green Belt but is within the defined settlement boundary and the Pucklechurch Conservation Area. The existing buildings are an attractive, albeit dilapidated group of traditional farm buildings associated with the Grade 2 listed farmhouse. The proposal is to reinstate the buildings to their previous overall form and style and it is considered this in itself will represent a landscape enhancement.

There is a mature existing tree at the southern end of the range of buildings and another mature conifer on the school site to the east. An application for the removal of the two maple trees to the south of the site was recently allowed, reference PK10/0286/TCA. As such the Councils Tree Officer has no concerns that the proposal would impact on the health of the existing trees on the site. There are no objections to the proposed development in terms of its impact on the landscape character, furthermore it is not considered that the proposal would have any adverse impacts upon the adjoining Green Belt. A condition would be attached to any permission to ensure the submission of a landscaping scheme, including details of all surface finishes.

#### 5.6 Parking and Highway Safety

The access would remain as existing, furthermore with no objections from the Councils Transportation Officer the proposal is considered acceptable.

#### 5.7 Ecology Implications

The application site consists of a series of former farm outbuildings, some of which are in a derelict condition. The site itself is not covered by or near any statutory or non-statutory nature conservation designations.

The application site was subject to a bat and bird survey carried out on behalf of the applicants by Oecologic on 22<sup>nd</sup> April 2010. The survey states that no signs of use by bats were found. An old swallow's nest was recorded in the building known as Hay Barn 1. However, the proposed timber garages will be open-fronted and thus off-set the loss of the barn by providing alternative nest sites for the species post-development. As such there are no objections to the proposed works.

#### 5.8 Design and Access Statement

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

#### 5.9 Use of Energy and Sustainability

No additional measures proposed.

#### 5.10 Improvements Achieved to the Scheme

An internal partition has been removed so that the open plan character of the building is retained and the number of rear roof lights has been reduced.

#### 5.11 Other Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction.

#### 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 proposal would retain the historic character of the buildings and would result in a positive enhancement to the character and appearance of the principal dwelling and street scene in accordance with Policy D1, L12 and L13. The proposal would not have any impact on neighbouring residential amenities in accordance with policy H4 and the resultant parking provision would remain in compliance with Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

### 7. RECOMMENDATION

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

**Contact Officer: Kirstie Banks**  
**Tel. No. 01454 865207**

## **CONDITIONS**

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

### Reason

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

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

### Reason

To protect the character and appearance of the area to accord with Policies H4, D1, L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

### Reason

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



**CIRCULATED SCHEDULE NO. 17/10 – 7 MAY 2010**

<b>App No.:</b>	PK10/0725/LB	<b>Applicant:</b>	Mr Gavin Sawford
<b>Site:</b>	Laurel Farm 60 Westerleigh Road Pucklechurch Bristol South Gloucestershire	<b>Date Reg:</b>	6th April 2010
<b>Proposal:</b>	Internal and external works to facilitate conversion of outbuildings to residential annexe, workshop and storage room, garaging and stable.	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	369998 176810	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	17th May 2010



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## **INTRODUCTION**

This application has been referred to the Circulated Schedule due to the receipt of one letter of objection received from a local resident

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the conversion of outbuildings at Laurel Farm, 60 Westerleigh Road, to form a one bedroom residential annex, the applicant also proposes repairs to the outbuildings to provide a workshop, garage and stable.
- 1.2 The site is situated within the village of Pucklechurch, within the Pucklechurch Conservation Area. The outbuildings are curtilage listed.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS5 Planning for the Historic Environment

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

- 3.1 PK04/0817/LB Demolition of store. Erection of single storey extension to form cloak room and link between house and barn. Internal and external alterations to include dwelling and barn.  
Approved April 2004

### **4. CONSULTATION RESPONSES**

- 4.1 Pucklechurch Parish Council  
No objections

#### **Other Representations**

- 4.2 Local Residents  
At the time of preparing this report one letter of objection has been received raising the following observations and concerns.
- Restoration of these buildings would have a beneficial effect on the area.
  - Construction noise including machinery and power tools occurs many weekends and bank holidays.
  - Radio and amplified noise has also caused disturbance
  - Would appreciate quiet periods over the weekends so that residents can enjoy some restful time.

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

- 5.1 Principle of Development  
PPS5 states that when considering whether to grant listed building consent for works which affect 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.

The farm outbuildings are within the curtilage of the grade 2 listed Laurel Farmhouse and is considered a curtilage listed building. It will be important thus that the proposals do not harm the character of the curtilage listed building nor the setting of the nearby listed farmhouse. It is also located within the Pucklechurch Conservation Area.

The outbuildings form part of an attractive group of traditional historic buildings connected with Laurel Farm (dating from the 16<sup>th</sup> and 17<sup>th</sup> century) which has recently been restored. The outbuildings form a long line along the eastern boundary helping to enclose the site from the adjoining the public footpath and the primary school. The older buildings are located at each end of the range with more recent buildings in between. Many of the outbuildings are in a poor state, some with roofs missing and parts of walls collapsed. The best preserved is the former haybarn at the site entrance.

The proposed works envisage the conversion of the southern end of the outbuildings to provide a one bedroom residential annexe ancillary to Laurel Farm. The remaining outbuildings will be largely reinstated / rebuilt to provide a stable, open garages, garage, garden store/workshop for the occupiers of Laurel farmhouse. The repair and reuse of the outbuildings is generally supported provided that this is achieved in a way that is sensitive to the historic character and does not adversely affect the setting of the former farmhouse. The dilapidated state of many of the buildings will result in areas of new building. The key to the success of any scheme will be retaining the character and appearance of the former rural barn / outbuildings both by preserving as much of the existing historic fabric and ensuring new alterations/buildings do not give too domestic an appearance.

Following pre-app discussions the scheme has been modified generally resulting in a much more sympathetic scheme. The previous proposal sought to introduce light by inserting more openings and a series of roof lights and this has been altered. A more appropriate patient glazing to the roof ridge has been introduced giving a contemporary/industrial feel not unsuited to former agricultural buildings. The glazed oak framed link to the front is also an acceptable new addition.

The barn at the southern end which is the most original and intact of the group, is the most important building in the range and thus any alterations need care. It is proposed to enlarge the existing small windows to the front and a new long vertical slit opening (similar to the barn adjacent to the house) is to be inserted to the side elevation facing the road and on balance, this is acceptable due to the need to allow more light into the building. A reduced number of additional glazed tiles are proposed on the rear roof-slope adjoining the school and public footpath. As such the solid character and appearance of the clay tiled roof to public view is maintained. Consequently there are no objection to the proposed works.

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

No additional measures proposed

5.7 Improvements Achieved to the Scheme

The internal partition has been removed and the number of rear roof lights has been reduced.

5.8 Section 106 Requirements

Not applicable

**6. CONCLUSION**

- 6.1 In The decision to GRANT Listed Building consent has been taken having regard to the section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 and Government advice contained in PPS5 (Planning for the Historic Environment).

**7. RECOMMENDATION**

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

**Contact Officer: Kirstie Banks**  
**Tel. No. 01454 865207**

**CONDITIONS**

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. Prior to the commencement of development full details of the eaves shall be submitted to the Local planning Authority for approval, development shall be carried out in accordance with the approved details. Rainwater goods should be cast iron, painted black, with gutters fitted direct to the rafter feet or to traditional metal brackets bedded into the wall. No eaves boards or barge boards should be installed.

Reason:

To ensure that the development is appropriate to the character of the building which is curtilage listed, thereby preserving the special character or historic interest which it processes in accordance with section 16(2) of the Planning (Listed Building \_ Conservation Areas) Act 1990, national guidance set out in PPS5 and Policy L13 of the Adopted South Gloucestershire Local Plan.

3. Prior to the commencement of development a sample panel of stonework and pointing in lime mortar shall be constructed on site and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved sample, which shall be retained on site until completion of the development.

Reason:

To ensure that the development is appropriate to the character of the building which is curtilage listed, thereby preserving the special character or historic interest which it processes in accordance with section 16(2) of the Planning (Listed Building – Conservation Areas) Act 1990, national guidance set out in PPS5 and Policy L13 of the Adopted South Gloucestershire Local Plan.

4. All existing roof trusses and principal rafters to the main barn are to remain unaltered.

Reason:

To ensure that the development is appropriate to the character of the building which is curtilage listed, thereby preserving the special character or historic interest which it processes in accordance with section 16(2) of the Planning (Listed Building – Conservation Areas) Act 1990, national guidance set out in PPS5 and Policy L13 of the Adopted South Gloucestershire Local Plan.

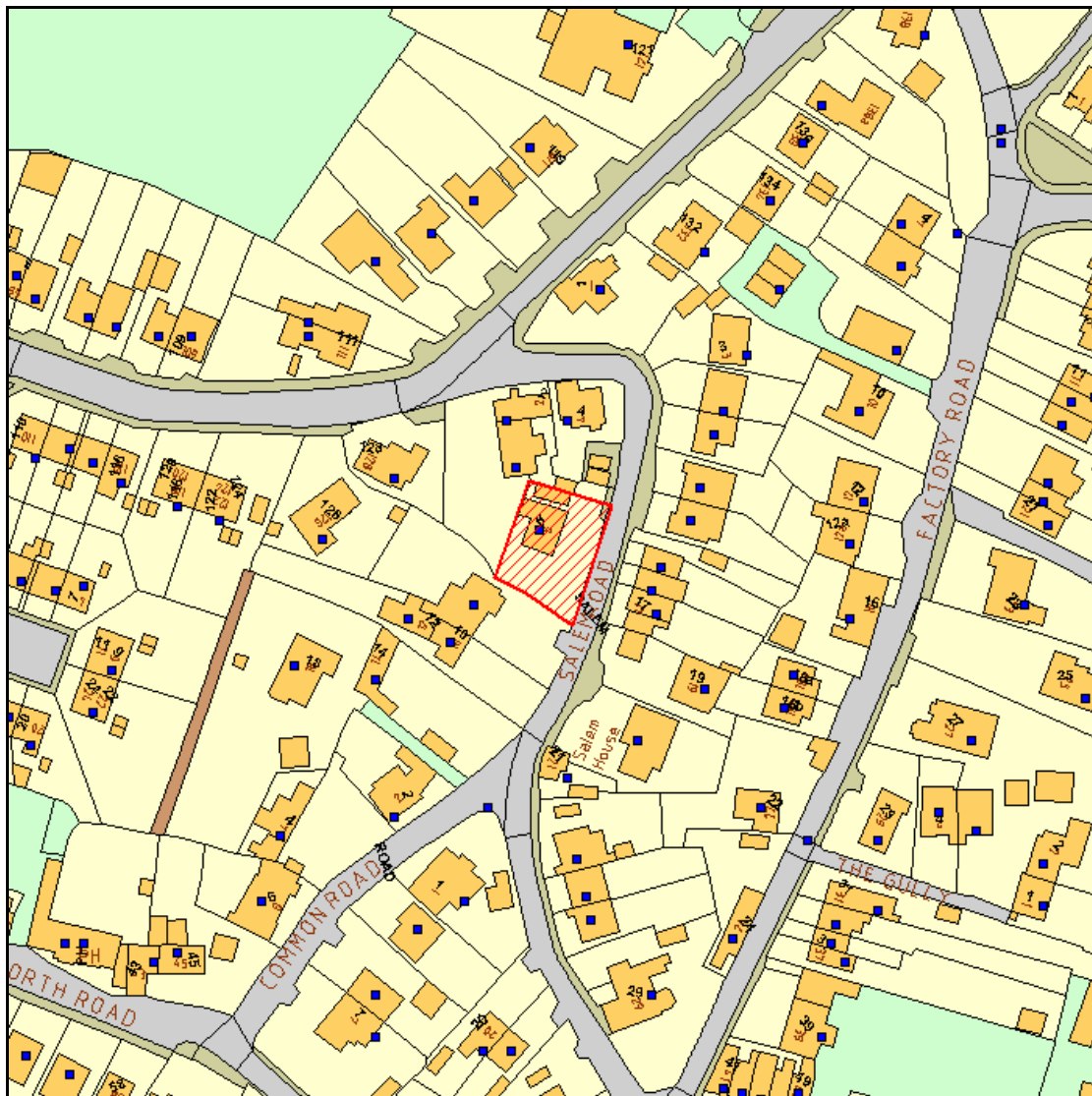
5. Prior to the commencement of development a sample of the clay tile shall be submitted to the Local Planning Authority for approval, development shall be carried out in accordance with the approved details.

Reason:

To ensure that the development is appropriate to the character of the building which is curtilage listed, thereby preserving the special character or historic interest which it processes in accordance with section 16(2) of the Planning (Listed Building – Conservation Areas) Act 1990, national guidance set out in PPS5 and Policy L13 of the Adopted South Gloucestershire Local Plan.

**CIRCULATED SCHEDULE NO. 17/10 – 7 MAY 2010**

<b>App No.:</b>	PT10/0304/F	<b>Applicant:</b>	Mr J Hughes
<b>Site:</b>	6 Salem Road Winterbourne Bristol South Gloucestershire BS36 1QF	<b>Date Reg:</b>	3rd March 2010
<b>Proposal:</b>	Demolition of existing dwelling to facilitate erection of 2 no. semi detached dwellings with associated works	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365773 181218	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	23rd April 2010



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## **INTRODUCTION**

This application appears upon the Circulated Schedule as there are objections to the proposed development contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The site consists of a detached chalet style bungalow with rooms in the roof space. The property includes a pre-fabricated garage and drive way access direct onto Salem Road.
- 1.2 The proposed development consists of a pair of semi-detached dwellings. Each dwelling includes a single garage and individual driveway accesses onto Salem Road.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1 Delivering Sustainable Development

PPS3 Housing

#### 2.2 Development Plans

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

D1 Achieving Good Design in New Development

H2 Proposals for New Residential Development within the Existing Urban Area and Defined Settlement Boundary

H4 Development within Existing Residential Curtilages including Extensions and New Dwellings.

T12 Transportation Development Control

T8 Parking Standards

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted SPD)

#### 2.4 Other Material Considerations

South Gloucestershire Core Strategy Pre-Submission Publication Draft Policies CS1 (Design), CS16 (Housing Density), CS17 (Housing Diversity)

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

- 3.1 None

### **4. CONSULTATION RESPONSES**

#### 4.1 Winterbourne Parish Council

Raise Objection and make the following comments

Infill of houses is ruining the area and any new builds should be sympathetic to the area. The proposed developments are not in keeping with the surrounding properties and would be intrusive, although actual dimensions are not shown on the plan.

Loss of privacy to surrounding properties, 6 upstairs windows will overlook neighbours properties resulting in loss of daylight and sunlight.

The development would be overbearing with loss of outlook.

Extra traffic will be generated; parking is already a problem at the moment in this area. Access from the properties would be dangerous as they would be exiting blind.

Neighbours would have liked a discussion with the developers to ensure any development is in keeping with the surrounding cottages.

Stone walls and porches would be an advantage and the height of the development should be restricted.

#### 4.2 Sustainable Transport No Objection

The proposed parking arrangements are acceptable. Visibility is slightly impeded from the proposed accesses however the level of additional traffic is not considered to be significant and given the nature of the highway in the vicinity of the site vehicles speeds would be relatively low.

### **Other Representations**

#### 4.3 Local Residents

13 letter/emails have been received in response to the consultation period associated with this planning application. All are written expressing concerns and objections to the proposed development. The comments are summarised as follows;

The scale of the proposed development is out of character with the surrounding locality. The development represents the over development of the site. A pair of semi-detached dwellings amongst rows of cottages is unacceptable.

The proposed development would be greater in height than the existing bungalow

The proposed development will result in a loss of privacy affecting the residents of the adjacent dwellings due to the level and position of windows and doors in the proposed dwellings.

The proposed development will result in a negative impact upon residential amenity due to the loss of day-light and sun-light

The proposed development will result in the loss of on-street parking available to existing residents; and the increase in vehicular movements to the detriment of highway safety and amenity. There is not sufficient room to manoeuvre a vehicle onto the highway from the proposed access.



The proposed development would result in additional surface water run off encroaching onto nearby residential properties; and potentially causing flooding

The development will result in a loss of green space

There has been a previously refused planning application affecting this site which was refused. Residents are not aware of what this application entailed.

The existing bungalow is in good condition and only needs renovating. A resident has expressed that this would be the preferred option.

The submitted plans are misleading and do not demonstrate the dimensions of the proposal.

Comparison is made to development a 1 Common Road in which the writers express the opinion that the earlier development is not consistent with the character of the area.

Local residents should be involved in the preliminary discussions between the Planning Officers and the builder.

The local community argue that there should be amendments to the proposed development which has been agreed widely with the community most affected. In this instance it is suggested that the development should be constructed into the sloping site in order to reduce the overall height of the development and the use of a hipped roof to reduce the mass of the building and assist neighbours with light. A central driveway access is also proposed in order to improve safety.

## **5. ANALYSIS OF PROPOSAL**

5.1 The proposed development consists of the construction of a pair of semi-detached dwellings. Despite concerns raised by local residents that the submitted plans are misleading, officers are of the opinion that the submitted plans are accurate and are wholly sufficient in respect of the assessment of this planning application.

### **5.2 Principle of Development**

The site is located within the village development boundary associated with Winterbourne. In this instance, the condition of the existing building is not an issue that needs to be addressed as part of the assessment of this proposal as the site is located in an area where new residential development is acceptable. As such the site is located appropriately for the introduction of new housing development and the principle of the proposed development is acceptable subject to the following considerations.

### **5.3 Density**

The proposed development would achieve a density of approximately 45 dwellings per hectare. This is in excess of the minimum density of 30 dwellings per hectare encouraged through PPS3. Policy CS1 of the emerging Core Strategy advocates and average housing density of 40 dwellings per hectare

across South Gloucestershire. In this instance it is considered that the proposed level is the maximum achievable on this site. On this basis, the proposed development is acceptable in housing density terms; and meets the requirements of adopted and emerging planning policy..

#### 5.4 Design and Character Considerations

The locality surrounding the site is characterised by a wide variety of dwelling types, size and age, tightly grouped around narrow lanes enclosed by stone walls and hedges. The existing dwelling dates from the mid-20<sup>th</sup> century whilst the immediate context is made up of earlier cottages albeit with varying degree of alterations and extensions. The resulting character of the street scene appears informal and organic in respect of its evolution.

5.5 The proposed development consists of a single two storey domestic building measuring approximately 16S metres by 6S metres. The building is arranged as two semi-detached dwellings. Further single storey wings at either end of the main building provide garage, kitchen and utility space and extend the overall width of the building to approximately 22S metres wide whilst individual front wings provide a lobby and downstairs toilet and extend the overall depth of the building to approximately 9 S metres. The proposed building has a steeply pitched roof giving it an overall height of approximately 8 metres.

5.6 The local community has raised concerns that the design of the proposed development is out of keeping with the surrounding locality. Changes have been suggested such as hipped roofs and reduction in the height of the building, however, these suggestions relate more to the perceived impact of the development in residential amenity terms. This issue is discussed below. It should be noted that the Local Planning Authority must assess the planning application as submitted. Notwithstanding the preferences expressed by the local community, officers are advised that the applicant does not wish to amend the design of the proposed development. On this basis, the assessment of the design and appearance of the proposed development is based upon the proposal drawings as submitted by the applicant.

5.7 In this instance, it is considered that the design of the proposed development takes on a traditional appearance. Although higher at the ridge than the existing dwelling on the site, the appearance of the proposed building is modest and would utilise a traditional palette of materials typical of the surrounding locality. The building is proposed to be moved forward in the plot in comparison with the existing dwelling. There is no specific building line in the immediate locality and officers are of the opinion that the position of the proposed building is consistent with the character of the surrounding street scene. Indeed, the position of the proposed building is considered to be an improvement in respect of the position of the existing dwelling. Although the development would involve the removal of part of the boundary wall, the majority of the wall would be retained and it is not considered that this would result in a negative impact upon the street scene. Having regards to the above officers consider that the proposed development is of an appropriate scale and appearance for the character of the surrounding locality and as such the development is acceptable in design and character terms and meets the requirements of Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.8 Residential Amenity

The local community has expressed concern over the impact of the proposed development in respect of the privacy and residential amenity of the occupiers of dwellings close to the site. As previously discussed, local residents have offered preferences in order to reduce the perceived impact of the development. Again, it should be noted that the applicant has been made aware of these suggestions and has advised officers that no amendments will be submitted and the application should be assessed as presented to the Local Planning Authority.

5.9 Officers acknowledge that the locality has a fairly random character in terms of the evolution and grain of development. This has inevitably resulted in buildings having close and in some cases unusual relationships with each other. In particular, officers have considered the impact of the development very closely with regards to the adjacent dwelling and residential curtilage at 130 Watleys End Road. This particular dwelling sits within a few metres of the boundary of the site at its North West corner. The existing development on the site abuts the boundary of the site with the residential property at 130 Watleys End Road, and is made up of a prefabricated garage and store building, with the main dwelling immediately to the South. The adjacent property utilises space immediately to the South of the dwelling as a patio area which abuts the boundary of the site. The existing situation is such that there is very limited privacy for the occupiers of 130 Watleys End Road in the event that the development site becomes occupied on the basis of the existing house on the site. The proposed development would introduce a new building that would effectively move development away from the North West boundary of the site. Development would also introduce a fence which would sit upon the existing boundary wall. Officers are of the view that this would improve the existing situation as it would allow the aspect of the neighbouring patio to be opened up. In addition, the relationship of the patio with the associated dwelling and the proposed development is such that sunlight would not be affected during the afternoon period of the day. Although it would be higher, the proposed building would move away from the boundary of the site towards Salem Road and on this basis, it is considered that the proposed development would have a very limited impact in respect of day light to the patio area and adjacent dwelling generally.

5.10 Nonetheless, the main part of the proposed building is two storeys in height with bedroom and bathroom windows on the first floor elevation. The existing building has accommodation within the roof space; with no windows allowing views to the West. Again, the existing property to the North and West at 130 Watleys End Road is most affected by the proposed development. Officers have carefully considered the impact of the development upon the adjacent dwelling and in particular the use of the private space immediately adjacent to the dwelling and currently utilised as patio. In this instance the views of that space from the rear bedroom of the proposed dwellings are oblique and would be across the proposed garden space and boundary wall proposed as part of the development at 6 Salem Road. Officers are of the opinion that these views are such that some effort would be required to overlook this space. In respect to the remainder of the residential curtilage at 130 Watleys End Road views

from windows in the proposed development across that space would be more passive. However, such views are common place in residential areas and are typical of the relationship between domestic dwellings.

- 5.11 Having regards to the above, it is considered that there would be no material impact upon the residential amenity of the occupiers of 130 Watleys End Road. However, it is considered that the proposed fence associated with the new development would offer a considerable benefit in respect of the continued and improved privacy between the new dwellings and the adjacent residential property. Accordingly, it is appropriate to introduce a suitably worded condition requiring that the combined boundary wall and fence is maintained at a minimum height of 1.8 metres.
- 5.12 As referred to above, the comparative heights of the proposed building and the existing dwelling is such that the proposed development is 0.6 metres higher than the existing dwelling. This is very marginal and is reflective of the traditional design of the proposed development and the fact that the existing dwelling contains accommodation within its roof space. Again, the rear elevation of the proposed building would be approximately 3S metres further towards Salem Road than the existing dwelling, although it is acknowledged that the proposed building would be wider than the existing dwelling. It is considered that the impact of the proposed development in respect of the residential amenity at 8 Salem Road is minimal. Again the relationship of the proposed building with the residential property and dwelling associated with 8 Salem Road is such that there would be no material impact in respect of day light and sun light. On this basis officers are of the opinion that the development is acceptable and there is no justification for reducing the height of the proposed building or introducing hipped roof construction.
- 5.13 In respect of existing dwellings to the East, across Salem Road, the proposed dwelling would be approximately 15 metres from those dwellings. Clearly, the proposed development would contain windows relating to habitable rooms in its front elevation. Local residents have expressed concerns as to the impact that views from these windows would have in respect of their privacy. It is acknowledged that these dwellings are set lower than the development site, however the combined distance and the fact that Salem Road itself lies between the site and the existing dwellings is such that the impact of the development in privacy terms would be limited. Again, the relationship of the proposed development and surrounding dwellings is typical of residential areas and as such the development is considered to be consistent with the general character of the locality.
- 5.14 On the basis of the above assessment, officers consider that the proposed development is acceptable in respect of the residential amenity of the occupiers of nearby and adjacent residential dwellings.
- 5.15 Transportation  
Local Residents have raised concern in respect of the impact of the proposed development in highway safety terms and in respect of the potential loss of on street parking in the locality. Again, residents have suggested amendments to

the proposed access. Notwithstanding this, the application must be assessed as submitted by the applicant.

5.16 The proposed development would effectively introduce a new access into the site in addition to the existing access. It is acknowledged that this would have the effect of removing the potential to park a single car on the street along side the Southern half of the Eastern boundary of the site. It should be noted that Salem Road is not a classified highway, accordingly the creation of this access in its own right would not require planning consent and as such could occur regardless of this planning application. Nonetheless, it is considered that the proposed development would not materially impact upon the provision of on-street parking. In respect of vehicular movements the scale of the development is such that there would be a limited increase. Where it is acknowledged that there is limited visibility from the proposed access, officers are of the view that the nature of the highway and ambient speeds of traffic is sufficient to overcome this limitation. On this basis, it is considered that the proposed access is acceptable and that the suggested modifications from the local residents are not necessary in this instance. In addition, it is considered that the level of parking proposed is consistent with the Councils parking standards as set out in Policy T8 of the South Gloucestershire Local Plan (adopted) January 2006.

5.17 Drainage Matters

The connection of the development to existing foul sewers is considered to be an acceptable means of disposing of foul waste in connection with the proposed development. Nonetheless, local residents have raised concern in respect of the drainage of the site particularly in the event that additional hard standing is provided for driveways and parking. New development is expected to provide sustainable drainage methods in respect of the handling of surface water by way of sustainable means such as soak-away or permeable surfaces. In this instance it is considered sufficient to impose a suitably worded condition requiring surface water drainage details to be agreed and implemented in accordance with those details as agreed. In addition, the materials to be used on the driveway can be included within a standard materials condition in relation to the construction of the dwellings and associated surfaces within the site. Subject to the use of these conditions the proposed development is considered acceptable in drainages terms.

5.17 Other Matters

Officers have been referred to previous planning applications affecting this site. It should be noted that no previous application has been submitted for consideration of new housing development on this site.

5.18 Public Involvement and the Consultation Process

This section of the report relates to matters of procedure in dealing with this planning application. It has not been given weight in the assessment of planning merits and appears for information purposes. A public consultation period is a statutory requirement in respect of any planning application submitted to the Local Planning Authority. In this instance, local residents have been directly notified together with a separate notification to Winterbourne Parish Council. Accordingly, the Local Planning Authority has met with its

statutory obligations. Furthermore it meets with the stated publicity for the scale of development set out in the Council's adopted Statement of Community Involvement, which forms part of the Development Framework. However the local resident action group have put it to planning officers that they should be given the opportunity to negotiate with the developer in order to achieve a preferred design solution to the development; and that planning officers should facilitate this. In this instance, the developer has made it clear that there is no intention to amend the proposed scheme in line with the suggestions made by the local residents and as such this development must be considered as submitted. The Local Planning Authority is obliged to assess the scheme as submitted, against the relevant Development Plan Policy and other material considerations. Where local residents have raised material planning issues these are taken into account and considered in the report. In this instance, and for the reasons set out in this report, officers are of the opinion that the application is acceptable in all respects.

5.19 Design and Access Statement

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

5.20 Use of Energy and Sustainability

Given the scale of the proposed development it is considered that the requirements for the use and conservation of energy under the Building Regulation Legislation are sufficient and reasonable in this instance.

5.21 Improvements Achieved to the Scheme

Officers consider that the proposed development is acceptable and no improvements are necessary.

5.22 Section 106 Requirements

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

## 6. CONCLUSION

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

6.2 Having regards to the assessment set out in this report, it is concluded that the proposed development is acceptable in respect of its design and relationship with the character and visual amenity of the site and the surrounding locality. It is concluded that the layout and scale of the proposed development is such

that there would be no material impact upon the privacy and residential amenity of the occupants of nearby and adjacent dwellings. It is also concluded that the proposed development and its access is acceptable and would have no material impact in respect of the highway safety and amenity of the surrounding and wider highway network. It is therefore concluded that the proposed development is consistent with the requirements of Policies D1, H2, H4, T8 and T12 of the South Gloucestershire Local Plan; The South Gloucestershire Design Checklist (Adopted Supplementary Planning Document).

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

## **7. RECOMMENDATION**

- 7.1 That Planning Permission is Granted subject to the following conditions

**Contact Officer: Simon Penketh**  
**Tel. No. 01454 863433**

### **CONDITIONS**

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006; and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.

3. The combined height of the existing wall and approved boundary fence on the West, North and South boundary of the site in relation to the rear gardens of the development hereby approved shall be maintained at a minimum height of 1.8 metres at all times.

In order to protect and maintain the privacy and residential amenity of the occupants of the dwellings at 8 Salem Road and 130 Watleys End Road and to accord with Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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



**CIRCULATED SCHEDULE NO. 17/10 – 7 MAY 2010**

<b>App No.:</b>	PT10/0396/F	<b>Applicant:</b>	Mrs M J Howells
<b>Site:</b>	145 Conygre Grove Filton Bristol South Gloucestershire BS34 7HX	<b>Date Reg:</b>	25th March 2010
<b>Proposal:</b>	Extension of residential curtilage and erection of detached garage (Retrospective)	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	361104 179237	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th May 2010



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## **INTRODUCTION**

The application appears on the Circulated Schedule in view of the concerns raised by the Town Council and a local resident.

### **1. THE PROPOSAL**

- 1.1 The application seeks retrospective planning permission for the extension of a residential curtilage and the erection of a detached garage.
- 1.2 The application relates to an end of terrace two-storey dwelling on the east side of Conygre Grove, Filton.
- 1.3 The application follows a previous Certificate of Lawfulness application in respect of the extension to the residential curtilage (PT08/0795/CLE). This was refused for the following reason (with this decision subsequently upheld at appeal):

‘The evidence would show use as a domestic curtilage has occurred only since 2005. Prior to this the land appears to have been used as a part of a wider thoroughfare in terms of land use (The Local Planning Authority is not making any decision as to whether land use access rights have arisen in terms of private land law). The evidence submitted does not suggest this land was part of the garden area of 145 Conygre Grove, Filton for the entirety of the requisite period.

On the balance of probability and on the evidence submitted it is considered that the use of the land as domestic curtilage has not been used continuously for a period in excess of 10 years.’

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development  
PPG13: Transport

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

H4: Development within Residential Curtilages

T12: Transportation Development Control Policy for New Development

Emerging Policies: South Gloucestershire Core Strategy Pre-Submission  
Publication Draft (March 2010)

CS1: High Quality Design

CS17: Housing Diversity

Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

### **3. RECENT PLANNING HISTORY**

- 3.1 N881: Erection of carport and garage. Permitted: 9 January 1975
- 3.2 N881/1: Erection of two-storey side extension to provide kitchen and hall with bedroom over. Permitted: 23 September 1976
- 3.3 P87/2017: Erection of single-storey side extension to form kitchen and hall. Permitted: 29 July 1987
- 3.4 PT06/0550/CLE: Application for a Certificate of Lawfulness for existing use of land for domestic curtilage. Refused: 16 October 2006
- 3.5 PT07/2960/F: Erection of detached garage. Application registered in error: 23 October 2007
- 3.6 PT08/0795/CLE: Application for a Certificate of Lawfulness for extension of garden and use of detached garage. Refused: 6 June 2008; Appeal Dismissed: 28 July 2009

### **4. CONSULTATION RESPONSES**

#### **4.1 Filton Town Council**

Initial Comment: 'Seek clarification as certificate of lawfulness already in appeal process. Objection to blocking off public access.'

Subsequent comment: 'Object strongly to retrospective permission for the detached garage as it is blocking off the public highway'.

#### **4.2 Other Consultees**

Highways DC: no objection

#### **Other Representations**

#### **4.3 Summary of Local Residents Comments**

One letter received expressing the following concerns:

- o Access was always available from both directions (since 1987);
- o Deed show that there is access from both ends of the public highway;
- o Previous planning applications at no. 131 made it clear that a garage could not be built within a certain distance of the highway;
- o It is understood that the sale of no. 127 went through only after the previous appeal decision deemed this as public highway;
- o Other garages have been kept clear of the highway;
- o The garage doesn't allow convenient access to off-street parking from nos. 141 and 143;
- o A Certificate of Lawfulness has been refused twice;
- o When there were two access points, this was a one way system;

- o The path used to be used by people exercising their dogs;
- o It might set a precedent restricting access for people in the middle.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Planning policy H4 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety.

### 5.2 Design/ Visual Amenity

The application relates to an end of terrace two-storey dwelling on the east side of Conygre Grove, Filton. More specifically, it concentrates on the rear garden with this having been extended to encompass a vehicular access that runs to the rear of these terraced dwellings as is common for many residential properties within Filton. In so doing, the extension of this garden has truncated this access so that it can only be entranced via the vehicular access between nos. 121 & 123 Conygre Grove. The other entrance to this previous through route now only provides for a detached garage built at the end of this extended garden.

5.3 The use of this land for purposes incidental to the enjoyment of the host dwelling (i.e. as part of the garden for a continued period of 10 years up to the date of the application) and the subsequent erection of the detached garage were considered as part of a previous Certificate of Lawfulness application (PT08/0795/CLE); this was refused for the reason outlined above. This decision was subsequently upheld at appeal where the Inspector concluded that evidence that this land was used independently from use of the dwelling and not as part of the curtilage was 'compelling'. It was also considered that this access would have been considered as a public highway (for the purposes of permitted development) thus an application would have been required for the detached garage (given that it extends closer to the side access than the original dwelling).

5.4 Notwithstanding the above, this application seeks retrospective planning permission for these works thus is not subject to the same assessment as this previous application; this current application must be assessed on its own merits having regard primarily to the requirements of policy H4.

5.5 In view of the above, it is not considered that there can be any reasonable objection to the proposal given that this lane does not form a public highway whilst access to the rear of all other dwellings is available via the other entrance; this reflects the single access arrangement that also operates for the other dwellings served by this access to the north. In this regard, it is also noted that the size and design of the detached garage is acceptable with this positioned at the foot of the railway embankment to the rear of the application site and with it subservient in scale and form to the host dwelling.

5.6 With regard to the further concerns that have been raised, issues related to land ownership do not form a material planning consideration whilst any further application for an extension to a further garden would need to be considered on

its own merits; this would account for any restrictions on access to the other gardens served by this lane.

5.7 Residential Amenity

In view of the nature of the proposal and the position and the size of the detached garage building, it is not considered that any significant adverse impact in residential amenity has been caused. In this regard, it is noted that access to all other rear gardens served by this access is still available.

5.8 Highway Safety

The rear access land does not comprise a public highway and on this basis, there is no transportation objection to this current proposal. In this regard, it is noted that the garage is of sufficient size to accommodate a motor vehicle.

5.9 Design and Access Statement

A Design and Access Statement is not required as part of this application.

5.10 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.

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

1. The extension of the residential curtilage would be acceptable in terms of visual amenity and thus is 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 detached garage is in keeping with the design of the host property and the surrounding dwellings thus the proposal is 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.

3. The proposal 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.
4. The proposal is considered to be acceptable in highway safety terms and would therefore accord with Planning Policy T12 (Transportation Development Control Policy) of the South Gloucestershire Local Plan (Adopted) January 2006.

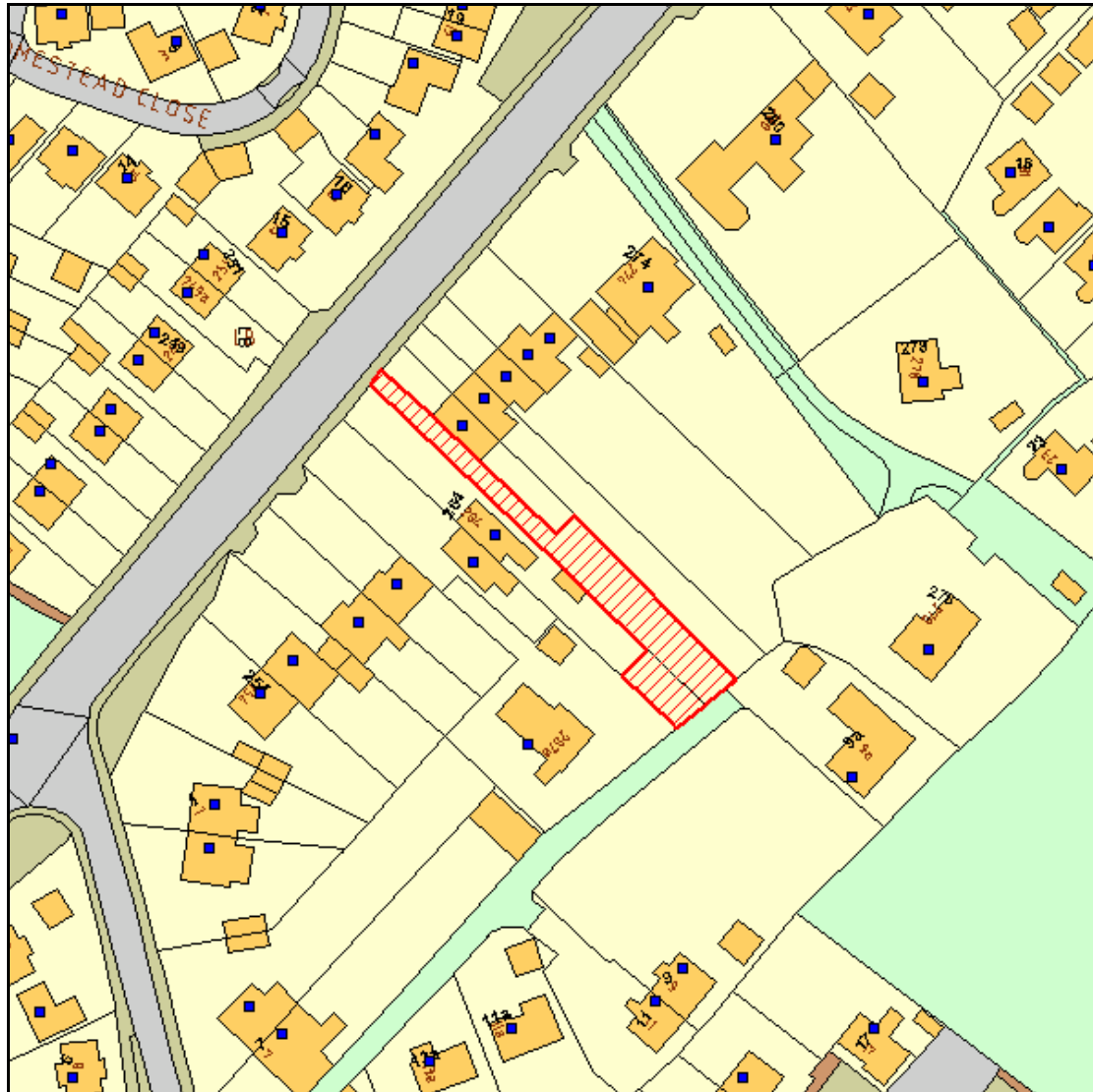
## 7. **RECOMMENDATION**

7.1 Planning Permission is **GRANTED**.

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

**CIRCULATED SCHEDULE NO. 17/10 – 7 MAY 2010**

<b>App No.:</b>	PT10/0595/F	<b>Applicant:</b>	Mr S Ly
<b>Site:</b>	Rear Of 264/266 Badminton Road Coalpit Heath Bristol South Gloucestershire BS36 2QW	<b>Date Reg:</b>	29th March 2010
<b>Proposal:</b>	Erection of 1no. detached dwelling with access and associated works.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367920 181328	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th May 2010



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## **INTRODUCTION**

This application is circulated to members as the recommendation conflicts with the views of neighbours.

## **1. THE PROPOSAL**

- 1.1 This is a full application for planning permission for a dwelling to be located in the rear garden area of 266 and 264 Badminton Road. Vehicular access is via drive alongside 266 Badminton Road. The proposal is shown to be rendered with brick details and have a tiled roof.
- 1.2 This application follows an outline application where consent was granted for access and siting subject to conditions. The previous scheme did not include the garden of 264 Badminton Road and as such the previous scheme was for a long narrow building given the plot dimensions.
- 1.3 The current application uses the access, parking and siting of the previous scheme but facilitates a wider dwelling. The proposal has a ridgeline of 6.3m high and a width within the garden of 266 Badminton Road of 5.8m which is within the scope of the outline consent. The additional land area used in this application facilitates a wider dwelling at the rear of some 11m and the total length of the building is 12.5m deep.

## **2. POLICY CONTEXT**

- 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
- 2.2 Adopted Joint Replacement Structure Plan

Policy 1	Sustainable development objectives
Policy 2	Location of development
Policy 33	Housing provision and distribution
Policy 34	Re-use of previously developed land
Policy 35	Housing Density (20-25 per ha)
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
L4	Forest of Avon
H2	Proposals for Residential Development within the existing Urban Area and Defined Settlement Boundaries
H4	Development within Existing Residential Curtilages, including Extensions and New Dwellings
T12	Transportation Development Control Policy for New Development
L17 & L18	The Water Environment
- 2.4 Emerging Development Plan Core Strategy Pre-Submission Publication Draft

CS1	High Quality Design
CS16	Housing Density



- 2.4 Supplementary Planning Guidance  
South Gloucestershire Council Design Checklist SPD Adopted August 2007

**3. RELEVANT PLANNING HISTORY**

- 3.1 PT07/1559/O  
Erection of 1 no. detached dwelling (Outline) with access to be considered and all other matters reserved. Refused
- 3.2 PT07/2231/O Erection of 1 no. detached dwelling (Outline).  
Granted 8/11/2007

**4. CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
No objection.
- 4.2 Other Consultees  
Drainage  
No public surface water sewer is available. The site is in an old mining area and the applicant should undertake certain investigations in this respect. No objection subject to SUDS condition and informatives recommended.

**Other Representations**

- 4.3 Local Residents  
Two letters of objection has been received from a neighbouring bungalow in relation to the following points:  
Concern that the materials are not known.  
Concern at trees being removed.  
Concern that the build may affect ground water resources which from time to time percolate up through parts of writers land.  
Concern at relevance of ground level change within the site and what that means for overall build height.  
Gable end wall of proposal will fill the single lounge window of the writers bungalow. Overbearing impact having adverse impact on amenity  
Writer was not contacted by the applicant about the plans as the application form indicates.  
Concern that as the access to the site is extremely narrow and turning areas for vehicles, especially 4 x 4's restricted. This may lead to vehicles being dangerously and unacceptably backed out onto the busy main Badminton Road.  
Cramped and close to writers boundary.  
Overlooking into property at the rear from dormer windows. Would like a hedge made conditional if granted.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

In principle the use of previously developed land is considered acceptable in the development plan but this is subject to the more specific considerations of the local plan. The application site lies within the defined settlement boundary of Coalpit Heath. Indeed outline planning permission has already been granted for a dwelling at this location subject to further design matters. Policy H2 of the South Gloucestershire Local Plan particularly allows for residential development within defined settlement boundaries subject to the following criteria:-

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

The proposal would not have unacceptable environmental effects, although landscape matters are considered further below. In transportation terms, the scheme reflects that of the approved outline consent and is considered acceptable to highway safety.

With respect to residential amenity the proposed front facing first floor window is located approximately 23m from the rear elevation of 264 Badminton Road and as such is not anticipated to affect this house or others close by. The other first floor windows face rearwards where they cause no overlooking given the distance of 28m between habitable windows and two proposed rooflights face frontward or sideways across end of the garden of 268 Badminton Road.

With respect to the mass of the chalet bungalow type proposal it is worth noting that the nearest neighbouring dwelling is located over twelve metres away on the southern side of the site and given that the blank gable end of the proposal only rises to 6.3m high there will be no detrimental impact on the bungalow known as 262A Badminton Road. A levels condition is proposed in order to ensure that the ground level is not changed substantially given that the land rises from front to rear of the plot.

The site is narrow as are the gardens of the immediate neighbours and each garden benefits from established trees. The trees are considered separately below but the removal of a reasonable number of trees in the site appears to be inevitable

It is recognised that the proposal is tandem development (one dwelling immediately behind another), and in the past this form of development has sometimes been viewed as unsatisfactory. This is because of the difficulties of access to the dwelling at the rear and the disturbance and lack of privacy suffered by the house in front. This application has overcome privacy issues and the relationship between properties is found to be acceptable. As such, noise or disturbance would not increase to an unacceptable extent to warrant a refusal. The proposal therefore complies with this policy criterion.

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

The site has an area of some 384m<sup>2</sup> which equates to a dwelling of 26 dwellings per hectare, which complies with is a little below the minimum density generally sought in the local plan. Policy CS16 of the emerging Core Strategy seeks to achieve 40 dwellings per hectare. However a higher density within the land available would have more implications on parking and turning and is therefore not likely to be acceptable. Furthermore there is an extant outline consent on this site for one dwelling already and the increase in dwelling numbers to two units would not unduly affect the average density of the area. The proposed amended access to the site has been found to be acceptable for one dwelling and acceptable scheme in design terms has been submitted.

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

The site is not affected by any of the above and therefore 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 proposal.**

Due to only 1 dwelling proposed it is considered that adequate service provision exists in the vicinity of the site.

- 5.2 Further to the policy considerations of Policy H2 above, Policy H4 of the adopted local plan is also relevant as it relates to new dwellings within existing residential curtilages. Such development is only permitted where it respects the massing, scale and overall design and character of the existing property/street scene; would not prejudice the amenities of nearby occupiers; would not prejudice highway safety and would allow for the retention of adequate private amenity space for the existing and proposed dwelling.
- 5.3 Adequate garden area is available for the proposed property and the existing dwellings. A modest, low level dwelling is achieved without creating a cramped appearance and this would not be unduly visible from either Badminton Road or Woodside Road and this is not overbearing on the neighbouring gardens.
- 5.4 Landscaping  
It appears that the majority of the trees in the existing garden would need to be removed in order to facilitate the dwelling. The trees are silver birch, sycamore and conifer. The conifers appear to have outgrown the narrow garden, the silver birch and sycamore appear to be of poor form, growing under the shade of the conifers and/or having been lopped or burnt. However these do offer general landscape amenity at present. It is unlikely that any of these would be considered for TPO by virtue of their species and/or form. The loss of these trees would detract from the amenity of the area and their replacement alongside the proposed house would not appear to be possible. However some remedial planting could be achieved at the boundary between the new turning

head and resulting garden for the existing house and to the rear of the site which can be secured by an appropriate landscape condition.

5.5 Transportation

No objection is raised to the proposal in highway terms provided that the access is widened at the junction with Badminton Road to facilitate two way traffic. Access and turning arrangements were agreed on the extant planning consent and the transportation conditions are still appropriate for the current application.

5.6 Drainage

There is no surface water sewer at this site and as such a condition will be necessary to request details of the manner of disposing of or reusing surface water. The site is also with in an old mining area and the submission will need to take account of any mining activities which might affect surface water drainage.

5.7 Design and Access Statement

The Design and Access Statement submitted with the application is limited and does not fully demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document. However in this case the dwelling is considered acceptable nevertheless.

5.6 Use of Energy and Sustainability

To be constructed to meet current building control standards.

5.7 Improvements Achieved to the Scheme

None required.

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.

a. The concerns of nearby residents in relation to design and overlooking have been properly considered. And through careful design the proposals will not harm the amenities of neighbouring properties by reason of loss of privacy or natural light, nor will the proposal be overbearing- Policies H4 and D1 South Gloucestershire Local Plan (adopted) January 2006.

- b. The proposed amendments will not harm the amenities of the residents outside of the site. As such the proposal is acceptable. Policies H4 and D1 South Gloucestershire Local Plan (adopted) January 2006.
  - c. The concerns of nearby residents in relation to parking facilities have been properly considered and adequate parking is proposed and maintained for both the original house and the proposed dwelling in accordance with the Councils parking requirements - Policies T7 and T8 South Gloucestershire Local Plan (adopted) January 2006.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

**Contact Officer: Karen Hayes**  
**Tel. No. 01454 863472**

### **CONDITIONS**

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

Reason

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

2. No 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.  
This shall show that past mining operations in the area have also been taken into account.

Reason:

To comply with South Gloucestershire Local Plan (Adopted) January 2006 Policies L17, L18, EP1, EP2 and PPS25 Planning Policy Guidance

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

Reason

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

4. Prior to the commencement of development samples of the roof tiles, render and brick feature details to be used in the 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 the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

6. Prior to the commencement of development details of the ground floor slab level of the proposed dwelling 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 the satisfactory external appearance of the development in the interests of visual and residential amenity and to accord with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 17/10 – 7 MAY 2010**

<b>App No.:</b>	PT10/0668/F	<b>Applicant:</b>	Board Of Governors Of St Mary Primary School
<b>Site:</b>	St Mary's Roman Catholic School Webbs Wood Road Bradley Stoke Bristol South Gloucestershire	<b>Date Reg:</b>	6th April 2010
<b>Proposal:</b>	Erection of 2.4m high replacement boundary fence.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	363137 181127	<b>Ward:</b>	Bradley Stoke South
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st May 2010



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 100023410, 2008. **N.T.S.** **PT10/0668/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule following the receipt of an representation from a local resident that was contrary to the Case Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of a 2.4m high replacement boundary fence. The fence would be situated along the boundary beside Webbs Wood Road and to rear of the residential dwellings known as No. 12 to 21 Palmers Leaze.
- 1.2 The application site relates to a primary school and its associated grounds. The site is surrounded by a well established residential area and lies within the Bristol north fringe urban area.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1: Delivering Sustainable Development

#### 2.2 Development Plans

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

D1: Achieving Good Quality Design in New Development

L1: Landscape Protection and Enhancement

LC4: Proposals for Educational and Community Facilities

CS1: Core Strategy

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

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

- 3.1 PT06/2759/F Erection of extension to existing classroom.  
Approved 03.11.2006
- 3.2 PT05/1668/R3F Erection of single storey extension to form additional  
administration accommodation.  
Approved 01.08.2005
- 3.3 P98/1873 Erection of primary school and church hall (Class D1  
of the Town and Country Planning (Use Classes) Order  
1987), together with the construction of associated  
recreation and off street parking areas. Construction of  
new vehicular and pedestrian accesses. (Revisions to  
previously approved scheme P98/1071 dated 12 March  
1998).  
Approved 29.07.1998



- 3.4 P98/1071 Erection of primary school and church hall, (Class D1 of the Town and Country Planning (Use Classes) Order 1987), together with the construction of associated recreation and off street parking areas. Construction of new vehicular and pedestrian accesses.  
Approved 12.03.1998

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

- 4.1 Bradley Stoke Town Council  
No objection.

- 4.2 Sustainable Transportation  
No objection.

- 4.3 Local Residents  
One letter of objection has been received from a local resident. The main objection related to the use of a metal 2.4m fence that would enclose their rear garden and this would be very prominent from the ground floor room of the dwellinghouse.. The resident has suggested that a wooden 2.4m fence would be a more appropriate material for this location.

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

- 5.1 This application seeks planning permission for the erection of 2.4 metres metal fence around the perimeter of the school site. The main issues to consider in this application are:

1. The principle of the proposed development
2. Would the proposed fence respect the character and appearance of the surrounding area?
3. Would the proposed fence prejudice residential amenity?
4. Would the proposed fence prejudice highway safety.

- 5.2 Principle of Development

The proposed development relates to the erection of a fence within the grounds of an existing primary school. Policy LC4 of the adopted local plan provides a framework for considering proposals for improvement of educational facilities. This policy was intended for larger developments and therefore is not 'designed' for smaller proposals, such as the proposed fence. Nevertheless the policy does demonstrate that the principle of the proposed development would be acceptable providing that it does not unacceptably harm residential amenity, highway safety, and the visual amenity of the surrounding area.

5.3 Visual Amenity

It is acknowledged that a local resident has raised concerns with regard to the use of a 2.4m metal fence along the rear boundary of their property. The resident has suggested that this would be an inappropriate material for such a location and would prefer a timber fence.

5.4 The applicant explained that the proposed fence is required for security reasons and has been chosen inline with Police and security recommendations. The fence material is aluminium and was selected for its robust nature and its ability to withstand vandalism and wanton damage. The applicant explained that consideration was given to a timber option however this type of material would provide a weak point to the school perimeter and in effect would provide less security.

5.5 The proposed fence would be situated alongside Webb Wood Road and a number of existing residential properties. The proposed fence would be prominent in the street scene alongside the road. Nevertheless it is considered that the proposed fence would be typical of fences associated with schools and would not significantly detract from the character and appearance of the surrounding area.

5.6 The proposed fence behind the existing residential properties would be screened from the street scene but would be viewed by the occupiers of dwellings. It is noted that the majority of these properties have existing vegetation to the rear and it is considered that the light mesh and the green colour of the fence would blend into this setting.

5.7 Conversely, No. 14 does not feature existing vegetation and therefore the fence would back straight onto their rear garden. It is noted that given the lack of landscaping the proposed fence would therefore be more prominent in this location. Nevertheless, due to varying levels of the site, the proposed fence would be lower than the level of local residents garden, thus reducing its visual impact. Moreover it is considered that the green colour and light mesh finish would not have an adverse effect on visual amenity, and it would be less prominent than a timber fence. For these reasons, it is considered on balance there is no objection to this element of the proposal on design/visual amenity grounds.

5.8 Residential Amenity

The proposed fence would be situated to the rear of a number of existing dwellings. Nevertheless it is considered that given the light mesh finish and the distance separating the fence from the properties, the proposal would not result in a material overbearing effect. Moreover it should be noted that the existing boundary treatment comprises of a low open fence. As such the proposed development would provide a similar relationship as the existing fence. On this basis it is concluded that the proposed development would not prejudice residential amenity.

5.9 Highway Safety

The proposed fence would be situated beside a highway. The Council's Highway Engineer has assessed the application and has confirmed that the proposal would not lead to unacceptable transportation effects.

5.10 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.

5.11 Use of Energy and Sustainability

None.

5.12 Improvements Achieved to the Scheme

None

5.13 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.

a) The design, layout and height of the fencing proposed would help safeguard the security of the school and that of its students without significant detriment to visual amenity. The proposal is therefore considered to accord with Policy LC4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

b) The proposal would not cause any significant adverse impact in residential amenity. The proposal is therefore considered to accord with Policies D1 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

c) The proposal is considered to be acceptable in highway safety terms. As such, the proposal is considered to accord with Policy LC4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted)

January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

7.1 Planning permission to be **GRANTED** subject to the following condition: -

**Contact Officer: Peter Rowe**  
**Tel. No. 01454 863131**

### **CONDITIONS**

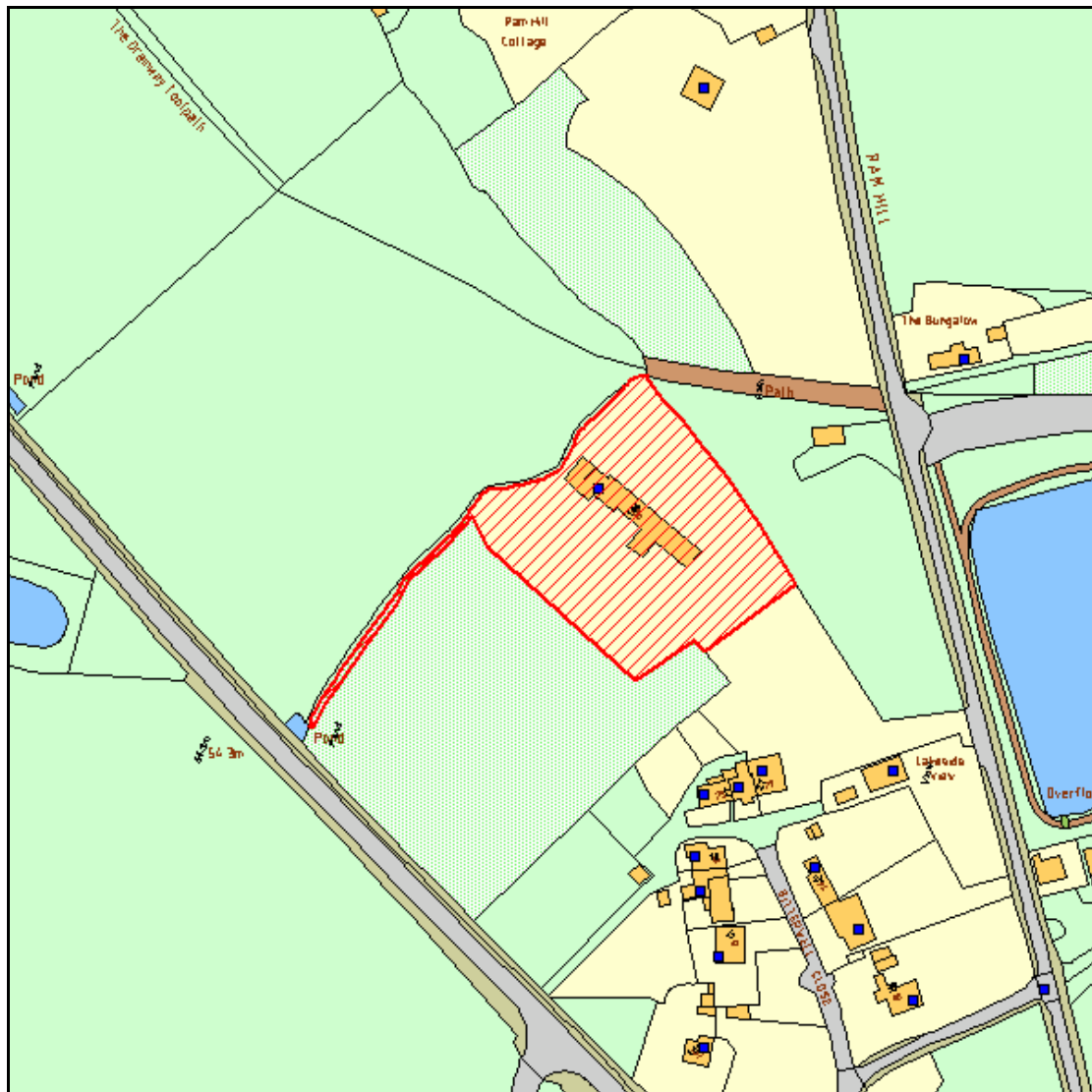
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 17/10 – 7 MAY 2010**

<b>App No.:</b>	PT10/0683/CLP	<b>Applicant:</b>	Mr Williams
<b>Site:</b>	The Woodlands 165 Henfield Road Coalpit Heath Bristol South Gloucestershire	<b>Date Reg:</b>	31st March 2010
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed erection of rear conservatory, single storey side extension, single storey rear extension, front extension and detached garage.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367756 179552	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	20th May 2010



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 100023410, 2008. **N.T.S.** **PT10/0683/CLP**

## **INTRODUCTION**

This application appears on the Circulated Schedule because the Council's scheme of delegation requires all Certificate of Lawfulness applications to be circulated to Members.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks a Certificate of Lawfulness for the proposed erection of a rear conservatory, single storey side extension, single storey rear extension, front extension, and detached garage.
- 1.2 The application site relates to detached dwelling and its associated curtilage. The site is situated in the countryside and is situated outside of the Coalpit Heath settlement boundary. The site lies within the Green Belt.

### **2. POLICY CONTEXT**

- 2.1 Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (GPDO).

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

- 3.1 N5135                      Erection of side extension to provide recreation room.  
Approved 07.12.1978
- 3.2 N5135/1                      Erection of single storey side extension to form  
enlarged garage, utility room and oil storage tank  
enclosure. Erection of dormer windows and chimney.  
Erection of stable block.  
Approved 11.08.1983

### **4. CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
No objection.
- 4.2 Local Residents  
None received.

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

- 5.1 This application is seeking a Certificate to state that the proposed development is lawful. It is not a planning application where the relative merits of the scheme are assessed against policy rather it is an evidential test of whether it would be lawful to proceed with the proposal. Accordingly, the key evidential test in this case is whether proposals fall within the permitted development rights afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) Order 2008.

## 5.2 Rear Conservatory

The proposed rear conservatory would be permitted development and would not require planning permission. The assessment of this proposal against each of the criteria of Part 1, Class A of the GPDO is summarised below:

- (a) The proposed conservatory would not exceed 50% of the total area of the curtilage.
- (b) The proposed conservatory would not exceed the height part of the roof of the existing dwellinghouse.
- (c) The eaves of the proposed conservatory would not exceed the eaves of the existing dwellinghouse.
- (d) The proposed conservatory would be on the rear elevation and would not front a highway or form the principle elevation.
- (e) The proposed side extension would not extend more than 4 metres past the rear elevation and it would not exceed 4 metres in height.
- (f) The proposed conservatory would not have more than one storey.
- (g) The proposed conservatory would be further than 2 metres from the boundary.
- (h) The proposed conservatory would not extend past a side elevation.
- (i) The proposed conservatory would not consist or include; a veranda, balcony, raised platform, a microwave antenna, a chimney, flue or soil and vent pipe.

The proposed development would also accord with the conditions that are set out under Part 1, Class A, A.3 of the GDPO.

## 5.3 Single-storey side extension

The proposed side extension would be permitted development and would not require planning permission. The assessment of this proposal against each of the criteria of Part 1, Class A of the GPDO is summarised below:

- (a) The proposed side extension would not exceed 50% of the total area of the curtilage.
- (b) The proposed side extension would not exceed the height part of the roof of the existing dwellinghouse.
- (c) The eaves of the proposed side extension would not exceed the eaves of the existing dwellinghouse.

- (d) The proposed side extension would be on the side elevation and would not front a highway or form the principle elevation.
- (e) The proposed side extension would not extend past the rear elevation and it would not exceed 4 metres in height.
- (f) The proposed side extension would not have more than one storey.
- (g) The proposed side extension would be further than 2 metres from the boundary.
- (h) The proposed side extension would not exceed 4 metres in height, have more than one storey, or have a width greater than half the width of the original dwelling house.
- (i) The proposed side extension would not consist or include; a veranda, balcony, raised platform, a microwave antenna, a chimney, flue or soil and vent pipe.

The proposed development would also accord with the conditions that are set out under Part 1, Class A, A.3 of the GDPO.

#### 5.4 Single-storey rear extension

The proposed rear extension would be permitted development and would not require planning permission. The assessment of this proposal against each of the criteria of Part 1, Class A of the GPDO is summarised below:

- (a) The proposed rear extension would not exceed 50% of the total area of the curtilage.
- (b) The proposed rear extension would not exceed the height part of the roof of the existing dwellinghouse.
- (c) The eaves of the proposed rear extension would not exceed the eaves of the existing dwellinghouse.
- (d) The proposed rear extension would be on the rear elevation and would not front a highway or form the principle elevation.
- (e) The proposed side extension would not extend more than 4 metres past the rear elevation and it would not exceed 4 metres in height.
- (f) The proposed rear extension would not have more than one storey.
- (g) The proposed rear extension would be further than 2 metres from the boundary.



- (h) The proposed rear extension would not extend past a side elevation.
- (i) The proposed rear extension would not consist or include; a veranda, balcony, raised platform, a microwave antenna, a chimney, flue or soil and vent pipe.

The proposed development would also accord with the conditions that are set out under Part 1, Class A, A.3 of the GDPO.

#### 5.5 Front extension

The proposed front extension would be permitted development and would not require planning permission. The assessment of this proposal against each of the criteria of Part 1, Class A of the GPDO is summarised below:

- (a) The proposed front extension would not exceed 50% of the total area of the curtilage.
- (b) The proposed front extension would not exceed the height part of the roof of the existing dwellinghouse.
- (c) The eaves of the proposed front extension would not exceed the eaves of the existing dwellinghouse.
- (d) The proposed front extension would be the principal elevation however it would not face onto a highway.
- (e) The proposed side extension would not extend more than 4 metres past the rear elevation and it would not exceed 4 metres in height.
- (f) The proposed rear extension would not have more than one storey.
- (g) The proposed rear extension would be further than 2 metres from the boundary.
- (h) The proposed rear extension would not extend past a side elevation.
- (i) The proposed rear extension would not consist or include; a veranda, balcony, raised platform, a microwave antenna, a chimney, flue or soil and vent pipe.

The proposed development would also accord with the conditions that are set out under Part 1, Class A, A.3 of the GDPO.

## 5.6 Detached garage

It is considered that the proposed garage would be a building required for the purposes incidental to the enjoyment of the dwellinghouse. The proposed detached garage would be permitted development and would not require planning permission. The assessment of this proposal against each of the criteria of Part 1, Class E of the GPDO is summarised below:

- (a) The proposed detached garage would not exceed 50% of the total area of the curtilage.
- (b) The proposed detached garage would not be situated on land forward of the wall forming the principal elevation of the original dwellinghouse.
- (c) The proposed detached garage would not have more than one storey
- (d) The height of the proposed detached garage dual pitch roof would not exceed 4 metres.
- (e) The height of the eaves of the building would not exceed 2.5 metres.
- (f) The detached garage would not be situated within the curtilage of a listed building.
- (g) The detached garage would not include the construction or provision of a veranda, balcony, or raised platform.
- (h) The detached garage is not related to a dwelling or microwave antenna.
- (i) The detached garage would not relate to a container for the storage of oil.

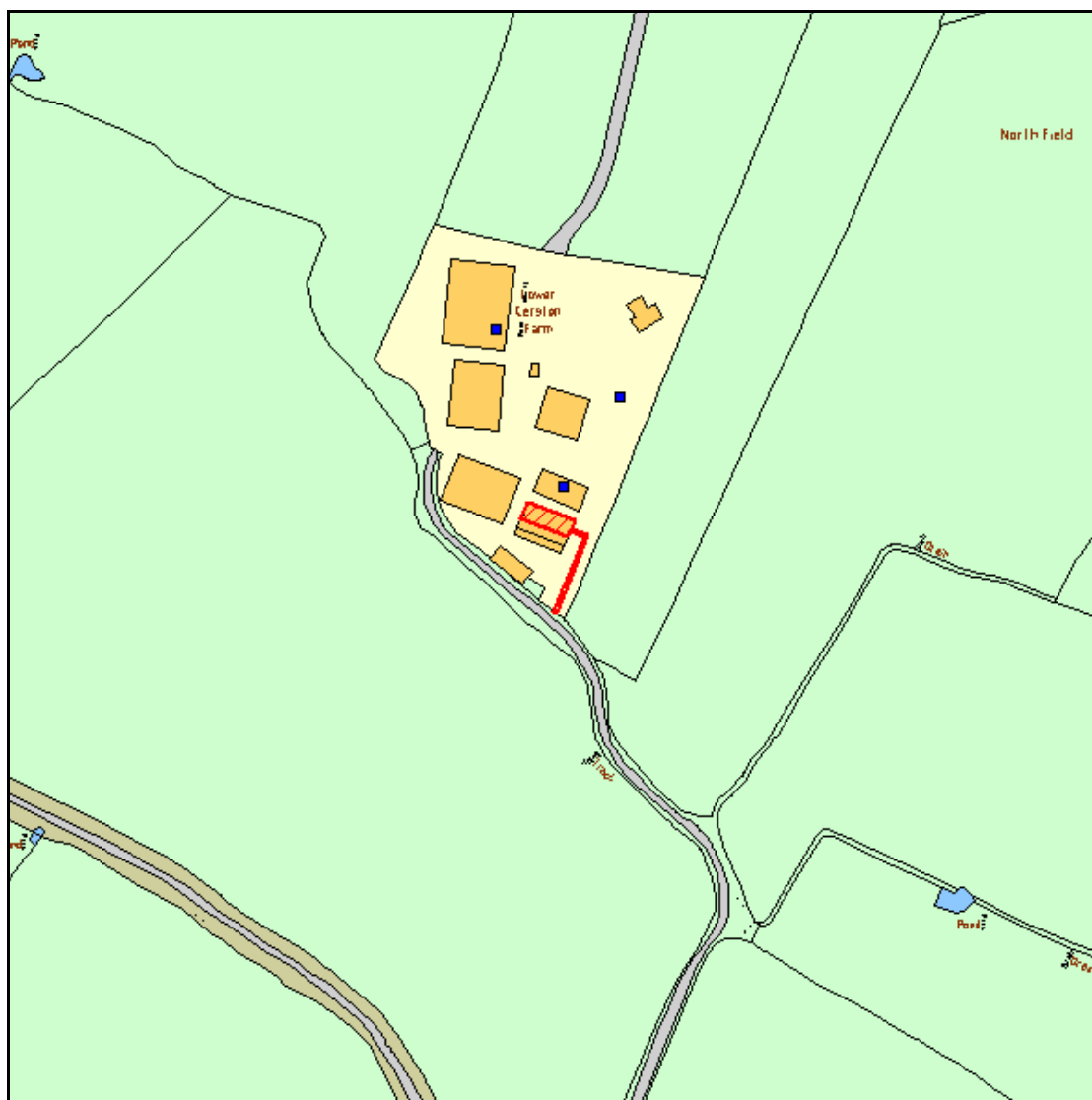
## 6. RECOMMENDATION

- 6.1 That a Certificate of Lawfulness of Proposed Use be approved as it has been shown on the balance of probability that the proposed developments would fall within Schedule 2, Part 1, Classes A and E 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: Peter Rowe**  
**Tel. No. 01454 863131**

**CIRCULATED SCHEDULE NO. 17/10 – 7 MAY 2010**

<b>App No.:</b>	PT10/0719/F	<b>Applicant:</b>	Mr Dennis Palmer
<b>Site:</b>	Lower Corston Farm Whale Wharf Lane Littleton Upon Severn Bristol South Gloucestershire	<b>Date Reg:</b>	31st March 2010
<b>Proposal:</b>	Change of Use from agricultural building to a mixed use comprising rug wash and repair facilities and meat preparation area in association with farm (Sui Generis) (as defined in the Town and Country Planning) (Use Classes) Order 1987 (as amended).	<b>Parish:</b>	Aust Parish Council
<b>Map Ref:</b>	359574 190690	<b>Ward:</b>	Severn
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st May 2010



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 100023410, 2008. **N.T.S.** **PT10/0719/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule following the receipt of representations that were contrary to the Case Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for a scheme of farm diversification. This involves the change the use of the existing agriculture building to separate uses:
- (i) A rug wash and repair facility – this is part of the applicant equestrian business which involves the washing and repair of horse rugs.
  - (ii) Meat preparation area – this would be used in conjunction with the existing farm.
- 1.2 The proposed change of use would be facilitated through some minor external changes to include the closing up of the open side to the rear of the building.
- 1.3 The application site relates an existing agricultural building within a well-established farmyard. The site lies within the countryside and is designated as Green Belt. The site is also situated within Flood Zone 1 and a Public Right of Way is situated in a nearby field.
- 1.4 It was noted on the Case Officer's site visit that the rug wash facility had been implemented without planning permission. This aspect of the proposal is therefore retrospective.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1:	Delivering Sustainable Development
PPG2:	Green Belts
PPS4:	Planning for Sustainable Economic Growth
PPS7:	Sustainable Development within Rural Area
PPG13:	Transport
PPS25:	Development and Flood Risk
Circular 11/95:	Use of Conditions in Planning Permission.

#### **2.2 Development Plans**

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

D1:	Achieving Good Quality Design in New Development
EP1:	Environmental Protection
EP2:	Flood Risk and Development
GB1:	Development within the Green Belt
T12:	Transportation Development Control Policy for New Development
E8:	Farm Diversification

### 2.3 Emerging Development Plans

South Gloucestershire Core Strategy (Pre-Submission Publication Draft)  
March 2010

CS1: High Quality Design

CS34: Rural Areas

### 2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

South Gloucestershire Development within the Green Belt (Adopted) 2007

## 3. RELEVANT PLANNING HISTORY

- 3.1 PT01/0158/F Change of use from agricultural to agricultural and clay pigeon shooting, to allow shooting on any 28 days in one calendar year.  
Withdrawn 11.02.2002
- 3.2 P88/1309 Use of land for stationing of mobile home for agricultural worker  
Approved 20.04.1988
- 3.3 P86/1953 Use of land for the stationing of a caravan for an agricultural worker.  
Refused 28.12.1986

## 4. CONSULTATION RESPONSES

### 4.1 Aust Parish Council

Object to the development. The Parish Council have raised the following issues: -

- a) Although the applicant states that the property is in flood zone 1, the site has been flooded in the past and, while this might not affect the building itself, any flooding in the area would be likely to affect the underground waste water tanks in which contaminated water is proposed to be stored. A number of members of my Council believe that the area of the building which is the subject of the application itself may be within the flood zone boundary, rather than in Zone 1, and we recommend that you should check this with the Environment Agency.
- b) There is grossly inadequate information about the scale of the proposed operation and the waste disposal arrangements.
- c) The applicant states that there would be no increased traffic movements. This is, however, not a credible statement. The application speaks of waste disposal contractors collecting the meat waste, and the disposal of waste water is likely to generate additional traffic.
- d) The applicant does not say whether rugs, or meat or animals, are to be imported onto the site. Any importation would generate increased traffic, for which the access lane is inadequate.

- e) Meat produced will not, presumably, be only for the applicant's private use. It will have to be marketed. This will either take place on site (generating more traffic) or offsite. Appropriate conditions or s106 obligations should be imposed to regulate this.
- f) Although not on the face of it a planning issue, concerns have been expressed about the health issues involved in meat preparation and storage in an environment in which rugs are handled, when those rugs are likely to be contaminated with animal waste, including faecal material. Presumably you will be consulting the public health authorities about this application?
- g) Slaughter is mentioned in the application: para 6.3. But nothing is said in the application about how or where the cattle and poultry would be slaughtered. Will this be on site? If so, where, and how? This would be an inappropriate location for more than the smallest slaughterhouse operation.
- h) We note that Streetcare has suggested that the Environment Agency should be invited to comment on drainage issues. We consider that they should also be asked to review the food risks and any implications.
- i) This type of operation is liable to cause unacceptable odours. This issue should be explored before any permission is given.

The Parish Council have made the following recommendations:

- i. only poultry and animals reared within the current area of the farm, to be processed on the site – to ensure that the applicant is not able to add to his holding and increase the size of the beef herd above the 20 animals mentioned in the application. If he increased the size of his holding with adjoining (or indeed other) land, he might otherwise increase the scale of the operation. There should also be details of the proposed poultry operation, and restrictions on the number and type of birds to be kept.
- ii. no development to be carried out (ie no construction, meat processing, or rug washing) to take place on the site until the drainage, flooding and waste disposal arrangements (including liquid waste) have been clarified and a proper waste management plan submitted;
- iii. limits on the operation to specify that no rugs and/or meat or livestock are to be imported into the site as part of its operations, – to protect neighbouring residents;
- iv. specified hours of working not to be exceeded, and noise to be limited – to protect neighbouring residents;
- v. limits on the number of workers to be engaged on the operation who are not resident on the property – to restrict traffic growth;
- vi. appropriate health and odour controls to be imposed.

4.2 Sustainable Transport

No objection.

4.3 Public Rights of Way

No objection subject to informative advising the applicant of their responsibilities with regard to the Public Right of Way.

4.4 Lower Severn Drainage Board

No objection.

4.5 Local Residents

One letter of objection has been received in response to this application. The main points are summarised below: -

Concern regarding lack of consultation.

No objection to the diversification, providing that it does not impede right of way by vehicle and foot.

Concern with regard to pollution.

Concern that commercial abattoir would be created on the site.

Generate traffic.

**5. ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission to divide an existing agricultural building into two separate uses: i) A rug wash and repair facility; and ii) a meat preparation area. The main issues to consider in this application are: -

1. Would the 'principle' of the proposed farm diversification be acceptable within the countryside?
2. Would the proposed changes of use have a materially greater impact than the present authorised use on the openness of green and would conflict with the purposes of including land within it?
3. Would the proposed changes of use be acceptable in terms of flood risk?
4. Would the proposed changes of use prejudice the character and appearance of the site and its surrounds?
5. Would the proposed changes of use prejudice residential amenity?
6. Would the proposed changes of use have unacceptable transportation effects?
7. Would the proposed changes of use have an unacceptable impact on the environment?

5.2 Principle of Development

It is acknowledged that the proposed changes of use to a rug wash facility and meat-processing room would be two distinct and separate uses. Nevertheless, it is considered that both of these uses would represent types of farm

- diversification, and thus PPS7 and Policy E8 of the adopted local plan are particularly relevant. These recognises that farm diversification is vital to continuing viability of many farm enterprises and Policy E8 identifies criteria for assessing such proposals.
- 5.3 The proposed farm diversification would be small scale and would be consistent to its rural location. It is therefore considered that the principle of the development would be acceptable, subject to the proposal satisfying the following material considerations outlined in this report.
- 5.4 Green Belt  
The proposed change of use would involve conversion of an existing building and there would be no extension into the Green Belt. Moreover the proposed rug wash facility and meat processing room would be synonymous with the site's rural location. On this basis, it is considered that the proposed farm diversification would not have a materially greater impact than the present agricultural use on the openness of the Green Belt and would not conflict with the purposes of including land in the Green Belt. Moreover, the existing building is of permanent and substantial construction and is capable of conversion without major or complete reconstruction, and the proposed conversion would maintain the rural character of the site and its surrounds.
- 5.5 It is acknowledged that the Parish Council and a local resident have raised concerns with regard to the scale of the meat processing use and the potential for the development to become a commercial abattoir. Notwithstanding these comments, the proposed meat processing room would be approximately 7.3 metres by 5.5 metres in dimension. It is therefore considered that the scale of the proposed meat processing room would be undoubtedly ancillary to the agricultural use of the holding, and would not represent a separate planning unit. Furthermore the physical constraints of the unit will limit the scale of the operation to small scale.
- 5.6 It is noted that the Parish Council have requested that the consent should limit to the animals reared on the site to prevent intensification. It is considered that this type of condition would be overly restrictive on the applicant and would not pass the tests of Circular 11/95. Notwithstanding this Officer's are satisfied that the scale of the operation is limited and would be ancillary to the agricultural holding. If this situation were to change and the activities would be significantly increased then a larger meat processing unit would be necessary and therefore separate planning permission would be required.
- 5.7 In conclusion, Officers are satisfied that the proposed change of use would not result in a materially greater impact on the Green Belt and would accord with PPG2 and Policy GB1 of the adopted local plan.
- 5.8 Flood Risk, Drainage and Pollution  
It is noted that the Parish Council have raised concern with regards to the site flood zone classification. Notwithstanding this, Officers are satisfied that the site and its immediate surroundings are within Flood Zone 1. Under the consultation



matrix provided by the Environment Agency it is not necessary to formally consult them on this type of application within Flood Zone 1. Nevertheless, the Lower Severn Drainage Board and the Council's Drainage Engineer have raised no objection to the development. Moreover Flood Zone 1 has the lowest probability of flooding and therefore it is considered that the proposed use would be acceptable in terms of flood risk. It is therefore considered that the proposed development would have acceptable drainage arrangements and would not increase flood risk.

- 5.9 It is acknowledged that representations have been received from the Parish Council and local residents with regard to the potential for noise and odour pollution from the proposed rug wash and meat processing room. The applicant has stated that the waste water from the rug washing will be collected as part of the existing drainage tank and disposed of in accordance with relevant codes of practice and regulations. Furthermore, the meat waste will be collected in lidded containers and will be collected frequently by an approved waste disposal operator. The Council Drainage Engineer and Environmental Health Officer have reviewed the application and are satisfied with the information submitted and have raised no objection. On this basis it is concluded that the proposal would not have unacceptable environmental effects.
- 5.10 On this basis, it is considered that the principle of the proposed change of use with regard to drainage and pollution would be acceptable. Nevertheless, it is not necessary to condition detailed management plans for these issues because there is specific and separate legislation, outside of remit of the Local Planning Authority, that deal with these matters more effectively. It is therefore considered that such conditions would not pass the 'necessary' test of Circular 11/95.
- 5.11 Design  
To facilitate the proposed change of use the proposal would involve some minor external changes to include the closing up of the open side to the rear of the building. This is considered to fall within the remit of conversion works. It is considered that these alterations would maintain the agricultural character of the building and the surrounding rural area.
- 5.12 Residential Amenity  
It is acknowledged that the Parish Council have raised concerns with regard to disturbance to local residents, and have recommended a condition for hours of operations. Notwithstanding these comments, the nearest residential property (excluding the agricultural workers dwelling) would be approximately 240 metres to the south of the site. Given the detached location of the application site and the modest scale of the proposed use, it is condition that the proposed change of use would not have a material effect on residential amenity, and thus it is not necessary to restrict working hours.
- 5.13 Transportation  
It is acknowledged that representations have been received from local residents with regard to the transportation effects of the proposed change of

use. Notwithstanding these comments, the Council Highways Engineer has assessed the proposal and has concluded that the proposed uses are compatible with the sites rural setting given the scale and physical constraints operation. The proposed development therefore would not result in a significant increase in traffic generation. Moreover there would be sufficient parking and access for service vehicles.

5.14 Public Right of Ways

It is acknowledged that representations have been received from local residents that have raised concerns with regard to the relationship of the proposal with the adjacent Public Right of Way (PROW). Notwithstanding this, Council's PROW Officer has confirmed that the proposed development would not result in any direct impact on the PROW. However they have recommended that an informative be attached to the consent to advise the applicant of their responsibility with regard to the PROW.

5.14 Outstanding Matters

It is acknowledged that the representations have been received that has raised concerns to the consultation process. Notwithstanding this, Officers are satisfied that the publicity of the application has been undertaken in accordance with the Council's Statement of Community Involvement.

5.15 Use of Energy and Sustainability

None.

5.16 Improvements Achieved to the Scheme

None.

5.17 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.

a) The proposed change of use to a rug wash facility and a meat processing room would represent an appropriate form of farm diversification. The principle of the proposed development would therefore accord with PPS7 and Policy E8 of the South Gloucestershire Local Plan (Adopted) January 2006.

- b) The proposed change of use would not have a materially greater impact than the present authorised use on the openness of green and would not conflict with the purposes of including land within it. Moreover the existing agricultural building would be capable of conversion without major or complete reconstruction. The proposed development would therefore accord with PPG2 and Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- c) The application site is situated within Flood Zone 1 and the thus the proposed change of use would be acceptable in terms of flood risk. The proposed development would therefore accord with PPS25 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.
- d) The proposed change of use would be facilitated by some minor changes to the elevations existing agricultural building. It has been assessed that these would not harm the character and appearance of the site and its surrounds. The proposed development would therefore accord with Policy D1 and E8 and of the South Gloucestershire Local Plan (Adopted) January 2006.
- e) The application site is situated in a detached and isolated location. It is therefore concluded that the proposed change of use would not prejudice residential amenity. The proposed development would therefore accord with Policy D1 and E8 of the South Gloucestershire Local Plan (Adopted) January 2006.
- f) The impact of the proposed development on transportation has been fully considered. It was concluded that the proposed development would have acceptable parking and access arrangements. The proposed development would therefore accord with Policy E8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006
- g) The impact of the proposed development upon the environment has been fully considered. It was concluded that the proposal would have acceptable arrangements for the disposal of waste materials and water. The proposed development would therefore accord with Policy E8 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006

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

## 7. **RECOMMENDATION**

7.1 Planning permission to be **GRANTED** subject to the following condition(s) -

**Contact Officer:** Peter Rowe  
**Tel. No.** 01454 863131

## **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).